



City of Farmington  
354 W. Main Street  
P.O. Box 150  
Farmington, AR 72730  
479-267-3865  
479-267-3805 (fax)

***PLANNING COMMISSION AGENDA***  
***April 6, 2020***

**A meeting of the Farmington Planning Commission will be held on  
Monday, April 6, 2020 at 6:00 p.m. at City Hall  
354 W. Main Street, Farmington, Arkansas.**

1. Roll Call
2. Approval of the minutes - February 24, 2020
3. Comments from Citizens – the Planning Commission will hear brief comments at this time from citizens. No action will be taken. All comments will be taken under advisement.
4. **PUBLIC HEARINGS**
  - A. **Rezoning** – from RE-1 to RE-2  
**Property owned by:** Bleaux & Samantha Barnes  
**Property Location:** 12266 N, Hwy.170  
**Presented by:** Bates and Associates, Inc.
  - B. **Rezoning** – from R-1 to PUD  
**Property owned by:** Hampton Holdings, LLC.  
**Property Location:** Broyles St. (parcel #760-02400-200)  
**Presented by:** Morrisson Shipley
  - C. **Preliminary Plat** – Cedar Crest  
**Property owned by:** Hampton Holdings, LLC.  
**Property Location:** Broyles St. (parcel #760-02400-200)  
**Presented by:** Morrisson Shipley
  - D. **Variance** – variance from the required number of parking spaces  
**Property owned by:** Cedar Mountain Properties, LLC.  
**Property Location:** Southwinds Dr. (parcel #760-01601-000)  
**Presented by:** Bates and Associates, Inc.
  - E. **Large Scale Development** – Bristol Commons  
**Property owned by:** Cedar Mountain Properties, LLC.  
**Property Location:** Southwinds Dr. (parcel #760-01601-000)  
**Presented by:** Bates and Associates, Inc.

# Minutes

**Planning Commission Minutes  
February 24, 2020**

1. **ROLL CALL** – Meeting was called to order by Chairman Robert Mann. A quorum was present.

**PRESENT**

Robert Mann, Chair  
Howard Carter (arrived late)  
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

2. **Approval of Minutes:** January 27, 2020 Minutes were approved as written.  
3. **Comments from Citizens:** There were no comments from citizens.

**Public Hearings:**

**4A. Variance Request to Allow More than 3 Lot Splits in 10 Years - Parcel # 001-12416-000 Jack McClure Road –Owner-Mark Silva**

Mark Silva explained that he owned the acreage on Jack McClure. Lot splits have previously been approved. This request would split a 12 acre lot into two six acre lots for houses. Judy wanted assurance that approval by Planning Commission would not set a bad precedent for the City. City Attorney Steve Tennant explained that since it is in the County, the guidelines are less stringent. There was no public comment.

Chairman Mann called for question and request for variance from lot-split rule was approved unanimously with exception of Howard Carter who was absent at this time.

**4B. Lot split for parcel # 001-12416-000 Jack McClure Road to Split One 12-acre lot into two 6-acre lots, Owner Mark Silva:**

Mark Silva was present to discuss the request. With the variance just approved, Melissa McCarville, City Business Manager can approve the lot split. Therefore, the Commissioners voted to remove this item from the agenda.

**4C. Rezoning from R-1 to PUD - Property Owned by Farmington Commercial, LLC. Property Location - SW Grace Lane phases 1 & 2 of The Grove at Engles Mill. Presented by Bates & Associates, Inc.:**

Chairman Mann reviewed that the PUD (Planned Unit Development) presented at this time is only for Phase I and II. Further, zoning and plat are considered together. Two months ago Mr. Marquess had asked that all this area be rezoned to R-3 but then pulled that request and later came back with a PUD. Also, when a PUD is approved, it stays with the property. A new owner would still have to abide by the original PUD plan.

Mark Marquess said he listened to the adjacent property owners at the first meeting when he requested an R-3 zone. He has now completely revised the development, trying to put larger (Manor) homes (1,750 – 2,200 square feet) adjacent to current residents on Briarhill and Countryside. There will be no cottage-size homes in those areas. Those will be placed in the interior area of the PUD.

Mr. Marquess listed other plans and concessions. The far northeast corner of the property flooded onto Countryside and Briarhill lots but he will build a large detention pond and will build underground storm drain to connect to the city's existing drain. He has worked with the Farmington Public Schools to build a road north of the school and will build a looping drop-off area for children. He plans to connect Bonnie Lane and Angus Lane to the new road north of the school. He will also clean up a marsh and pond near Grace Lane and provide fencing for child safety.

In the Phase 2 portion that backs up to Twin Falls, he removed one lot so lots adjacent to Twin Falls lots are larger. Larger Estate homes will be built on those lots. Then, the Estate homes will face Manor size homes.

He said approximately 10 to 15% of his developments usually have two-story homes. For this development he plans 48 homes in West phase and 80 homes in East phase for a total of 128 homes.

Price ranges for his homes are generally:

Cottage Homes	1,350 sq. feet	\$180,000+
Manor Homes	1,750 sq. feet	\$225,000+
Estate Homes	2,400 sq. feet	\$330,000+

Howard Carter arrived to the meeting at this point in the meeting.

City Engineer Chris Brackett presented his report:

“The Planned Unit District for the Grove at Engles Mill Subdivision Phases 1 & 2 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 (Phase 1, 80 lots=\$48,000, Phase 2, 48 lots=\$28,800.)
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. The lot numbering needs to be corrected for the phases shown. The out lots, detention pond lots and common areas will be numbered.
2. The streetlights for the north-south streets in Phase 1 exceed the 300' spacing.

3. The 2-year, 24-hour Precipitation is shown incorrectly in the Tc calculations.
4. The NE Pond is still labeled to have a normal pond elevation, but it is a dry pond.”

- End of City Engineer’s Report –

Chad Ball asked for clarification of an area where the lots appeared to be cut off from roadway. It was explained that the odd appearance was to provide a second access that later will be addressed in the final review.

Judy Horne expressed disappointment that the lot lines adjacent to Briarhill and Countryside did not match with existing property widths. Because numerous existing homes will see two houses and two back yards, she was concerned about excessive noise. She requested that the developer take out several building lots so lots could be larger.

Chad Ball was concerned about people in cottage homes especially parking on the street. However, the City does try to enforce its no-parking on street ordinance so as to provide accessibility for first responders.

#### PUBLIC COMMENT:

Robert Erickson – 431 Claybrook Drive was very concerned about opening up Angus Lane which is now very narrow and hazardous. It was explained that the City is aware of that and street will need to be improved.

Shannon Cantrell – 291 Briarhill asked how far houses will be set back from the street and what would back setback be. She felt too many homes are being crowded into the area and decisions should always be made keeping in mind what is best for current property owners. She said her home is 2,300 square feet.

Mr. Marquess said the setback is 25 feet. Also he will not be using zero lot lines for cottage homes because most buyers do not seem to like zero lot lines.

Molly Hillhouse – 509 Waterfall Court asked if future phases will be R-1 or included in the PUD

Linda Bell inquired about the size of homes behind Countryside Drive.

John Kordsmeier – 263 Countryside was concerned to know if the houses behind him might be 2-story. In discussion, Mark Marquess stated that he would be building all the homes in the subdivision and he would personally guarantee that if any 2-story houses are built behind current homes on Countryside or Briarhill that any windows on that side facing current residents would be “blank” or “fake” windows.

Ken Goff – 177 Applewood said he understood that a PUD could offer a variety of different uses and he wondered if there are future plans for a business district within the PUD. The answer is that the future of other phases is at the mercy of the Planning Commission. The developer can present ideas but Planning Commission can deny requests. Marquess said he plans only residential for this area.

Molly Hillhouse – 509 Waterfall Court had a request that in both phases the developer consider mixing larger lots in the middle of the development so that the proposed estate homes would not see only cottage homes. Mr. Marquess said his developments are carefully designed so one area blends into another area so, for example, he would not put Cottage homes across street from Estate homes.

Gary Noe – 271 Countryside asked about house size that will be behind him (Manor homes, not cottage homes) and he requested that the lot sizes match up with the existing lots. He said that most subdivisions he has seen have lot lines that match up with existing ones. Mr. Marquess said he will build privacy fencing behind each home.

Mr. Noe also expressed concern about the width of Angus Lane if opened to school traffic from the new street that will be built. He stated that traffic is already very bad on Countryside and Angus now, before subdivision is built.

Gerry Harris agreed that the traffic situation around Folsom is very congested. Engineer Geoff Bates said Grace Lane is 36' wide and therefore could have a turn lane. The new street north of Folsom will be 31 feet.

Jerry Marsh – 391 Driftwood wanted to know if any of the new streets were going to connect into Twin Falls. This question was not clearly addressed.

Josh Simmons – 438 Eagle Ridge was concerned about Phase 2 and reminded that traffic is already a huge problem throughout this area.

Tommy Johnson – 441 Driftwood was concerned about utility placement and learned utilities will be behind homes, not in front. He asked about utility alleys which would keep people from parking on the street. Mr. Marquess said he has used a few utility alleys in his developments but has learned most people don't like them. He felt there will be sufficient parking with 2-car garages and large driveways.

Chairman Mann discussed how the final plat needs to be approved. It was determined that both the Rezoning from R-1 to PUD and also 4. D. Preliminary Plat approval will be lumped together in one vote since this is a PUD which is handled differently than other zoning.

Chairman Mann called for question to approve this PUD request contingent upon the recommendations of the City Engineer Chris Brackett. Upon roll call, the PUD and rezoning were approved unanimously.

#### **5. Annual Election of Officers:**

Motion was made to keep same officers for the next year: Chairman Robert Mann, Vice Chair Gerry Harris and Secretary Judy Horne. Motion approved unanimously.

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

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Judy Horne - Secretary

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Robert Mann - Chair

# Agenda Item 4. A

## City of Farmington Application for Rezoning

Please fill out this form completely, supply all necessary information to support your request. Your application will not be placed on the agenda for Planning Commission until all information is furnished.

Applicant: Bleaux Barnes Day Phone: 479-251-9400  
Address: PO BOX 693 Fax: \_\_\_\_\_  
FARMINGTON, AR 72730

Representative: Bates & Associates Day Phone: 442-9350  
Address: 7230 S. Pleasant Ridge Drive  
Fayetteville, AR 72703 Fax: \_\_\_\_\_

Property Owner: Bleaux & Samantha Barnes Day Phone: \_\_\_\_\_  
Address: PO BOX 693 Fax: 479-251-9400  
FARMINGTON, AR 72730

Indicate where correspondence should be sent (circle one): Applicant  Representative  -- Owner

Describe Proposed Property In Detail (Attach additional pages if necessary)

Property Description

Site Address -- 12266 N. HWY 170

Current Zoning -- RE-1 Proposed Zoning -- RE-2

Attach legal description and site plan (a scaled drawing of the property to be rezoned showing accurate lot lines, surrounding zoning, adjacent owners and a north arrow is required.)

Type of zoning requested and reason for request:

The reason for this rezone request from RE-1 to RE-2 is for the purpose of reducing the minumim acreage requirements from 2 acres to 1 acre.

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Responsibilities of the Applicant:

1. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit (see attached), that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the City of Farmington has accepted the application and the date of the public hearing has been confirmed. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy



of notice) shall be filed with the City of Farmington no later than seven (7) days prior to the meeting date. A sample notice is attached.

2. Pay a \$25.00 application fee
3. Provide a copy of the deed of the property.
4. Written authorization from the property owner if someone other than the owner will be representing the request.
5. Publish the following notice of public hearing in a newspaper serving the City (*Northwest Times, the Morning News, Arkansas Democrat-Gazette or The Farmington Post*). **THE NOTICE MUST APPEAR IN THE PAPER A MINIMUM OF 15 DAYS BEFORE THE PUBLIC HEARING DATE.**

**NOTICE OF PUBLIC HEARING**

A petition to rezone the property as described below has been filed with the City of Farmington on the 18th day of February, 2020.

*PLACE LEGAL DESCRIPTION OF PROPERTY HERE*

A public hearing to consider this request to rezone the above described property from RE-1 to RE-2 will be held on the 23rd day of March, 2020, at 6:00 p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All interested persons are invited to attend.

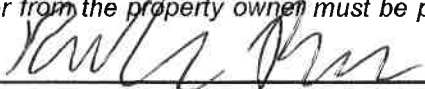
A copy of the proof of publication from the newspaper must be provided to the City 10 days before the meeting.

The City will post a sign on the property at a location visible to the public, notifying the public of the intent to rezone the property.

*Applicant/Representative: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incomplete, incorrect or false information is grounds for invalidation of the application. I understand that the City of Farmington may not approve my application or may set conditions on approval.*

 Date 2-14-20  
Applicant Signature

*Property Owner/Authorized Agent: I certify under penalty of perjury that I am the owner of the property that is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his behalf.)*

 Date 2-14-20  
Owner/Agent Signature

# RECEIPT

DATE 2-19-20No. 217158

RECEIVED FROM

Blaney Barnes\$ 25.00Twenty five & no/100

DOLLARS

 FOR RENT FORResone fee (12266 Hwy 10)

ACCOUNT	
PAYMENT	<u>25.00</u>
BAL DUE	<u>0</u>

 CASH CHECK MONEY ORDER CREDIT CARD

FROM

TO

BY

B. Coleman

3-11

cb#  
1301

City of Farmington, AR

02/19/2020 3:22AM 01  
000000#8840 CLERK01

Development Fees \$25.00

ITEMS 10  
CHECK \$25.00

After recording please return to:  
Waco Title Company  
2592 S. 48th St.  
Springdale, AR 72762

**File# 2019-00013064**

**WARRANTY DEED  
MARRIED PERSONS**

**File #: 1902280-103**

**KNOW ALL MEN BY THESE PRESENTS:**

That we, **Alex B Lacy Jr. and Mary Lois Lacy, husband and wife**, hereinafter called GRANTOR(S), for and in consideration of the sum of ---One AND 00/100--- DOLLARS---(\$1.00)---and other good and valuable consideration in hand paid by **Bleaux Barnes, Trustee of the Bleaux Barnes Revocable Living Trust, dated April 15, 2004 and Samantha Barnes, Trustee of the Samantha Barnes Revocable Living Trust, dated April 15, 2004**, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto **Bleaux Barnes, Trustee of the Bleaux Barnes Revocable Living Trust, dated April 15, 2004 and Samantha Barnes, Trustee of the Samantha Barnes Revocable Living Trust, dated April 15, 2004**, hereinafter called GRANTEE(S), and unto its successors and assigns forever, the following lands lying in **Washington County, Arkansas** to-wit:

**See Attached Exhibit A**

**TO HAVE AND TO HOLD** the same unto the said Grantec(s), and unto its successors and assigns forever, with all appurtenances thereunto belonging.

**And we** hereby covenant with said Grantee(s) that we will forever warrant and defend the title to the said lands against all claims whatsoever.

**And we, Alex B Lacy Jr. and Mary Lois Lacy, husband and wife**, for and in consideration of the said sum of money, do hereby release and relinquish unto the said Grantee(s) all our rights of curtesy, dower and homestead in and to the said lands.

*RTC19-500925*

Prepared under the supervision of  
Brian Blackman, Attorney  
2592 S. 48<sup>th</sup> St.  
Springdale, AR. 72762

**EXHIBIT "A"****Lot 1:**

A part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 35, Township 16 North, Range 31 West, Washington County, Arkansas, more particularly described as follows, to-wit: Commencing at the Southwest corner of said Ten acre tract and running thence S89°48'31"E 33.03 feet to a point on the proposed East right-of-way of Arkansas Highway #170; thence along said right-of-way N14°03'06"E 39.20 feet; thence continuing along said right-of-way N02°01'17"W 187.86 feet; thence leaving said right-of-way S89°15'33"E 220.27 feet to the TRUE POINT OF BEGINNING and running thence N00°09'45"E 432.32 feet to the South right-of-way of Blue Sky Road; thence along said South right-of-way S89°45'25"E 202.16 feet; thence leaving said right-of-way S00°09'45"W 434.07 feet; thence N89°15'33"W 202.17 feet to the POINT OF BEGINNING, containing 2.01 acres, more or less.

**Lot 2:**

A part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 35, Township 16 North, Range 31 West, Washington County, Arkansas, more particularly described as follows, to-wit: Commencing at the Southwest corner of said Ten acre tract and running thence S89°48'31"E 33.03 feet to a point on the proposed East right-of-way of Arkansas Highway #170; thence along said right-of-way N14°03'06"E 39.20 feet; thence continuing along said right-of-way N02°01'17"W 187.86 feet; thence leaving said right-of-way S89°15'33"E 422.44 feet to the TRUE POINT OF BEGINNING and running thence N00°09'45"E 434.07 feet to the South right-of-way of Blue Sky Road; thence along said South right-of-way S89°45'25"E 202.16 feet to the Northeast corner of said Ten acre tract; thence leaving said right-of-way S00°09'45"W 435.83 feet; thence N89°15'33"W 202.17 feet to the POINT OF BEGINNING, containing 2.02 acres, more or less.

**Lot 3:**

A part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 35, Township 16 North, Range 31 West, Washington County, Arkansas, more particularly described as follows, to-wit: Beginning at a point on the the proposed East right-of-way of Arkansas Highway #170 which is S89°48'31"E 33.03 feet from the Southwest corner of said Ten acre tract and running thence along said proposed right-of-way N14°03'06"E 39.20 feet; thence continuing along said right-of-way N02°01'17"W 187.86 feet; thence leaving said right-of-way S89°15'33"E 624.62 feet; thence S00°09'45"W 224.12 feet to the Southeast corner of said Ten acre tract; thence N89°24'45"W 626.85 feet to the POINT OF BEGINNING, containing 3.21 acres, more or less.

**AND**

A part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 35, Township 16 North, Range 31 West, Washington County, Arkansas, more particularly described as follows, to-wit: Commencing at the Southwest corner of said Ten acre tract and running thence S89°48'31"E 33.03 feet to a point on the proposed East right-of-way of Arkansas Highway #170; thence along said right-of-way N14°03'06"E 39.20 feet; thence continuing along said right-of-way N02°01'17"W 187.86 feet to the TRUE POINT OF BEGINNING; thence continuing along said right-of-way the following: N02°01'17"W 62.34 feet, N89°43'50"W 10.00 feet, N00°16'10"E 355.00 feet, N72°05'43"E 42.10 feet to the South right-of-way of Blue Sky Road; thence along said South right-of-way S89°45'25"E 191.95 feet; thence leaving said right-of-way S00°09'45"W 432.32 feet; thence N89°15'33"W 220.27 feet to the POINT OF BEGINNING, containing 2.28 acres, more or less.

WITNESS our hands and seals on this 6<sup>th</sup> day of MAY, 2019.

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument.

GRANTEE OR AGENT: B Whitehead

[Signature]  
Alex B Lacy Jr.

GRANTEE'S ADDRESS: PO Box 693

Farmingington AR  
70730

[Signature]  
Mary Lois Lacy

**ACKNOWLEDGMENT**

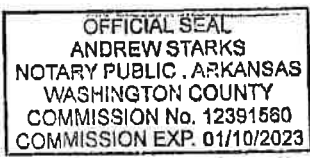
STATE OF ARKANSAS )  
COUNTY OF WASHINGTON ) SS.

On this day, before the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named **Alex B Lacy Jr. and Mary Lois Lacy** known to me (or satisfactorily proven) to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they had executed the same for the consideration, uses and purposes therein set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 6<sup>th</sup> day of MAY, 2019.

[Signature]  
Notary Public

My Commission Expires:  
\_\_\_\_\_





STATE OF ARKANSAS  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
MISCELLANEOUS TAX SECTION  
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

**Real Estate Transfer Tax Stamp**

Proof of Tax Paid



File Number: 19-50392S

**Grantee:** BLEAUX BARNES, TRUSTEE OF THE BLEAUX BARNES REVOCABLE  
**Mailing Address:** LIVING TRUST, DATED APRIL 15, 2004 AND SAMANTHA BARNES,  
TRUSTEE OF THE SAMANTHA BARNES REVOCABLE  
P.O. BOX 693  
FARMINGTON AR 727300000

**Grantor:** ALEX B LACY, JR. AND MARY LOIS LACY  
**Mailing Address:** 12266 N HWY 170  
FARMINGTON AR 727300000

**Property Purchase Price:** \$476,900.00  
**Tax Amount:** \$1,574.10

**County:** WASHINGTON  
**Date Issued:** 05/08/2019  
**Stamp ID:** 2134568960

Washington County, AR  
I certify this instrument was filed on  
5/8/2019 12:52:49 PM  
and recorded in REAL ESTATE

File# 2019-00013064  
Kvle Sylvester - Circuit Clerk

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): Beverly Whitehead

Grantee or Agent Name (signature):  Date: 5/8/19

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_



7230 Pleasant Ridge Dr. / Fayetteville, AR 72704  
PH: 479-442-9350 \* FAX: 479-521-9350

**NOTICE OF PUBLIC HEARING BEFORE  
THE FARMINGTON PLANNING COMMISSION  
ON AN APPLICATION FOR A REZONING**

**To All Owners** of land lying adjacent to the property at:

12266 North Highway 170

Location

Bleaux Barnes Rev. Living Trust; Samantha Barnes Rev. Living Trust

Owned by

NOTICE IS HEREBY GIVEN THAT an application has been filed for REZONING of the above property from RE-1 Residential Estate to RE-2 Residential Estate.

A public hearing on said application will be held by the Farmington Planning Commission at **Farmington City Hall, 354 W. Main St. on March 23 at 6:00 p.m.**

All parties interested in this matter may appear and be heard at said time and place; or may notify the Planning Commission of their views on this matter by letter. All persons interested in this request are invited to call or visit the City Business Manager at City Hall, 354 W. Main, 479-267-3865.



# Bates & Associates, Inc.

Civil Engineering - Land Surveying - Landscape Architecture

7230 S. Pleasant Ridge Dr. Fayetteville, AR 72704

PH: 479-442-9350 \* FAX: 479-521-9350

[www.batesnwa.com](http://www.batesnwa.com)

## NOTICE OF PUBLIC MEETING

An application for REZONING at the property described below has been filed with the City of Farmington on the 18th day of February.

### LEGAL DESCRIPTION:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF SAID TEN ACRE TRACT AND RUNNING THENCE S89°48'31"E 33.03' TO THE EAST RIGHT-OF-WAY OF ARKANSAS HIGHWAY #170, THENCE ALONG SAID RIGHT-OF-WAY N14°03'06"E 39.20', THENCE CONTINUING ALONG SAID RIGHT-OF-WAY N02°01'17"W 162.04' TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID RIGHT-OF-WAY THE FOLLOWING: N02°01'17"W 88.16', N89°43'50"W 10.00', N00°16'10"E 355.00', N72°05'43"E 42.10' TO THE SOUTH RIGHT-OF-WAY OF BLUE SKY ROAD, THENCE ALONG SAID RIGHT-OF-WAY S89°45'25"E 191.95' TO AN EXISTING REBAR, THENCE LEAVING SAID RIGHT-OF-WAY S00°09'45"W 458.11', THENCE N89°15'33"W 219.29' TO THE POINT OF BEGINNING, CONTAINING 2.41 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

### Layman's Description:

12266 N. HIGHWAY 170  
FARMINGTON, AR

The Applicant requests a REZONING of said property from RE-1 Residential Estate to RE-2 Residential Estate.

A public meeting to consider this request for variance at the above described property will be held on the 23RD day of March, at 6:00 p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All interested persons are invited to attend.





**Bates &  
Associates, Inc.**

**Civil Engineering & Surveying**

7230 S. Pleasant Ridge Dr / Fayetteville, AR 72704  
PH: 479-442-9350 \* FAX: 479-521-9350

February 18, 2020

City of Farmington  
354 W. Main St  
Farmington, AR 72730

RE: Bleaux Barnes Rezone

Dear City Staff,

Please see the attached Parcel Map and list of Adjoining Property owners for the Bleaux Barnes Rezoning.

ADJACENT LANDOWNERS (OUTLOT PER SURVEY 2020-4484)

1) UNRATH, RONALD A & JUDITH N  
10990 BLUE SKY RD  
FARMINGTON, AR 72730  
PARCEL #760-03532-000  
ZONED: RE-1

2) BARNES, BLEAUX & SAMANTHA  
P O BOX 693  
FARMINGTON, AR 72730  
PARCEL #760-03203-000  
ZONED: RE-1

3) FARMINGTON SCHOOL DISTRICT # 6  
42 S DOUBLE SPRINGS RD  
FARMINGTON, AR 72730-2506  
PARCEL #760-03200-000  
ZONED: SCHOOL

4) KARNES, WHITNEY & LINDSAY  
4358 W WEDGE DR  
FAYETTEVILLE, AR 72704  
PARCEL #760-03196-003  
ZONED: RE-1

# VICINITY MAP





Blue Sky Wc 2250 Rd

170

ARKANSAS STATE HIGHWAY #170 - 20' ASPHALT  
R/W VARIES (R/W DEDICATED PER DEED 2019-12160)

170



(35)  
REAL CORNER PLACE  
IN tree

ASPHALT DRIVE

15' B.S.B.

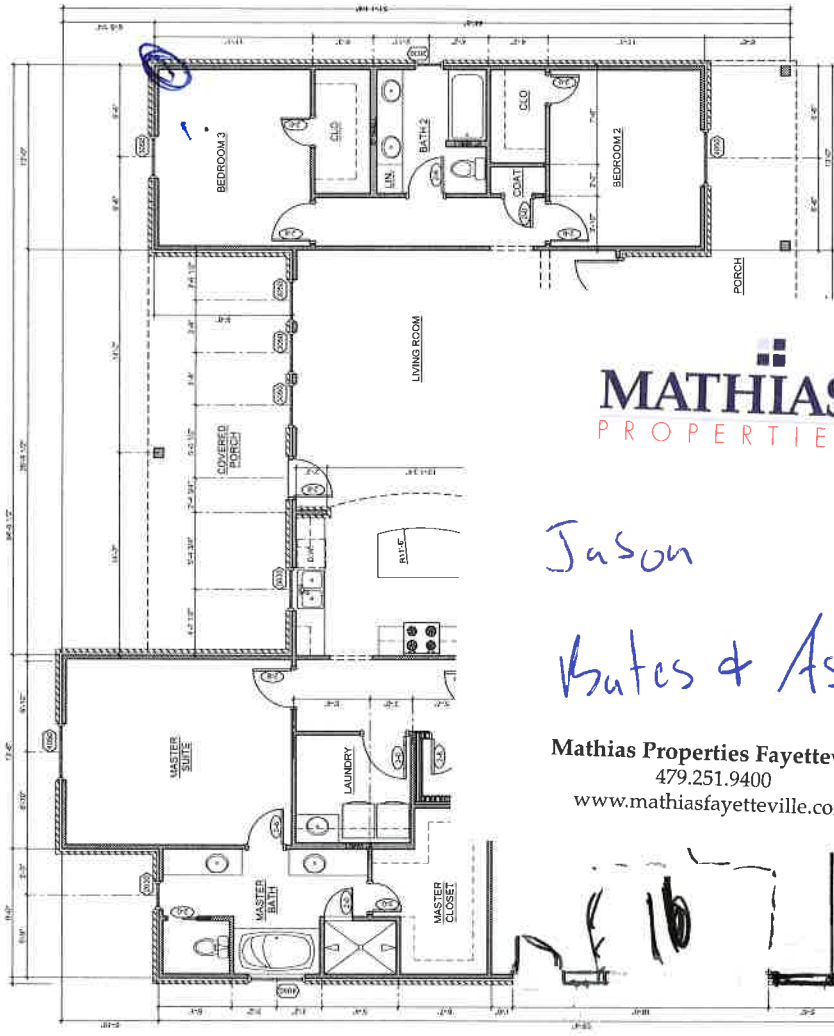
16.0'

137.3'

54.3'

35

35 foot



SQUARE FOOTAGES	1,889
HEATED SQUARE FOOTAGE	1,848
HEATED SQUARE FOOTAGE OF BENCH	1,848
PORCH SQUARE FOOTAGE	574

**MATHIAS**  
PROPERTIES

Jason  
Kates & Ass.

Mathias Properties Fayetteville  
479.251.9400  
www.mathiasfayetteville.com





Blue Sky Way 2250 Rd

170

170

ARKANSAS STATE HIGHWAY # 170 - 20' ASPHALT  
R/W VARIES (R/W DEDICATED PER DEED 2019-12160)

ASPHALT  
RIVER

15' R.S.B.

54.3'

137.3'

16.0'

78.5'

86.8'

25.1'

50' B.S.B.

20' PER 20'

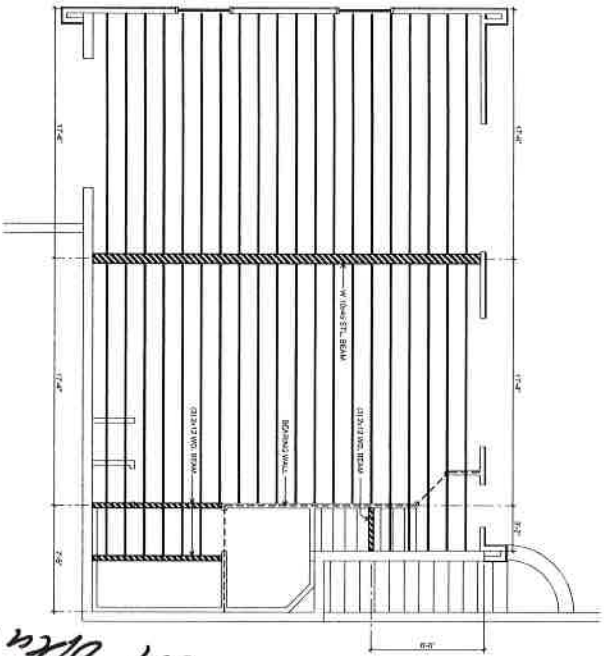
143.1'

78.9'

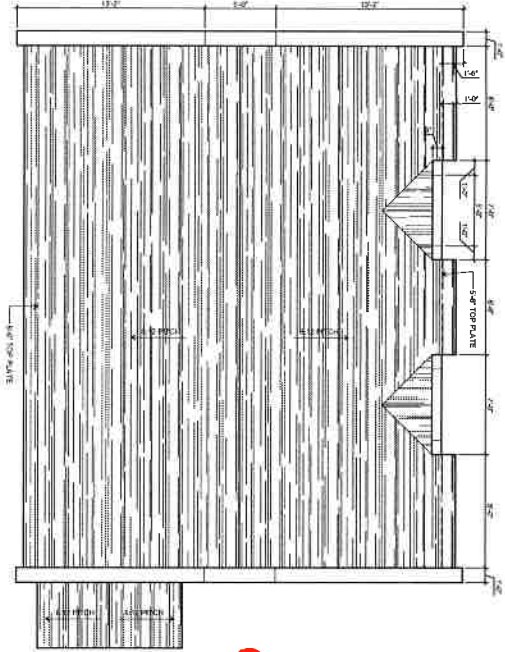
95

Opens to Palm Door Access Deck -  
 Couple Windows Access Deck

FLOOR FRAMING PLAN  
 SCALE: 1/4" = 1'-0"



ROOF PLAN  
 SCALE: 1/4" = 1'-0"



1ST FLOOR PLAN  
 SCALE: 1/4" = 1'-0"



2ND FLOOR PLAN  
 SCALE: 1/4" = 1'-0"

Deck 8x12  
 3x12 Living  
 Deck  
 of

# Agenda Item 4. B



A Asked to submit both Rezoning & Prelim Plat APPS  
for PUD Application Submittal

City of Farmington  
Application for Rezoning

Please fill out this form completely, supply all necessary information to support your request. Your application will not be placed on the agenda for Planning Commission until all information is furnished.

Applicant: Same as Property Owner Day Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Fax: \_\_\_\_\_

Representative: Patrick Foy - Morrison-Shiple Day Phone: 479-273-2209

Address: 2407 SE Cottonwood Street, Bentonville, AR 72712 Fax: \_\_\_\_\_

Property Owner: Hampton Holdings, LLC Day Phone: 479-283-7744

Address: P.O. Box 10620, Fayetteville, AR 72703 Fax: \_\_\_\_\_

Indicate where correspondence should be sent (circle one): Applicant -  Representative -  Owner

Describe Proposed Property In Detail (Attach additional pages if necessary) See attached PUD submittal package

Property Description

Site Address -- Parcel # 760-02400-200

Current Zoning -- R-1 Proposed Zoning -- PUD

Cedar Crest Subd.

Attach legal description and site plan (a scaled drawing of the property to be rezoned showing accurate lot lines, surrounding zoning, adjacent owners and a north arrow is required.)

Type of zoning requested and reason for request:

PUD request to allow for a variety of use types within the subdivision along with planned greenspace.

Responsibilities of the Applicant:

1. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit (see attached), that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the City of Farmington has accepted the application and the date of the public hearing has been confirmed. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy



of notice) shall be filed with the City of Farmington no later than seven (7) days prior to the meeting date. A sample notice is attached.

- 2. Pay a \$25.00 application fee
- 3. Provide a copy of the deed of the property.
- 4. Written authorization from the property owner if someone other than the owner will be representing the request.
- 5. Publish the following notice of public hearing in a newspaper serving the City (*Northwest Times, the Morning News, Arkansas Democrat-Gazette or The Farmington Post*). **THE NOTICE MUST APPEAR IN THE PAPER A MINIMUM OF 15 DAYS BEFORE THE PUBLIC HEARING DATE.**

### NOTICE OF PUBLIC HEARING

A petition to rezone the property as described below has been filed with the City of Farmington on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_\_.

#### PLACE LEGAL DESCRIPTION OF PROPERTY HERE

A public hearing to consider this request to rezone the above described property from \_\_\_\_\_ to \_\_\_\_\_ will be held on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_\_, at 6:00 p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All interested persons are invited to attend.

A copy of the proof of publication from the newspaper must be provided to the City 10 days before the meeting.

The City will post a sign on the property at a location visible to the public, notifying the public of the intent to rezone the property.

*Applicant/Representative: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incomplete, incorrect or false information is grounds for invalidation of the application. I understand that the City of Farmington may not approve my application or may set conditions on approval.*

 Date 2/17/2020  
Applicant Signature

*Property Owner/Authorized Agent: I certify under penalty of perjury that I am the owner of the property that is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his behalf.)*

 Date 2/12/20  
Owner/Agent Signature

**AGENT AUTHORIZATION**

I (We), Hampton Holdings via Tamara Martin, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s), Morrison Shupley, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City of Farmington considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Hampton Holdings, LLC  
Property Owner - Signature

Hampton Holdings, LLC  
Property Owner - Print

by Tamara Martin  
Property Owner - Signature

by Tamara Martin  
Property Owner - Print

## NOTICE OF PUBLIC HEARING

A petition for a **Planned Unit District/Preliminary Plat** for the property as described below has been filed with the City of Farmington on the **18<sup>th</sup>** day of **February**, 2020.

### **Legal Description:**

The Northwest Quarter of the Northeast Quarter, Section 23, Township 16 North, Range 30 West of the Fifth Principal Meridian, all in Washington County, Arkansas.

The 40.40-acre tract located at the southwest corner of W Woolsey Farm Rd (N 54<sup>th</sup> Ave) and N Broyles Ave is being proposed to be a residential subdivision that includes Single-Family, Duplex, and Townhome units.

A public hearing to consider this **Planned Unit District/Preliminary Plat** will be held on the **23<sup>rd</sup>** day of **March**, 2020, at six o'clock p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All parties interested in this matter may appear and be heard at said time and place; or may notify the Planning Commission of their views on this matter by letter. All persons interested in this request are invited to call or visit the City Business Manager at City Hall, 354 W. Main, 479-267-3865

File# 2019-00005750

=====

WARRANTY DEED

**KNOW ALL MEN BY THESE PRESENTS:**

**THAT Doris Ann Yates, Trustee of the Yates Family Charitable Remainder Untrust under agreement dated December 31, 2000**, hereinafter called Grantor, pursuant to the powers and authority granted to said trustee under the terms of said trust agreement, for and in consideration of ten dollars (\$10.00) and other good and valuable consideration, in hand paid by **Hampton Holdings, LLC**, an Arkansas limited liability company, hereinafter called Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the said Grantee, and unto its successors and assigns forever, the following lands lying in Washington County, Arkansas, to-wit:

**The NW 1/4 of the NE 1/4 of Section 23, Township 16 North, Range 31 West, Washington County, Arkansas.**

SUBJECT to existing easements, mineral reservations, conveyances and/or leases, and covenants and restrictions of record, if any.

**TO HAVE AND TO HOLD** the same unto the said Grantee, and unto its successors and assigns forever, together with all improvements thereon and all rights, privileges and appurtenances thereunto belonging.

**AND**, Grantor hereby covenants with the said Grantee, that Grantor will forever warrant and defend the title to said lands against all lawful claims whatsoever.

**AND**, for the consideration aforesaid, Grantor hereby releases and relinquishes unto the said Grantee, all rights of dower, curtesy and homestead in and to said lands.

**WITNESS** my hand and seal on this 28 day of Feb, 2019.

  
\_\_\_\_\_  
**Doris Ann Yates, Trustee**

=====

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument.

  
\_\_\_\_\_  
Grantee/Grantee's Agent

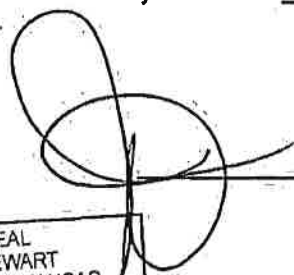
RTC 19-50209T

**ACKNOWLEDGMENT**

STATE OF ARKANSAS        )  
  )ss.  
COUNTY OF WASHINGTON    )

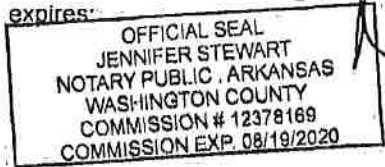
BE IT REMEMBERED, that on this day set out below, before me, a Notary Public within and for said state and county, duly commissioned, qualified and acting, appeared the within named **Doris Ann Yates**, to me personally well known or satisfactorily proven to be such person, who stated that she was the **Trustee of the Yates Family Charitable Remainder Unitrust under agreement dated December 31, 2000**, and that she was duly authorized in said capacity to execute the foregoing warranty deed for and in the name and behalf of said trust, and further stated and acknowledged that she had so signed, executed and delivered said foregoing warranty deed for the consideration, uses and purposes therein mentioned and set forth.

Witness my hand and seal as such Notary Public this 28 day of Feb, 2019.



\_\_\_\_\_  
Notary Public

My commission expires:



Prepared by:  
David George  
Attorney at Law  
P. O. Box 447  
Bentonville, AR 72712

Return to Grantee:

Hampton Holdings, LLC

P.O. Box 1120  
Tontitown, AR 7270



STATE OF ARKANSAS  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
MISCELLANEOUS TAX SECTION  
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Real Estate Transfer Tax Stamp

Proof of Tax Paid



File Number: 19-50209T

Grantee: HAMPTON HOLDINGS, LLC  
Mailing Address: PO BOX 1120  
TONTITOWN AR TONTITOWN

Grantor: DORIS ANN YATES, TRUSTEE OF THE YATES FAMILY CHARITABLE  
Mailing Address: REMAINDER UNITRUST, UNDER AGREEMENT DATED DECEMBER 31,  
2000  
PO BOX 10558  
FAYETTEVILLE AR 727030000

Property Purchase Price: \$1,070,600.00  
Tax Amount: \$3,534.30

County: WASHINGTON  
Date Issued: 03/04/2019  
Stamp ID: 645957632

Washington County, AR  
I certify this instrument was filed on  
3/4/2019 3:40:40 PM  
and recorded in REAL ESTATE

File# 2019-00005750  
Kvle Sylvester - Circuit Clerk

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): Beverly Whitehead

Grantee or Agent Name (signature): *Beverly Whitehead* Date: 3/4/19  
A Closing Services LLC

Address: 5711 W. ...

City/State/Zip: 479-636-1166

**BYLAWS**  
**CEDAR CREST PROPERTY OWNERS ASSOCIATION, Inc.**  
**A/K/A Cedar Crest POA**  
**WASHINGTON COUNTY, ARKANSAS**

Whereas, the Protective Covenants for Cedar Crest PUD were filed with the County Clerk for Washington County, Arkansas, on \_\_\_\_\_, 2020 ; and

Whereas, said Covenants provide for the establishment of a Property Owner's Association to enforce said covenants and protect property values within said PUD; and

Whereas, Cedar Crest Property Owners Association, Inc., has been duly created as a non-profit domestic, mutual benefit corporation under the laws of the State of Arkansas on this \_\_\_\_\_, 2020, and therefore, bylaws are needed for the order and organization of said corporation;

Therefore, the Bylaws for Cedar Crest Property Owners Association, Inc. (a/k/a Cedar Crest POA) are hereby stated and adopted as following, effective immediately on \_\_\_\_\_, 2020.

**ARTICLE I**  
**Definitions**

Section 1. "POA" shall mean and refer to the Cedar Crest Property Owners Association, a non-profit corporation organized under the laws of the state of Arkansas, consisting of all property owners of record in the Cedar Crest development of Farmington, Arkansas.

Section 2. "Covenants" shall mean and refer to the Restrictive Covenants filed by HAMPTON HOLDINGS, LLC, and any subsequent revisions filed by the Developer or POA with the County Clerk of Washington County, Arkansas, a current copy of which is attached hereto as of the date hereof.

Section 3. "Developer or Developer" shall mean and refer to HAMPTON HOLDINGS, LLC, an Arkansas limited liability company, and its successor and assigns *if* such successor purchases 100% of the remaining Hampton Holdings, LLC interest in the Cedar Crest PUD in its entirety.

Section 4. "Development" shall mean and refer to the Cedar Crest PUD located in Farmington, Washington County, Arkansas, a copy of the plat for which is attached hereto.

Section 5. "Common Areas" shall mean and refer to those areas so designated upon the recorded PUD plat of the Development and to any area or improvement hereafter so designated by the Developer and intended to be devoted to the common use and enjoyment of the property owners in the Development.

Section 6. "Board" shall mean and refer to the duly elected and acting Board of Directors of the Cedar Crest Property Owners Association.

Section 7. "Member" shall mean and refer to every person or entity who is a record owner of a fee simple estate in one or more lots located in the Development.

**ARTICLE II  
Organization and Responsibilities of the POA**

**Section 1. Organization.**

- A. The POA has been established by Hampton Holdings, LLC, the original developer, as a non-profit corporation under the laws of the state of Arkansas.
- B. Initially, the POA shall be controlled by Hampton Holdings, LLC, who developed the PUD. Hampton Holdings shall maintain control of the POA until such time as lots containing 90% of the residential units are sold to end users who are not Hampton Holdings, to protect Developer's vision for and large investment in the PUD.
- C. When lots containing 90% of the residential units within Cedar Crest have been sold to end users who are not the Developer, the following organizational structure shall be implemented for the POA
  - a. At the first POA meeting, the Members shall elect a Board of Directors to hold the offices of President, Vice President, Secretary and Treasurer. The Members shall also elect three other at-large, non-officer Directors to help govern the POA.
- D. The responsibilities and duties of the Members and Board shall be set forth herein.

**Section 2. Board of Directors' Responsibilities, Qualifications, and Terms.**

- A. In accordance with the Protective Covenants filed for Cedar Crest, when lots containing 90% of the residential units within Cedar Crest have been sold to end-users who are not the Developer, the following shall be implemented for the POA; until that time, Hampton Holdings, LLC, who developed the PUD, will maintain full control of all aspects of the POA and members and managers of Hampton Holdings, LLC will act as the authorized agents for the POA.
- B. Qualifications: A Director must be a Cedar Crest property owner of record and POA Member in good standing (no delinquent POA dues and no outstanding POA actions against the Member) and must have been duly elected as provided in these bylaws.
- C. Number: The Board of Directors shall be composed of 5 members.
- D. Term of Office: The initial Board of Directors shall serve until the Annual Meeting of Members held the first Tuesday in May 2022, or the first Tuesday in May following the turn over of the POA from the Developer, whichever occurs later. The regular term of office of a Director shall be two (2) years. The term shall begin at the close of the Annual Meeting of members which will be held the first Tuesday in May each year. The term shall expire at the Annual Meeting two years later.
- E. Removal:



- a. A Director may be removed from office for cause by a 2/3 majority vote of the Board of Directors or a simple majority vote of the Members of the POA. "Cause" as used in these bylaws may include, but not be limited to:
    - i. Being absent from three (3) consecutive called meetings or 4 meetings total within one year;
    - ii. Mental or physical conditions rendering the Director incapable of performing normal duties;
    - iii. Interfering directly in the operation of the POA;
    - iv. Irreputable conduct.
  - b. The entire Board of Directors may be removed from office upon a vote of the membership of the POA that is conducted in the following manner:
    - i. Ten (10) percent of the members of the POA must sign a petition for such a vote and forward the same to the Board; then
    - ii. The Secretary of the Board shall prepare written ballots and a letter of explanation for such an election within 10 days of the request for such an election and mail the same ballots to each member of the POA.
    - iii. The ballots shall contain a notice that the ballots must be post-marked for return mail to the POA within 10 days of the date of the letter contained therein.
    - iv. The Board and any POA members who wish to attend and audit said vote counting shall count the votes for a removal of the entire board 30 days after the date of the letter and ballot mailing to the POA members.
    - v. A simple majority of all votes received requesting the removal of all Board Members shall be effective in removing the entire Board.
    - vi. If such an election occurs, the POA shall hold a member meeting, with sufficient written notice of the meeting to elect new Board members being given in writing to all property owners. The meeting to elect new Board Members shall be held within 21 days of the removal of the prior Board of Directors.
    - vii. The Secretary and Treasurer of the old Board shall cooperate fully with election and provide POA records and funds for all necessary expenditures related to the elections and shall hand over all documentation of previous Board actions to the Members who are organizing a vote for the new Board.
- F. Vacancies: If a Director, for any reason, does not complete a term of office, the Board may appoint, by majority vote, any member in good standing to serve until the completion of the term. If the vacancy is not filled by the Board, it shall be filled at the next succeeding annual meeting of members.

### **ARTICLE III**

#### **Board of Directors: Right of Assessment, Powers and Duties**

##### **Section 1. Right of Assessment.**

- A. The Developer, and subsequently the Board shall have the responsibility to levy and provide for collection of annual dues from Members to be used for the improvement and maintenance of properties, services, and facilities devoted to the Development for the purposes of improving the quality of life for Members and enhancing the property values in the Development. The use of dues shall include, but not be limited to:
  - a. Payment of all taxes assessed against the property owned by the POA.
  - b. Payment of the premiums of all insurance policies required, in the reasonable judgment of the Board, for the protection of the POA, its Directors, officers, employees, and property.
  - c. Maintenance, repair or replacement or additions to the facilities and supplies and equipment of the POA.
  - d. Providing for the repair, maintenance or replacement of those amenities deemed necessary to properly promote the recreation, health, safety and welfare of the property owners.
- B. In order to raise or lower the current assessment/annual dues, the Board must call for a vote of POA members. The POA may raise or lower the annual dues upon a 2/3 majority vote of a quorum of the members as provided in Article VII. The initial dues shall be \$250/year per lot in the Development. Dues may not be raised beyond \$400.00 without a vote approving such increase by ¾ of the POA members.

## **Section 2. Powers.**

The Developer, and subsequently the Board shall have the power to:

- A. Own and operate the Common Areas of the PUD and the facilities thereon, and any other real estate or improvements thereon necessary for the efficient operation of the POA.
- B. Levy and collect service or use charges and admissions or other fees for the use and enjoyment of the Common Areas, in addition to the annual dues assessments.
- C. Open a POA deposit and checking account. The initial account shall be opened by the Developer and only one signature shall be required on drafts on this account as long as it is controlled by Developer, simply for ease of operations. The Developer will be removed as a signatory on the account whenever a new complete Board is elected and a new President and Treasurer are named to the Board and added as signatories to the POA bank account. Once the members take control of the POA, all accounts in the name of the POA shall require two signatures on all drafts and checks written on the account. Future Presidents and Treasurers shall have the power to change banks used by the POA, provided all records are kept from all previous POA bank accounts.
- D. Adopt and publish rules and regulations and enact and publish resolutions which the Board deems necessary for the efficient operation of the POA, including, but not limited to the use of the Properties, and all facilities thereon, and the personal conduct of the Members and guests in the Common Areas.
- E. Suspend some or all of the rights of any Member or guest, including the right of a Member to vote, or impose fines and late fees for any Member who is in default of or who refuses to pay any annual or special dues or any service or use charge or any

admission or other fee which has been properly levied, or who has violated any published rule, regulation or resolution adopted by the Board as provided above or any state or federal law. However, suspension for nonpayment of any dues or charge can only be for the period of time the same remains unpaid and suspension for violation of a rule, regulation or resolution cannot be for a period exceeding thirty (30) days. No such suspension as mentioned above shall take effect until the Member in question has been given notice of the violation and a right to immediately cure.

- F. Retain counsel and employ the services of any other professionals needed to assist and/or represent the POA;
- G. Take any and all necessary actions to enforce the Covenants with regard to any Member or Member's guest or tenant.
- H. Employ or appoint the officers or other necessary employees of the corporation as set forth herein, setting any necessary salaries, and describing job responsibilities and job description, as well as the terms and conditions of their employment or appointment, and require security or fidelity bonds as necessary.
- I. Limit the number of members per lot or living unit who may be entitled to the benefit of using the Common Areas.
- J. Enforce all rights, covenants, restrictions, and agreements applicable to the properties and the owners and tenants thereof, and to the Common Areas, as provided herein and in the Covenants, articles of incorporation, or all applicable laws.
- K. Conduct any business authorized herein which will promote the common benefit and enjoyment of the membership.
- L. Borrow money for the purpose of promoting the recreation, health, safety, and welfare of the membership as well as managing and maintaining the Common Areas, equipment, supplies, and affairs of the POA, and shall have the power to mortgage Common Areas in aid thereof.
- M. Perform all acts required or authorized by the Articles of Incorporation, Covenants, or these Bylaws.

### **Section 3. Duties.**

- A. It shall be the duty of the Board to:
  - a. Faithfully and diligently operate and manage the POA as well as enforce the Restrictive Covenants related to the Development.
  - b. Efficiently and effectively manage, maintain, and repair all common areas and improvements located thereon in the Development.
  - c. Keep a complete record of all its acts and of all corporate affairs and present a summary of the same at each annual meeting of the POA or at any special meeting of the Members which has been requested in writing by twenty five (25) percent of the voting POA members
  - d. Make the books and records of the POA, including, but not limited to the rules, regulations and resolutions passed by the Board, available to the membership for inspection and copying to the extent permitted by the law.

The Secretary shall have the responsibility of maintaining the minutes and records of all Board and POA activities.

- e. Establish policies relative to the management of the POA.
  - f. At the first meeting of the Board immediately following the regular annual meeting of Members, set a calendar for the meetings of the Board for the next one year period. However, special meetings of the Board and POA may be called as needed in accordance with the terms hereof.
- B. The Treasurer shall have the obligation to collect and deposit all dues, levies, fines and use fees of the POA. The Treasurer shall also have the responsibility to pay any and all invoices, bills, and obligations of the POA that are properly due and owing related to services or products provided to the POA.

#### **ARTICLE IV. Board of Directors: Meetings**

- A. **Regular Meetings:** Once the POA is turned over to the Board by the Developer, the Board of Directors shall meet at least three times each year including immediately following the Annual Meeting of Members each May, the first Tuesday in September, and the first Tuesday in February.
- a. Reminder notices of each meeting shall be sent to each Director by the Secretary at least two weeks prior to the meeting of the Board.
- B. **Special Meetings:** Special Meetings of the Board may be called as necessary as long as sufficient notice for said meetings is given by the Secretary.
- C. **Quorum:** The physical presence of a majority of the Board shall constitute a quorum sufficient to permit the meeting to proceed. All Board decisions must be made by the vote of a majority of all Directors, except as otherwise provided herein.
- D. **Proxy Votes:** A Director may cast votes at any meeting of the Board by appointing a proxy. The Director must complete and sign a proxy vote form. The appointment of a proxy is not effective until the Director delivers the completed appointment to the Secretary and a copy of the same to their appointed proxy. The appointment of a proxy may be general or limited but may not be utilized by a single Director for more than 1 regular Board meeting per year.
- E. **Duties of Officers at Meetings:**
- a. **President:** The president shall run the Meetings of the Board and the POA unless he or she is unable to attend.
  - b. **Vice President:** The Vice president shall run the Meetings of the Board or the POA in the event the President is unable to attend and shall otherwise assist the President with the duties of running the Board and POA.
  - c. **Secretary:** The Secretary shall maintain a written record of attendance and all Board/POA business conducted at Board and POA meetings as well as send notice of all meetings to all members of the relevant meeting group.
  - d. **Treasurer:** The Treasurer shall maintain accurate, written records of all financial transactions of the POA and Board and give a report thereof at all POA and Board meetings.

**ARTICLE V**  
**Contracts, Loans, Checks and Deposits**

- A. The POA is initially controlled by Hampton Holdings, LLC, and the members and managers thereof will be the parties authorized to establish the initial bank account for the POA and transact all expenses for the POA through such account until such time as the members take control of said POA .
- B. The Board may authorize the President or any office or officers or any other agent of the POA or Board to enter into any contract and execute any instrument evidencing the same in the name of the POA, provided such contract and the products or services to be provided therein are not in contradiction of the terms herein or in the restrictive covenants.
- C. The POA shall maintain a bank account at a properly licensed and registered bank in the state of Arkansas and the Treasurer shall be charged with maintaining all records related thereto. All funds of the POA not otherwise employed shall be deposited from time to time to the credit of the POA in the POA bank accounts.
- D. No loans shall be contracted on behalf of the POA and no evidences of indebtedness shall be issued in the name of the POA unless authorized by a resolution of the Board of Directors.
- E. All checks, drafts, or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the POA shall be signed by the Treasurer and any other officer designated by the POA. All checks must be signed by two parties after control of the POA is turned over to the members.

**ARTICLE VI**  
**Rights of Members**

- A. **Meetings:**
  - a. POA members shall be permitted to attend any and all POA meetings and Board meetings, even if not permitted to vote, provided the member's conduct is appropriate and conducive to such a meeting.
  - b. **Notice:** Notice of all meetings, including the Annual Member Meeting, once control is relinquished by the Developer, shall be mailed (electronic mail is acceptable) to each member at least fifteen (15) days in advance of the meeting and shall set forth, in general, the nature of the business to be conducted.
  - c. **Voting. POA voting rights are distributed as follows:**
    - i. Each townhome lot in the PUD shall be entitled to two votes per lot (Applies to lot numbers: ).
    - ii. Each duplex lot in the PUD shall be entitled to one vote per lot (Applies to lot numbers: ).
    - iii. Each single family lot in the PUD shall be entitled to 1 vote per lot (Applies to lot numbers: ).

- iv. For Each voting member in the POA, his or her name must be on the deed of record for said piece of property. Where there is more than one party's name on the deed for a particular lot in the Development, the parties named on said deed will have to determine among themselves who will hold the voting rights for the parcel in the POA. Note, this does not exclude other parties living at a property in the Development from using the Common Areas of the Development, provided however, the POA must set forth policies and provisions related to the use of Common Areas.
- v. A Member's voting rights may be suspended for failure to pay assessed dues, fees or fines or for failure to comply with rules and regulations promulgated by the Board.
- vi. A member may vote by written proxy provided evidence of such proxy is given to the Secretary prior to the commencement of the meeting where such voting is to take place.
- vii. **Quorum:** Except as otherwise provided for voting on an annual or special assessment, the Members present, in person or constructively, at any meeting shall constitute a quorum. All decisions shall be made by a majority of the Members present and voting. If voting is by ballot only, the receipt by the POA of the valid ballot of a qualified vote either by mail or personal delivery at or before the commencement of such meeting shall constitute the constructive presence of such vote for the purpose of determining whether a quorum is present.

- B. **Evidences of Records.** Members may request, in writing, to see the corporate records of the POA as well as the Secretary's minutes of meetings and the Treasurer's records in accordance with all laws permitting the same and all other requirements contained herein. These reasonable requests shall be fulfilled in a timely manner by the POA Board.
- C. **Use of Common Areas.** All members of the POA (and subsequently their tenants) who have properly paid all dues, fees and fines shall be permitted to use the Common Areas and property amenities in accordance with POA rules and regulations. In the event a Member fails to abide by POA rules and regulations, his or her privileges to use said amenities may be revoked until evidence of compliance and payment of any violation fees is provided to the POA.
- D. **Submission of Complaints/Violations.** Members of the POA shall be permitted to submit written complaints on behalf of themselves and/or their tenants regarding POA policies and the enforcement thereof in addition to the enforcement of the Restrictive Covenants to the Board at any time and all complaints and notices of violations submitted to the POA shall be discussed at each Board meeting and where there is substantial evidence of a Restrictive Covenant violation or failure to follow another POA rule or regulation, appropriate action shall be taken by the Board and notice of said action taken shall be given to the Member submitting the complaint or violation. The board may levy fines for violations and/or remove access to common areas. Both of these penalties for violation may be enforced in a court of law and/or a lien may be filed on the lot that is associated with the violation. Late fees may also be assessed each month after three months if a fine is not paid. If a fine is levied for a violation and said fine is not paid within 6 months, a lien may be filed on the lot and if the fine is not paid in full with 12

months from the date of violation, the POA may file foreclosure proceedings to be paid for its lien.

## **ARTICLE VII Committees**

- A. The President of the Board may appoint such committees as may be necessary during the course of the year.
- B. The committees may be general and having terms of 2 years or may be project specific with terms lasting until a certain project is completed.
- C. All members of a committee must be members of the POA in good standing and no member may serve on more than two committees at a single time.
- D. Each committee shall elect from amongst its members a chairperson by majority vote. Committee members shall also elect a secretary to take minutes of all committee meetings and report all committee business to the Board at regularly-scheduled Board meetings and the Annual meeting of Members.
- E. The duty of each committee is to analyze, discuss and solve the problems identified within its area(s) of concern.

## **ARTICLE VIII Miscellaneous Provisions**

- A. Parliamentary Procedure: The current edition of Robert's rules of Order and Parliamentary Procedure, or a simplified version thereof if adopted by the Board, governs the POA in all meetings or situations that are not provided for in these Bylaws, the Articles, or the Covenants.
- B. These Bylaws may be amended and changed by a simple majority of the voting members or by the Developer as deemed necessary in its discretion.
- C. Conflict: In the case of any conflict between the Articles of Incorporation and these Bylaws, the Articles shall control. In the case of any conflict between the Covenants and these Bylaws or the Articles, the Covenants filed of record shall control.

IN WITNESS WHEREOF, We, being the Developer and the controlling party of the POA, adopted these Bylaws on the \_\_\_\_\_, 2020.

\_\_\_\_\_  
HAMPTON HOLDINGS, LLC, Developer  
By: Tamara Martin

DRAFT



**PROTECTIVE COVENANTS  
CEDAR CREST PUD  
FARMINGTON, ARKANSAS**

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, Hampton Holdings, LLC is the record owners of the following property:

LEGAL DESCRIPTION: Lots \_\_\_\_\_ of Cedar Crest PUD, in the City of Farmington, AR;

WHEREAS, Hampton Holdings, LLC, now being the Developer of Cedar Crest PUD, herein also known as the Development Owner, and therefore having 5 votes per lot for a total of \_\_\_\_ votes, Hampton Holdings, LLC hereby creates the covenants relating to said PUD as follows and will file the same with the Washington County Clerk.

**PREAMBLE**

1. Applicability: These Protective Covenants for the Cedar Crest PUD, Farmington, AR, shall apply to all property owners and tenants of the Development.

**Article 1**

**Permitted Uses of and Construction Restrictions on Residential Lots**

**1. Restriction of Type of Dwelling:**

- a. **Single-Family Residence:** All residential lots numbered \_\_\_\_\_ on the plat of said addition, shall only be used for construction of single-family residences – one per lot. No lot shall be further divided.
- b. **Duplex Multi-Family Residence:** All residential lots numbered \_\_\_\_\_ on the plat of said addition, shall only be used for construction of duplex residences – one per lot. No lot shall be further divided.
- c. **Townhome Multi-Family Residence:** All residential lots numbered \_\_\_\_\_ on the plat of said addition, shall only be used for construction of townhome residences – one per lot. No lot shall be further divided.
- d. **New Construction:** All residences shall be of new construction built on site, and no residence may be moved from another area into the addition. No mobile, modular, or manufactured home of any kind shall be allowed or placed or parked, either permanently or temporarily, on any lot. However, these restrictions shall not preclude any construction trailers or necessary construction equipment from being placed upon the property during construction of the new home.
- e. **Size of Single-Family Residences:** All single-family residences constructed in Cedar Crest shall contain a minimum of one thousand three

hundred fifty (1350) heated and cooled square feet, exclusive of garages, porches and outbuildings.

- f. **Size of Duplex Multi-Family Residences:** All duplex residences constructed in Cedar Crest shall contain a minimum of one thousand (1000) and maximum of one thousand eight hundred (1800) heated and cooled square feet per unit, exclusive of garages, porches and outbuildings.
- g. **Size of Townhome Multi-Family Residences:** All townhome multi-family residences constructed in Cedar Crest shall contain a minimum of nine hundred (900) and maximum of one thousand six hundred (1600) heated and cooled square feet per unit, exclusive of garages, porches and outbuildings.
- h. **Roofs:** All roofs on all lots regardless of dwelling type shall have a minimum 8/12 roof pitch. Shed roofs for porches or dormers may have a lesser pitch if approved by the ARC. No standard 3-tab roofing material shall be allowed except as needed for ridges.
- i. **Single-Family Residence Garages:** All single-family dwellings must have a minimum two-car enclosed and attached garage, and a maximum 4 car enclosed garage. A detached garage is permitted and must meet the same criteria as the exterior of the dwelling. No carport shall be permitted in said PUD.

## 2. Commencement of Construction:

- a. Within 2 1/2 years of the date of delivery to an Owner of a deed to an Unimproved Lot, or otherwise from the date of Owner's acquisition of title to an Unimproved Lot if title is obtained other than by deed, an Owner shall obtain a Permit for construction of a single-family or multi-family residence on its Lot and actually commence construction of the approved Improvements. As used in this section, the term "Unimproved Lot" shall mean a Lot upon which no structure or other Improvements constituting a single-family or multi-family residence is located. The obligation to commence development of an Unimproved Lot shall exist, from the date of purchase from the Development Owner, without regard to whether the Owner of the Unimproved Lot obtained title from the Development Owner or a subsequent owner. Development Owner, in its sole discretion, and for any reason or no reason, may waive the rights reserved by it in this section or grant an extension of the deadline for obtaining a Development Permit and commencing construction
- b. **Development Owner's Right to Repurchase.** Development owner hereby reserves unto itself, its successors and assigns, the right to repurchase the subject Unimproved Lot from the Owner thereof if the Owner fails to satisfy the requirements of subsection (2a) above. The purchase price to be paid by Development Owner upon its exercise of the repurchase right shall be the lesser of (a) an amount equal to the purchase price paid by the initial purchaser of the subject Lot from Development Owner, without interest or any other increase, or (b) the fair market value of the Lot at the time of exercise of the right to repurchase. The fair market value of the Lot shall be determined by agreement of the parties or, if no agreement, then by a neutral appraiser appointed by the American

Arbitration Association or its reasonable successor. Any such appraiser shall have experience in appraising residential real estate in Farmington, AR. Development Owner and the Owner shall share the cost of any such appraisal. The purchase price shall be paid at the closing of the repurchase. The Owner of the subject Lot shall convey title to the Lot subject only to the easements and encumbrances actually affecting the Lot at the time of its conveyance by Development Owner to the initial purchaser. If the Lot is subject to liens or encumbrances other than those affecting the Lot at the time of its conveyance by Development Owner, Development Owner may, at the closing of the Lot purchase, first subtract the outstanding balance of such liens (to the extent they may be liquidated) plus all accrued, unpaid interest thereon from the purchase price, satisfy the liquidated liens with such funds, and pay the reduced purchase price amount to the selling Owner at closing. The repurchase right created by this section is superior to all subsequently filed liens and encumbrances burdening the Lots subject to this Bill of Assurance. Development Owner's repurchase right shall automatically expire with respect to a Lot upon commencement of construction and substantial progress toward completion of a single-family residence constructed in accordance with the Architectural Control Committee's approval.

**3. Architectural Review Committee (ARC):**

- a. All plans for improvements to be constructed on lots in the PUD shall first be submitted for review and approval by the Architectural Review Committee ("ARC"). The construction plans and specifications, and a plot plan showing the location of the structure, driveway, and sidewalks shall be submitted to the Architectural Control Committee. Approval by the Architectural Review Committee must be obtained in writing before construction or any improvement on any lot in the PUD begins and any variances to the improvement initially approved must be authorized in writing by the ARC. The initial Architectural Review Committee shall consist of the Development Owner, HAMPTON HOLDINGS, LLC. Upon completion of the final lot sale and the establishment of the POA, the Architectural Review Committee will be made up of 3 of the officers of the POA for the purposes of approving all building and plot plans for the construction, placement, and alteration of all homes, outbuildings or other permanent improvements on all lots located in Cedar Crest ensuring that said actions are consistent with the standards set forth herein so that maximum property values shall be maintained for all property owners in the addition. Until such time as the POA's ARC is established in accordance herewith, the Development Owner shall have sole discretion in approving or failing to approve all plans submitted for review prior to building in Cedar Crest, provided all such disapprovals are reasonable in light of this document.
- b. If and when Phase II of Cedar Crest (or another subsequent phase) is developed, the developer of that Phase shall have complete control of the ARC, and plan approval or disapproval in accordance with all filed covenants related to the property, in relation to the phase it is developing, until 90% of the lots are sold to the end-users in that Phase of the

development, at which time the ARC shall be turned over to members of the POA.

#### 4. Exterior of Dwellings:

- a. **Single-Family Residence:** The exterior of all single-family dwellings erected on said lot or lots in said PUD shall be of a veneer construction to the extent that the exterior of the first floor of said dwelling consists of 3 sides of brick or fiber cement siding. The back side of a dwelling may contain vinyl siding if there is no fiber cement siding on either side of the home. The front of all dwellings must be at least 50% masonry veneer. Fiber cement products may also be used on the front of the dwelling under the condition that 50% of the front of the dwelling is of masonry veneer. If and where fiber cement is used on the sides of the dwelling, a brick skirt is also required. Fiber cement products and vinyl siding may never intersect.
- b. No vinyl siding may be used on the front exterior of a single-family residence except that vinyl shake siding may be used on a maximum of 200 square feet above the first floor exterior. Notwithstanding anything herein, vinyl soffit and fascia materials shall be permitted.
- c. **Duplex Multi-Family Residence:** The exterior of all duplex dwellings erected on said lot or lots in said PUD shall be of a veneer construction to the extent that the exterior of the first floor of said dwelling consists of 3 sides of brick or fiber cement siding. The back side of a dwelling may contain vinyl siding if there is no fiber cement siding on either side of the home. The front of all dwellings must be at least 50% masonry veneer. Fiber cement products may also be used on the front of the dwelling under the condition that 50% of the front of the dwelling is of masonry veneer. If and where fiber cement is used on the sides of the dwelling, a brick skirt is also required. Fiber cement products and vinyl siding may never intersect.
- d. No vinyl siding may be used on the front exterior of a duplex residence except that vinyl shake siding may be used on a maximum of 200 square feet above the first floor exterior. Notwithstanding anything herein, vinyl soffit and fascia materials shall be permitted.
- e. **Townhome Multi-Family Residence:** The exterior of all townhome dwellings erected on said lot or lots in said PUD shall be of a veneer construction to the extent that the exterior of the first floor of said dwelling consists of all 4 sides of brick or fiber cement siding. The front of all dwellings must be at least 50% masonry veneer. Fiber cement products may also be used on the front of the dwelling under the condition that 50% of the front of the dwelling is of masonry veneer. If and where fiber cement is used on the sides of the dwelling, a brick skirt is also required.
- f. No vinyl siding is permitted on townhome residences except that vinyl shake siding may be used on a maximum of 200 square feet above the first floor exterior. Notwithstanding anything herein, vinyl soffit and fascia materials shall be permitted.
- g. Dri-vit material shall not be allowed. No buildings shall be located within any building setback lines as defined on the Final Plat of the PUD.

- h. No dwelling shall be constructed or erected on any lot in said PUD that has exposed or painted cinder blocks on the exterior of any such dwelling.
- i. No window air conditioning units shall be installed in any residence, outbuilding, or other structure.
- j. All playground equipment and trampolines must be kept behind the primary residential structure.

**5. Structures Other than Dwellings:**

- a. No additional structure such as porches, garages, storage buildings, above ground swimming pools in excess of 7 feet in diameter, etc. shall be erected or placed on any lot in this PUD until the plans and specifications showing the type and location have been approved in writing as to the conformity and harmony of external design and existing improvements in the addition by the ARC.
- b. No structure of a temporary character, house trailer, basement, shack, garage, barn, or other outbuilding shall be used on any lot at any time either temporarily or permanently unless approved by the ARC. Storage buildings are allowed as per above.

6. **Mailbox:** The mailbox must meet the criteria of the US postal service and must have an exterior constructed of brick or rock or wrought iron.

7. **Driveway:** The driveway must be at least 12 feet wide and shall be constructed of concrete. Other driveway composite must be approved by the ARC. A 4 foot wide sidewalk must also be constructed parallel to the street end at the property line and tie into the adjacent sidewalks.

8. **Fences:** All fences shall be approved by the ARC. Fencing of front yards is prohibited. Any privacy fence shall be constructed so that the framing shall be toward the inside of the owner's lot. There shall be no chain link fences. No fencing shall exceed six feet in height.

9. **Limited Access:** There shall be no access to any Lot on the perimeter of the Property except from designated streets or roads within the property.

10. **Drilling and Mining:** No drilling, refining, quarrying or mining operations of any kind shall be permitted on any Lot.

11. **Satellite Dishes Prohibited:** Any and all satellite dishes over 18" in diameter shall be prohibited in the PUD. Satellite dishes under 18" are allowed but shall be screened so that they are not readily visible from the street.

**12. Vehicles:**

- a. No vehicles may be parked overnight in the streets of this PUD. Lot owners and tenants shall provide sufficient off street parking to accommodate the vehicles used by their family and guests except for brief social gatherings.
- b. Also, no semi-trailer trucks or commercial vehicles shall be allowed to park in said PUD, either on the streets or on privately owned lots.

- c. The parking or storage of unused or unlicensed motor vehicles is prohibited. No vehicles in inoperative condition shall be permitted. The owner or tenant of each lot shall remove these vehicles. Permanent or semi-permanent storage of such vehicles or items shall not be permitted. Parking of any vehicle off the driveway (in the yard) shall not be permitted.
  - d. No boat, mobile home, aircraft, trailer, recreational vehicle, ATV or otherwise (which the Property Owner's Association deems to be a nuisance, unsightly, or inappropriate) may be kept, parked, stored on the front of the property. These vehicles must be stored out of sight from the front of the property.
13. **Recreational Vehicles and Boats:** Recreational and camping vehicles and boats may be stored and parked on the lots only if they are located behind the house, guesthouse or fence, or in or behind the garage, or otherwise screened so that they are not readily visible from the street or adjoining lots. Screening walls and fences must be constructed of brick, stone, or decorative wood.
14. **Landscaping Requirements:** At least 75% of the front of each home, exclusive of garage space, must be landscaped. Each lot owner must plant and maintain at least one 2" diameter tree. All front yards must be fully landscaped and sodded at the time of a home's completion.
15. **Business Use of Residence:** No business or trade activity shall be carried on upon any residential lot where clients or customers come to the residence.
16. **Signs:** No sign of any kinds shall be displayed to the public view on any Lot or any portion of the easement areas. An exception to this rule is one sign of customary and reasonable dimension advertising for sale or lease of a single-family residence or duplex residence may be permitted. As well as, the Development Owner may display signs during construction for permitting and advertising purposes.
17. **Nuisances:** No noxious or offensive activities or nuisances shall be permitted in, upon, or around any lot or within any common area.
18. **Animals:** No animals shall be kept or maintained, raised, or bred anywhere on any Lot for commercial purpose. Only customary domesticated household pets are allowed and are to be kept subject to the rules. Two hens may be permitted to produce eggs for household consumption, but only if the hens are not a nuisance to the neighbors.
- a. Disturbance: Pets must be kept in a manner that does not disturb the peaceful enjoyment of residents of other lots. No pets may be permitted to bark, howl, whine, screech, or make other loud noises for extended or repeated periods of time.
  - b. Limited Yard Privilege: Dogs and cats may be kept within a fenced yard only if they do not disturb or annoy people on or around the Property. The Property Owner's Association may permanently revoke the privilege of

keeping the dog or cat on a patio within a courtyard or in a fenced yard. Thereafter, the dog or cat must be maintained inside the dwelling.

- c. Leash Requirement: Household pets are not permitted to run free throughout the PUD and must be kept on a leash or under the direct control of its owner when anywhere in the PUD other than within the owner or tenant's residence or fenced yard.

## **Article 2**

### **Maintenance of Residence and Lot**

19. **Garbage and Refuse Disposal:** No owner or tenant shall accumulate on his Lot litter, refuse, or garbage except in garbage receptacles. These receptacles must be used when placing the trash by the curb for pick up. All receptacles for storage and disposal of such materials shall be kept in clean and sanitary condition.

20. **Maintenance of Lot:**

- a. All lots in said PUD shall be maintained in a neat and orderly manner so as to not be unsightly or detract from the surrounding neighborhood.
- b. No trash, ashes, or other refuse may be thrown or dumped on any lot. Each owner of a vacant lot is required to keep said lot in presentable condition or the ARC or POA may, at its discretion, mow said lot, trim and spray trees, remove trash or refuse and levy a lien on said lot for the cost involved. All grasses and weeds on a vacant lot must be trimmed to no higher than 8 inches above ground level. Any refuse must be hauled away for disposal. No owner may make use of a vacant lot for dumping, burning or otherwise disposing of refuse. All grass and weeds shall be trimmed to a height that will appear to be neat and orderly.
- c. All landscaping and turf must be properly maintained.
- d. No clothesline, drying yards, or woods pile shall be permitted between the front building line and the front lot line and if such is desired, it must be between the rear of the residence and the rear property line and shall not be exposed to an interior or exterior street.
- e. Christmas decorations shall not be allowed prior to November 15<sup>th</sup> or after January 31<sup>st</sup>
- f. Upon owner's failure to properly maintain lot, fences, outside structures or outdoor decorations as described in these covenants, the ARC shall be entitled to charge a reasonable fee to the owner of the lot for said service and be entitled to file a lien for said expenses.

## **Article 3**

### **Property Owner's Association**

21. **Establishment of Property Owner's Association (POA):** The POA shall be created and filed with the Arkansas Secretary of State's office within 15 days of the date hereof. Upon the sale of 90% of all lots in the addition to end-users, the POA shall be turned over from the control of the Development Owner to the property owners themselves. The purpose of the POA shall be to maintain the common areas established by the Development Owner, enforce the restrictive



covenants contained herein, and promote the betterment of the addition. Upon the turning over of control of the POA, the Development Owner shall call a meeting of all lot owners in the addition and provide written notice of the same to all lot owners, where initial officers shall be elected as well as a committee appointed to write the bylaws of the POA. The Development Owner shall deed all common areas to POA upon the completion of their construction. The bylaws of the POA shall include regulations governing the use of the common areas and amount and due date of dues to be paid among other items necessary to the establishment and the maintenance of the POA.

**22. Membership:**

- a. All lot owners must be members of the Property Owner's Association and shall automatically become a member of the Property Owner's Association with purchase of a lot (improved or unimproved) within the PUD.
- b. This shall apply to all property owners in all phases of the Cedar Crest PUD in Farmington, AR.

**23. POA Dues:**

- a. As of \_\_\_\_\_, 2020, the Property Owner's Association annual dues will be \$250 per living unit per year.
- b. The initial yearly membership fee of \$250 per living unit per year will be paid upon closing and will be sent directly to the office of the Property Owner's Association. Said initial fee will be pro-rated based on the month in which the lot buyer closes on said lot(s). The Development Owner's office shall be the initial office of the POA.
- c. The Property Owner's Association has the right to adjust annual dues based on cost of maintenance for the common areas and other POA needs, although such dues shall not exceed \$600 per living unit per year without a formal amendment of this document to approve the same.
- d. In the event that a lot owner does not pay the required annual dues or any special assessment levied against the lot owned by the lot owner within 10 days of the due date thereof, the POA may begin charging a late fee of \$5/day and/or an interest rate of the maximum amount allowed by law until the payment is made. During the time of delinquency, the lot owner who has failed to pay the required dues will not be allowed to use the common areas of the addition.
- e. In consideration of the expenses incurred by the Development Owner in creating the common areas, including but not limited to the PUD perimeter signage and fencing as well as the pool area and pavilion, as well as maintenance costs for all lots contained therein which have not been sold to a third party, Hampton Holdings, LLC (the Development Owner) shall not be responsible for payment of POA dues until \_\_\_\_\_, 2020.
- f. In consideration of the expenses incurred by any subsequent Development Owner of a subsequent phase of Cedar Crest, in any upgrading of the common areas, as well as maintenance costs for all lots contained therein which have not been sold to a third party, Hampton Holdings, LLC or any subsequent the Development Owner shall not be responsible for payment

of POA dues until 24 months after filing of the final plat for a subsequent phase of the PUD.

24. **Voting:** Each single-family lot will carry one vote in the association, each duplex multi-family lot will carry one vote in the association, and each townhome multi-family lot will carry two votes in the association, except that the Development Owner, or any subsequent Development Owner shall have 5 votes per lot owned in consideration of the size of its investment in the PUD. Such vote may be voted in person or by written proxy on forms provided by the POA.
25. **Adherence to POA decisions:** By-laws of said organization shall be adhered to by all property owners and tenants, and assessments as set by said Property Owner's Association shall be paid when due by all lot owners.
26. **Responsibilities:** The Property Owner's Association shall be responsible for maintaining the common areas, including but not limited to any signs, any walls, the utility bills, landscaping maintenance, insurance and any other costs and expenses associated with the community pool and park as well as other common areas of the PUD.
27. **Creation of Lien and Personal Obligation for Dues/Assessment:** Each owner and POA member, by acceptance of the deed in his/her lot or other conveyance that gives him or her an interest in a lot in the addition, is deemed to covenant and agree to pay all annual assessments and special assessments properly levied through the POA. The assessments, together with the interest thereon, attorney's fees, court costs, and other costs of collection thereof, shall be a continuing lien upon the lot owner's lot against which dues are charged and assessments are made.
28. **Assessments for Capital Improvements and Indebtedness:** Whenever the POA sees the need for capital improvements to the common areas or indebtedness for the purpose of capital improvements, there must be a vote of the majority of the lot owners in the POA for approval of the same. If a majority of the members vote to assess an additional amount for capital improvements, the membership dues regulations outlined above shall apply for enforcement of that assessment as well. Any subsequent Development Owner, or subsequent Development Owner, shall be exempt from any assessment for Capital Improvements unless it owns less than 10% of the lots remaining in said Phase.
29. **Powers:** The POA shall have the power to enforce the covenants contained herein on behalf of the lot owners in the addition and shall have the power to take legal actions necessary to do the same. The POA shall also have the power to take whatever other actions that are deemed reasonable and foreseeable for a POA to take for the betterment of the addition, including, but not limited to electing officers and establishing the rules and guidelines regarding payment of POA dues, use of the common areas, and planning all addition events.
30. **Insurance/Indemnity:** The POA shall carry reasonable liability insurance purchased from a reputable, excellent-rated insurance company. All lot owners,

tenants, and guests thereof, hereby indemnify the POA from any and all liability resulting from all POA actions excluding criminal activity, gross negligence, or breach of contract.

#### **Article 4**

##### **Common Areas: Development, Maintenance, Uses and Liabilities**

31. **Creation and Development of Common Areas:** The Development Owner (of Phase I) shall create common areas within the addition for the enjoyment of the POA members of all phases of Cedar Crest PUD and their accompanied guests, including, but not limited to, a community pool and pavilion.
32. **Maintenance of Common Areas:** It shall be the responsibility of the POA to properly and reasonably maintain the common areas in the addition. The POA shall use the annual dues collected from lot owners for these purposes and may, only in special circumstances, levy a special assessment for the purposes of paying for upkeep and development of the common areas.
33. **Use of the Common Areas:** The common areas are being developed for the enjoyment of the lot owners and tenants of the addition and their guests, although any guests of an addition lot owner or tenant must be accompanied by said lot owner or tenant while the guest uses the common areas. The common areas may be reserved by lot owners or tenants for special functions in accordance with guidelines set forth by the POA.
34. **Liability for Common Areas:** The POA shall maintain proper liability insurance coverage for the common areas. The POA shall hereby indemnify and hold harmless the Development Owner for any and all claims and causes of actions related to the common areas in the absence of a showing of gross negligence on the part of the Development Owner in construction of said areas.

#### **Article 5**

##### **Miscellaneous Provisions**

35. **Covenants to Run with the Land:** All covenants and restrictions set out in these covenants are to run with the land and shall be binding on all the parties, their heirs, and assigns; provided, however, that the covenants and restrictions, except for covenants relating to the POA may be amended at any time by at least 75% of the POA votes in such addition where only one vote per lot shall be permitted, except that Development Owner shall have 5 votes per lot in consideration of the size of its investment in the PUD. Such amendments shall be made within, drafted so as to be recorded with the county clerk.
36. **Violations:** If the parties herein or any of them or their heirs or assigns or any other person shall violate or attempt to violate any of the covenants or restrictions herein while said covenants or restrictions are still in force it shall be lawful for any person or persons owning any interest in any lot or lots in said PUD to prosecute in law or equity any violation or attempted violation of any such

covenant or restriction, either to enjoin the person from doing so or to recover damages or other available penalties in law or equity for such violation or violations.

37. **Severability of covenants:** Invalidation of any one of these covenants by judgment or court order shall, in no way, affect any other provisions herein contained.

Signed,

\_\_\_\_\_  
Hampton Holdings, LLC  
Development of Cedar Crest PUD of Farmington, AR, as of \_\_\_\_\_, 2020.

DRAFT

# NORTHWEST ARKANSAS Democrat Gazette

P.O. BOX 1607 FAYETTEVILLE, AR 72702 • 479-342-1700 • FAX 479-695-1111 • WWW.NWARG.COM

## AFFIDAVIT OF PUBLICATION

I, Cathy Staggs, do solemnly swear that I am the Accounting Manager of the Northwest Arkansas Democrat-Gazette, printed and published in Washington County and Benton County, Arkansas, and of bona fide circulation, that from my own personal knowledge and reference to the files of said publication, the advertisement of:


Morrison Shipley Engineers  
Public Hearing

Was inserted in the Regular Edition on:  
March 8, 2020

Publication Charges: \$71.44

  
Cathy Staggs

Subscribed and sworn to before me  
This 10<sup>th</sup> day of Mar, 2020.

  
Notary Public  
My Commission Expires: 3-16-25



### NOTICE OF PUBLIC HEARING

A petition for a Planned Unit District/Preliminary Plat for the property as described below has been filed with the City of Farmington on the 18th day of February, 2020.

#### Legal Description:

The Northwest Quarter of the Northeast Quarter, Section 23, Township 16 North, Range 30 West of the Fifth Principal Meridian, all in Washington County, Arkansas.

The 40.40-acre tract located at the southwest corner of W Woolsey Farm Rd (N 54th Ave) and N Broyles Ave is being proposed to be a residential subdivision that includes Single-Family, Duplex, and Townhome units.

A public hearing to consider this Planned Unit District/Preliminary Plat will be held on the 23rd day of March, 2020, at six o'clock p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All parties interested in this matter may appear and be heard at said time and place; or may notify the Planning Commission of their views on this matter by letter. All persons interested in this request are invited to call or visit the City Business Manager at City Hall, 354 W. Main, 479-267-3865

75242730 03/08/2020

### \*\*NOTE\*\*

Please do not pay from Affidavit.  
Invoice will be sent.

# Agenda Item 4. C

# POD Application

## City of Farmington Application and Checklist Preliminary Plat

\* \$1000 review fee  
included with  
submittal

Please fill out this form completely, supply all necessary information to support your request. Your application will not be placed on the agenda for Technical Plat Review or Planning Commission until all information is furnished.

Applicant: Same as Property Owner Day Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Fax: \_\_\_\_\_

Representative: Patrick Foy - Morrison-Shiple Day Phone: 479-273-2209

Address: 2407 SE Cottonwood Street, Bentonville, AR 72712 Fax: \_\_\_\_\_

Property Owner: Hampton Holdings, LLC Day Phone: 479.283.7744

Address: P.O. Box 10620, Fayetteville, AR 72703 Fax: \_\_\_\_\_

Indicate where correspondence should be sent (circle one): Applicant  **Representative**  Owner

Code states  
\$1000 review fee

Fee: A non-refundable review fee of \$2,000 is required at the time the application is accepted. In the event engineering review fees and costs exceed \$2,000, the owners and/or developers shall reimburse the City of Farmington for all additional expenses incurred prior to review by the Farmington Planning Commission. In the event the Farmington Planning Commission requires modifications to the subdivision plat and additional engineering fees and costs are incurred, the owners and/or developers shall reimburse the City of Farmington before the plat is resubmitted to the Farmington Planning Commission.

For office use only:

Fee paid \$	Date	Receipt #
-------------	------	-----------

Describe Proposed Property In Detail (Attach additional pages if necessary)

### Property Description

Site Address -- Parcel # 760-02400-200

Current Zoning -- R-1

Attach legal description

Cedar Crest

### Financial Interests

The following entities or people have a financial interest in this project:

Hampton Holdings, LLC

Applicant/Representative: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incomplete, incorrect or false information is grounds for invalidation of the application. I understand that the City of Farmington may not approve my application or may set conditions on approval.

  
Applicant Signature

Date 2/17/2020

Property Owner/Authorized Agent: I certify under penalty of perjury that I am the owner of the property that is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his behalf.)

Hampton Holdings, LLC by [Signature]  
Owner/Agent Signature Date 2/12/20

\* Will send public notices  
to Melissa for review  
before mailing to adjacent  
property owners.



# RECEIPT

DATE 2-18-2020 No. **217157**

RECEIVED FROM Merrison Shipley \$ 1,000.00

One thousand & no/100 DOLLARS

FOR RENT  
 FOR Pub. Plat Cedar Crest Subd.

ACCOUNT	
PAYMENT	<u>1000.00</u>
BAL. DUE	

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM \_\_\_\_\_ TO \_\_\_\_\_

BY T. Coleman 3-11

City of Farmington, AR

02/18/2020 4:09AM 01  
000000#8829 CLERK01

Development Fees  
\$1000.00

ITEMS 10  
CHECK \$1000.00

## LSD/Subdivision Application Checklist:

	Yes	No	N/A, why?
1. Completed application form which includes: name and address of person preparing application, name and address of property owner, including written, notarized documentation to verify that the applicant has permission to locate on property, zoning district, size of property, postal address and tax parcel number.	✓		
2. Payment of application fee.	✓		
3. A descriptive statement of the objective(s) for the new facility or material modification and the need for the type of facility and/or capacity requirements.	✓		
4. Fifteen (15) copies of the site plan <b>folded</b> to a size of no greater than 10" X 10 ½".	✓		
5. List of adjacent property owners and copy of notification letter sent. *	✓		<i>emailed</i>
6. White receipts from post office and green cards from registered letters (at least 7 days prior to the meeting).		✓	<i>will provide</i>
7. Proof of publication of public hearing notice, should be published a minimum of 10 days prior to planning commission meeting (proof must be provided at least 7 days prior to the meeting).		✓	<i>Will provide</i>
<b>The Following Shall Appear on the Site Plan:</b>			
1. Names, addresses and telephone numbers of the record owners, applicant, surveyor, architect, engineer and person preparing the plat.	✓		
2. Names, addresses and property lines and zoning of all property owners adjacent to the exterior boundaries of the project including across streets and rights of way shall be located at the general location of their property.*	✓		
3. North arrow, graphic scale, acreage, date of preparation, zoning classification and proposed use.	✓		
4. Complete and accurate legend.	✓		
5. Title block located in the lower right hand corner indicating the name and type of project, scale, firm or individual preparing drawings, date and revision.	✓		
6. Note regarding wetlands determination, if any. Note if Army Corps of Engineers determination is in progress.	✓		
7. Written legal description. (If the project is in more than one tract the legal for each individual tract must be provided.)	✓		
8. P.O.B. from a permanent well-defined reference point, P.O.B. must be clearly labeled.	✓		
9. Clear representation of the FEMA Designated 100-year Floodplain and or Floodway and base flood elevations. Reference the FIRM panel number and effective date and the Corps of Engineers Flood Hazard Study.		✓	<i>N/A</i>
10. Status of regulatory permits:			
a. NPDES Storm water Permit		✓	<i>Will provide</i>
b. 404 Permit		✓	<i>N/A</i>
c. Other		✓	<i>N/A</i>
11. Provide a benchmark, clearly defined with a precision of 1/100 <sup>th</sup> of a foot. This benchmark must be tied to NAVD 88 datum; Benchmarks include but are not limited to, the following: fire hydrant, manhole rim, drainage structure	✓		

abutment, etc.			
12. Spot elevations at grade breaks along the flow line of drainage swales.	✓		
13. A general vicinity map of the project at a scale of 1" = 2000'	✓		
14. The location of all existing structures. Dimensions of buildings and setbacks from the building to property lines.	✓		
15. Street right-of-way lines clearly labeled. The drawing shall depict any future ROW needs as determined by the AHTD and/or Master Street Plan. Future ROW as well as existing ROW and center lines should be shown and dimensioned.	✓		
16. Existing topographic information with source of the information noted. Show:	✓		
a. Two foot contour for ground slope between level and ten percent.	✓		
b. Four foot contour interval for ground slope exceeding 10%.		✓	N/A
17. Preliminary grading plan.	✓		
<b>Existing Utilities and Drainage Improvements (Copy of the <u>Drainage Criteria Manual</u> can be obtained from the City of Farmington)</b>			
1. Show all known on site and off-site existing utilities, drainage improvements and easements (dimensioned) and provide the structures, locations, types and condition and note them as "existing" on the plat.	✓		
2. Existing easements shall show the name of the easement holder, purpose of the easement, and book and page number for the easement. If an easement is blanket or indeterminate in nature, a note to this effect should be placed on the plan.	✓		
<b>Proposed Utilities</b>			
1. Regarding all proposed storm sewer structures and drainage structures:	✓		
a. Provide structure location and types.	✓		
b. Provide pipe types and sizes.	✓		
2. Regarding all proposed sanitary sewer systems	✓		
a. Provide pipe locations, sizes and types.	✓		
b. Manhole locations.	✓		
3. Note the occurrence of any previous sanitary sewer overflow problems on-site or in the proximity of the site	✓		
4. If a septic system is to be utilized, note that on the plat. Show the location and test data for all percolation tests.	✓		
5. Regarding all proposed water systems on or near the site:	✓		
a. Provide pipe locations, sizes and types.	✓		
b. Note the static pressure and flow of the nearest hydrant.	✓		
c. Show the location of proposed fire hydrants, meters, valves, backflow preventers and related appurtenances.	✓		
6. All proposed underground or surface utility lines if determined: (this category includes but is not limited to telephone, electrical, natural gas and cable.)	✓		
a. Locations of all related structures.	✓		
b. Locations of all lines above and below ground.	✓		
c. A note shall be placed where streets will be placed under the existing overhead facilities and the	✓		

approximate change in the grade for the proposed street.			
7. The width, approximate locations and purposes of all proposed easements or rights-of-way for utilities, drainage, sewers, flood control, ingress/egress or other public purposes within and adjacent to the project.	✓		
<b>Proposed and Existing Streets, Rights-of-way and Easements</b>			
1. The location, widths and names (avoid using first names of people for new streets) of all existing and proposed streets, allies, paths and other rights-of-way, whether public or private within and adjacent to the project; private easements within and adjacent to the project; and the centerline curve data; and all curb return radii. Private streets shall be clearly identified and named.	✓		
2. A layout of adjoining property sufficient detail to show the affect of proposed and existing streets (including those on the master street plan), adjoining lots and off-site easements. This information can be obtained from the Master Street Plan.	✓		
3. The location of all existing and proposed street lights (at every intersection, cul-de-sac and every 300 feet, and associated easements to serve each light.)	✓		
<b>Site Specific Information</b>			
1. Provide a note describing any off site improvements.	✓		
2. The location of known existing or abandoned water wells, sumps, cesspools, springs, water impoundments and underground structures within the project.	✓		
3. The location of known existing or proposed ground leases or access agreements, if known. (e.g. shared parking lots, drives, areas of land that will be leased.)	✓		
4. The location of all known potentially dangerous areas, including areas subject to flooding, slope stability, settlement, excessive noise, previously filled areas and the means of mitigating the hazards (abatement wall, signage, etc.)	✓		
5. The boundaries, acreage and use of existing and proposed public area in and adjacent to the project. If land is to be offered for dedication for park and recreation purposes it shall be designated.	✓		
6. For large scale residential development, indicate the use and list in a table the number of units and bedrooms.		✓	N/A
7. For non-residential use, indicate the gross floor area and if for multiple uses, the floor area devoted to each type of use. (Large Scale Developments only.)		✓	N/A
8. The location and size of existing and proposed signs, if any.	✓		
9. Location and width of curb cuts and driveways. Dimension all driveways and curb cuts from side property line and surrounding intersections.	✓		
10. Location, size, surfacing, landscaping and arrangement of parking and loading areas. Indicate pattern of traffic flow; include a table showing required, provided and handicapped accessible parking spaces. (Large Scale Developments only.)	✓		
11. Location of buffer strips, fences or screen walls, where required (check the zoning ordinance).	✓		
12. Location of existing and purposed sidewalks.	✓		
13. Finished floor elevation of existing and purposed structures.		✓	N/A
14. Indicate location and type of garbage service (Large Scale		✓	N/A

Developments only.) Dimension turnaround area at dumpster location.			
15. A description of commonly held areas, if applicable.	✓		
16. Draft of covenants, conditions and restrictions, if any.	✓		
17. Draft POA agreements, if any.	✓		
18. A written description of requested variances and waivers from any city requirements.		✓	N/A
19. Show required building setbacks for large scale developments. Provide a note on the plat of the current setback requirements for the subdivision. A variance is necessary from the Board of Adjustment for proposed setbacks less than those set forth in the zoning district.	✓		
20. Preliminary drainage plan as required by the consulting engineer.	✓		

*\*All applicants submitting preliminary plats and Large Scale Developments before the Farmington Planning Commission shall provide written notice of the time and place of the regular or special meeting to the owners of all real property adjacent to the project. The notice shall include the name and address of the applicant, location of the project, and the time and place of the scheduled meeting. Notices shall be sent by certified mail, return receipt requested, to the last known address shown on the most recent tax records at the Washington County Tax Collector's Office. (A sample notification and affidavit is attached.) Applicants must submit a verified affidavit attesting to the delivery of the notice to all owners of real property adjacent to the project, a copy of the notice to each property owner, and copies of receipts evidencing pre-paid postage for each notice. The affidavit and supporting documents referred to above must be submitted seven (7) days prior to the regular or special meeting of the planning commission.*





# MORRISON SHIPLEY

February 18, 2020

**DRAFT**

## **Cedar Crest Subdivision**

A Planned Unit Development

City of Farmington, Washington County, Arkansas

Owner/Developer  
Hampton Holdings, LLC  
P.O. Box 10620  
Fayetteville, AR 72703

Prepared By:  
Morrison-Shiple Engineers, Inc.  
2407 S.E. Cottonwood St., Bentonville, AR 72712  
(Tel.) 479-273-2209  
[www.morrisonshiple.com](http://www.morrisonshiple.com)

**A. Current Ownership**

The current owner of the property is Hampton Holdings LLC.

**B. Scope of Project**

Cedar Crest Subdivision contains a total of 40.40 acres. The intent is to layout, design and construct the entire property, as it relates to the public infrastructure in one phase. Home construction will be completed as the market allows. The subdivision is proposed to allow both single-family and multi-family development within the designated planning areas. As a part of this PUD development, infrastructure will be designed and constructed to serve the anticipated 222 dwelling units, which includes water, sewer, storm sewer and detention facilities, franchise utilities as well as street and sidewalks.

**C. Proposed Planning areas**

- Planning Area 1 – Multi-Family Residential, 44 lots, 16.88 acres
- Planning Area 2 – Single-Family Residential, 74 lots, 18.95 acres

**D. Intent of the PUD District**

Cedar Crest Subdivision will be constructed with multiple housing types, Planning Area 1 with a density of 8.77 units per acre and Planning Area 2 with a density of 3.91 units per acre

The Planning Area 1 lot is planned to retain its current ownership and each unit within the lot be leased out individually. However, some duplex lots may be sold off. Within this area there will be a mix of 6-unit townhomes and 2-unit duplexes, totaling 148 units. The townhomes units will be a minimum of 900 sq.ft and maximum of 1,600 sq.ft. The duplex units will be a minimum of 1,000 sq.ft. and maximum of 1,800 sq.ft.

The Planning Area 2 lots will also be a mix of retaining and leasing and selling lots off. Within this area there will only be single-family homes, totaling 74 units. Units will be a minimum of 1,350 sq. ft.

**E. Permitted Uses**

Planning Area 1: Townhomes and Duplex

- a) Density  
16.88 Dwelling Units per Acre
- b) Lot and Area Requirements  
Structure Type – Multi-Family  
Lot Area (sq.ft.)
  - Duplex – 8,275
  - Townhome – 11,088Land Area per Dwelling Unit (sq. ft.)
  - Duplex – 4,137
  - Townhome – 1,848



Lot Width (ft.)

Duplex – 79 minimum

Townhome – 126 minimum

Maximum Lot Coverage – Interior Lot 60%

Exterior/Corn Lot 65%

c) Minimum Setback Requirements

a. Duplex

Front – 20' Sides – Interior 5'/Exterior 20' Rear – 20'

b. Townhomes

Front – 20' Sides – Interior 10'/Exterior 20' Rear – 20'

d) Height Requirements

Maximum Height Permitted – 40'

Planning Area 2: Single-Family

a) Density

3.91 Dwelling Units per Acre

b) Lot and Area Requirements

Structure Type – Single-Family

Lot Area (sq. ft.) – 7,150

Land Area per Dwelling Unit (sq. ft.) – 7,150

Lot Width (ft.) – 65 minimum

Maximum Lot Coverage – Interior Lot 40%

Exterior/Corner Lot 45%

c) Minimum Setback Requirements

Front – 20' Sides – Interior 5'/Exterior 20' Rear – 20'

d) Height Requirements

Maximum Height Permitted – 30'

POA Gazebo/Pool Lot:

The POA lot at the southwest corner will not allow any construction of any kind of dwelling unit. Its sole purpose is to be an amenity to the subdivision. The gazebo shall be setback a minimum of 5' from any residential lot. It is not required to meet a setback from the public park since it will be sharing the parking between the two facilities.

The concrete for the pool edging must be 5' minimum from any residential lot as well. The edge of water of the proposed pool must be setback a minimum of 15' from any residential lot. Again, there will be no setback requirements from the public park.

#### **F. Common Open Space**

A minimum of 10% of the overall property will be for open space per City Ordinance. A part of the 10% open space will include a 3.10 acre public park, which is proposed at the southwest corner of the property. The park will consist of a walking trail around a retention pond, playground, and basketball court. The park will have adequate parking to serve the facilities.

Other amenities a 0.37-acre POA tract that include a gazebo and pool for the Cedar Crest subdivision residence. This tract is also located at the southwest corner of the property.

Sidewalks will be constructed, as each lot develops, for the subdivision to facilitate a walkable community and allow the residents to easily access the amenities. The common open spaces and equipment will be mowed and maintained by the developer and by the POA as the subdivision develops.

#### **G. Parking and Off-Street Loading**

All dwelling units will be required to provide a minimum of 2 off-street parking spaces.

#### **H. Perimeter Requirements**

The Cedar Crest Subdivision is currently surrounded by undeveloped land to the north, northeast, and southwest. There is a school to the southeast, mini-storage facility to the south and a subdivision currently be constructed to the west.

#### **I. Housing Types**

Townhomes and Duplexes (Multi-Family) are proposed for Planning Area 1.  
Single-Family Housing is proposed for Planning Area 2.

#### **J. Structural Design Standards**

All Single-Family and Duplexes will have a minimum of one front façade facing an adjacent public street with a common architectural theme and a minimum one car garage. The townhomes will also have a common architectural theme and a minimum of 2 off-street parking spaces per dwelling unit. The structures front facade shall have a minimum of 50% brick/masonry product; all roofs shall be gabled or hipped and have architectural shingles. Front loading garages shall provide an architectural relief from the front elevation plane of the house and shall be setback a minimum of thirty feet (30') from the property line.

**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Hampton Holdings, LLC

Date: 3/3/20

Project Name: Cedar Crest Subdivision

Engineer/Architect: Morrison Shipley

---

Following are **recommendations** from the Technical Plat Review Committee that **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting**. The information must be submitted to the Planning Office before **12 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A narrative addressing each comment must be submitted along with the revised plat.

---

Representing: City of Farmington Name: Judy Horne  
Landscaping Ordinance Requirements

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1) Sheet 7 shows a "Retention Pond and Public Park Area" of 3.1 acres. The highest elevation of the pond is 1227 and lowest is 1217.

Article XII. DEDICATION AND LANDSCAPING OF NEIGHBORHOOD PARKS Section I. states:

"I. Unacceptable Park Land. Street front landscape buffers or parking lot landscape buffers and islands; major utility easements over 30 feet wide; **storm water detention ponds**; irrigation ditches, swales, and storm water channels, land with steep grade, land with immovable trash, junk, and/or pollutants, or any other land deemed unsuitable by the Planning Commission, **shall not be dedicated as park land.**"

The planned amenities of Basketball Court (84' x 50'), Pool (70' x 100'), Pavilion (30' x 65') Playground (60' x 50') and additional surrounding greenspace may almost meet the land requirement but ~~would~~ <sup>might</sup> require a Variance Request to the Planning Commission. *Could be*

*decided by Planning Commission.*

*jkh*

Received By: \_\_\_\_\_

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**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Robby Bader, Hampton Holdings, LLC

Date: March 3, 2020

Project Name: Cedar Crest PUD

Engineer/Architect: Morrison Shipley Engineers

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Following are **recommendations** from the Technical Plat Review Committee which **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting**. The information must be submitted to the Planning Office before **12:00 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A **narrative** addressing each comment must be submitted along with the revised plat.

---

Representing: City of Farmington

Name: Christopher B. Brackett, P. E.

1. Note that the instructions above say that the technical plat comments must be addressed prior to re-submission, and that a narrative for each comment must also be submitted along with the revised plat.
2. Has a wetland delineation been performed on this site?
3. The Planning Commission must accept any parkland dedications. It will be my recommendation that the wet detention pond is not accepted as part of the park.
4. The street that runs through the park property will need to be within right-of-way.
5. Include concrete trickle channels between the culvert outlets to the outlet structure in the northwest pond.
6. Include a handicap ramp in the northeast corner in line with the existing ramp to the north.
7. Show road improvements to N 54<sup>th</sup> Avenue as per City of Fayetteville Master Street Plan.
8. Tie the new sidewalk on N 54<sup>th</sup> Avenue in the northwest corner to the future sidewalk to west.
9. Drainage Report:
  - The northwest pond only has 0.36' of freeboard for the 100-year storm. This pond will need to have a minimum 1' of freeboard.
  - The drainage area maps do not have a scale shown.
  - The Tc calculations do not include channel flow when the path will obviously be captured by an inlet.

**CITY OF FARMINGTON**  
**TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Hampton Holdings, LLC.

Date: 03/03/20

Project Name: Cedar Crest Subdivision

Engineer/Architect: Morrison Shipley

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Following are **recommendations** from the Technical Plat Review Committee that **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting.** The information must be submitted to the Planning Office before **12 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A narrative addressing each comment must be submitted along with the revised plat.

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Representing: Fire Dept Name: mark Cunningham

I'm concerned about entrance is wide enough for  
fire trucks to turn on walnut and Dogwood streets.  
fire hydrants no further than 500' in between.

Received By: \_\_\_\_\_

**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Hampton Holdings, LLC

Date: 3-3-2020

Project Name: Cedar Crest Subdivision

Engineer/Architect: Morrison Shipley

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Representing: City of Farmington Name: Melissa McCarville

1. Engineering fees will accumulate as the development continues. We will bill the engineer or the developer monthly.
2. Adjacent property owners must be notified by certified mail; receipts should be submitted by one week prior to the Planning Commission meeting.
3. An advertisement regarding plan for change in zoning should be in the paper no later than 10 days prior to the planning commission meeting. Proof of publication must be provided when it is available.
4. The revised plan must be submitted by next Tuesday, March 10<sup>th</sup> by noon. The City requires 15 copies for planning commission. However, I'm not sure the Planning Commission needs all the sheets presented for today. I'd like to talk with you about what is really needed for the purpose of planning commission.
5. A revised copy and drainage plan should be delivered directly to Chris Brackett at his office.
6. If the development will be phased, a phasing plan for the entire property should be submitted.
7. If approved at Planning Commission this will go to the City Council on April 13<sup>th</sup>. The zoning change is not approved until after that meeting.

**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Hampton Holdings, LLC.

Date: 03/03/20

Project Name: Cedar Crest Subdivision

Engineer/Architect: Morrison Shipley

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Following are **recommendations** from the Technical Plat Review Committee that **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting.** The information must be submitted to the Planning Office before **12 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A narrative addressing each comment must be submitted along with the revised plat.

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Representing: City of Fayetteville Name: Josh Boccaccio

1. Provide analysis of lift station capacity and down stream capacity of sewer system at "pinch point". Depending on results upgrades may be necessary.
2. Improvements to W Woolsey Farm Rd shall consist of curb, gutter, sidewalk, and storm infrastructure where needed. Improvements within City of Fayetteville right-of-way must meet requirements outlined within the City of Fayetteville Minimum Street Standards.
3. A grading permit must be submitted to the City of Fayetteville Engineering Division for comprehensive construction level review of the water/sewer utilities within the City of Fayetteville service area and improvements within City of Fayetteville right-of-way.
4. City of Fayetteville 2017 Water and Sewer Specifications will apply.
5. There must be at least 2 connection points to the water system for this development. These points must be separated by a valve. If none are present between the connection points an in-line valve must be installed.
6. Provide a study of drainage capacity of the existing drainage infrastructure near the intersection of W Woolsey Farm Rd and S 54th Ave.

Received By: \_\_\_\_\_

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Cedar Crest Subd.



Date: 02/25/2020

City: Fayetteville

Subdivision Name: Cedar Crest

General Comments:

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed the subdivision will be at full cost to the developer.
  2. All lot corners must be marked with stakes clearly identifying the lot number and all utility easement widths and road crossing requirements will be defined on the plat before Ozarks will begin construction.
  3. All off site easements that are needed for Ozarks to extend electrical service to the subdivision property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
  4. All conduits placed for the road crossings will be installed by the developer and must be 4 inch schedule 40 conduits at 48 inch in depth at final grade and marked with a post to identify the end of conduits. Conduits must extend past the edge of any obstructions so that they are accessible during construction. The number of conduits at the crossing will be determined by each utility provider that will be using the conduits at the road crossing. (Bare minimum of 5 Pipes)
  5. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat. All conduits for road crossings and specific widths of U.E., Lot size, St. Light location and address to Lots must be shown on final plat before Ozarks Electric will sign the final plat.
  6. Subdivisions will be built using Ozarks Electric Policy 45 (Developer is responsible for a percentage of the total cost of construction which is determined at the time the engineering design for electrical service) There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
  9. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
  10. Developer must notify Staking Tech. if they are interested in Ozarks Street Lights or if they will be installing their own. If interested in Ozarks Street Light a picture will be provided if asked. Will need St. Light location on final plat. If developer decide to go with their own contact Cooperative representative below.
  11. Please contact Ozarks Electric when construction begins on subdivision and again when construction is within three months of completion.
- Wes Mahaffey At (479)263-2167 or [wmahaffey@ozarksecc.com](mailto:wmahaffey@ozarksecc.com)

Additional Comments:

**CITY OF FARMINGTON**  
**TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Hampton Holdings, LLC.

Date: 03/03/20

Project Name: Cedar Crest Subdivision

Engineer/Architect: Morrison Shipley

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Following are **recommendations** from the Technical Plat Review Committee that **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting.** The information must be submitted to the Planning Office before **12 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A narrative addressing each comment must be submitted along with the revised plat.

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**Representing: PGTelco / Zing Broadband**

Name: Shane Bell

Phone: 479-841-0980

Email: [sbell@pgtc.com](mailto:sbell@pgtc.com)

Using the easement request map that is being submitted by Ozarks Electric, I have added two additional requests:

- 1) Minimum 15' utility easement along the South boundary of the detention pond/park area.
- 2) Minimum 15' utility easement along the West boundary of the detention pond/park area.

I have attached a marked up map indicating the request.

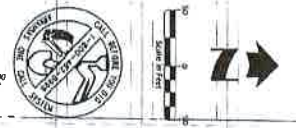
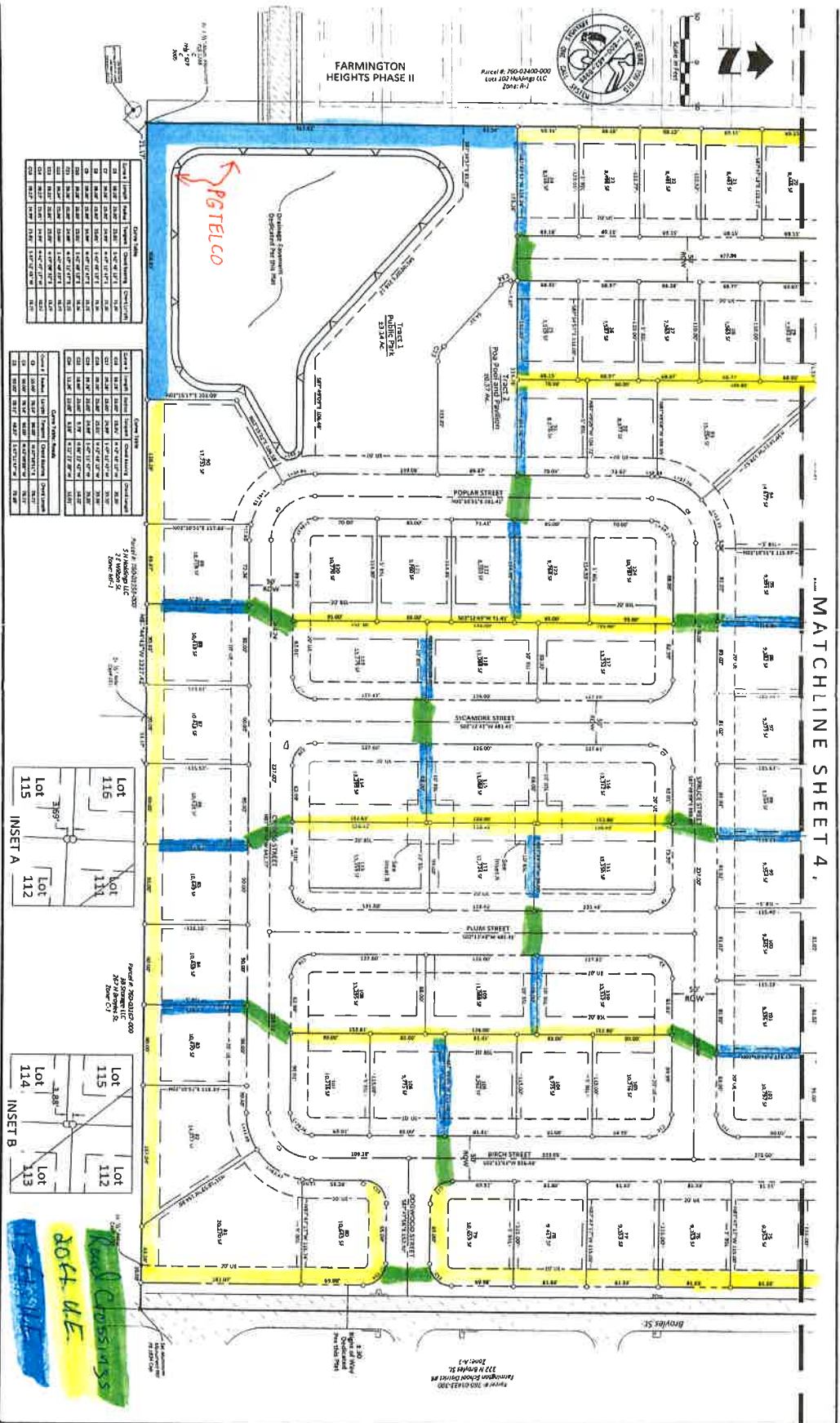
Received By: \_\_\_\_\_





PCTELCO

MATCHLINE SHEET 4



Parcel #: 2020000000  
 Local 202 Holdings LLC  
 Zone: R-7

FARMINGTON HEIGHTS PHASE II

Lot #	Area (sq ft)	Area (sq ft)	Area (sq ft)	Area (sq ft)	Area (sq ft)	Area (sq ft)	Area (sq ft)	Area (sq ft)	Area (sq ft)
110	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00
111	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00
112	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00
113	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00
114	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00
115	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00
116	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00

Lot #	Area (sq ft)	Area (sq ft)	Area (sq ft)	Area (sq ft)	Area (sq ft)	Area (sq ft)	Area (sq ft)	Area (sq ft)	Area (sq ft)
110	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00
111	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00
112	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00
113	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00
114	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00
115	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00
116	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00	1,175.00

**MORRISON SHIPLEY**

2401 N. CANTONWOOD STREET • MEMPHIS, TN 37115 • 901.271.2999 • MORRISONSHIPLEY.COM

**FOR REVIEW**

Prepared by: [Signature]

Checked by: [Signature]

Date: 02/18/2020

**CEDAR CREST**

Farmington, Washington County, Arkansas

**PRELIMINARY PLAT**

Issued for Review - 02/18/2020

Sheet No: **5** of **13**

Red Crossings

Soft UE

Blue

Cedar Crest Subd.



Date: 02/25/2020

City: Fayetteville

Subdivision Name: Cedar Crest

General Comments:

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed the subdivision will be at full cost to the developer.
2. All lot corners must be marked with stakes clearly identifying the lot number and all utility easement widths and road crossing requirements will be defined on the plat before Ozarks will begin construction.
3. All off site easements that are needed for Ozarks to extend electrical service to the subdivision property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. All conduits placed for the road crossings will be installed by the developer and must be 4 inch schedule 40 conduits at 48 inch in depth at final grade and marked with a post to identify the end of conduits. Conduits must extend past the edge of any obstructions so that they are accessible during construction. The number of conduits at the crossing will be determined by each utility provider that will be using the conduits at the road crossing. (Bare minimum of 5 Pipes)
5. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat. All conduits for road crossings and specific widths of U.E., Lot size, St. Light location and address to Lots must be shown on final plat before Ozarks Electric will sign the final plat.
6. Subdivisions will be built using Ozarks Electric Policy 45 (Developer is responsible for a percentage of the total cost of construction which is determined at the time the engineering design for electrical service) There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
9. All Utility Easements to be **cleared of all trees, brush, dirt piles, buildings and debris** so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
10. Developer must notify Staking Tech. if they are interested in Ozarks Street Lights or if they will be installing their own. If interested in Ozarks Street Light a picture will be provided if asked. Will need St. Light location on final plat. If developer decide to go with their own contact Cooperative representative below.
11. Please contact Ozarks Electric when construction begins on subdivision and again when construction is within three months of completion.

Wes Mahaffey At (479)263-2167 or [wmahaffey@ozarksecc.com](mailto:wmahaffey@ozarksecc.com)

Additional Comments:



02ar1cs



# FARMINGTON HEIGHTS PHASE II



**LEGEND**

- 1. Boundary Line
- 2. Adjacent Boundary Line
- 3. Right of Way Line
- 4. Easement Line
- 5. Right of Way
- 6. Right of Way
- 7. Right of Way
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- 99. Right of Way
- 100. Right of Way

**PROPERTY DATA**

Lot	Area	Volume	Value
1	1.23	1.23	1.23
2	1.23	1.23	1.23
3	1.23	1.23	1.23
4	1.23	1.23	1.23
5	1.23	1.23	1.23
6	1.23	1.23	1.23
7	1.23	1.23	1.23
8	1.23	1.23	1.23
9	1.23	1.23	1.23
10	1.23	1.23	1.23
11	1.23	1.23	1.23
12	1.23	1.23	1.23
13	1.23	1.23	1.23
14	1.23	1.23	1.23
15	1.23	1.23	1.23
16	1.23	1.23	1.23
17	1.23	1.23	1.23
18	1.23	1.23	1.23
19	1.23	1.23	1.23
20	1.23	1.23	1.23
21	1.23	1.23	1.23
22	1.23	1.23	1.23
23	1.23	1.23	1.23
24	1.23	1.23	1.23
25	1.23	1.23	1.23
26	1.23	1.23	1.23
27	1.23	1.23	1.23
28	1.23	1.23	1.23
29	1.23	1.23	1.23
30	1.23	1.23	1.23
31	1.23	1.23	1.23
32	1.23	1.23	1.23
33	1.23	1.23	1.23
34	1.23	1.23	1.23
35	1.23	1.23	1.23
36	1.23	1.23	1.23
37	1.23	1.23	1.23
38	1.23	1.23	1.23
39	1.23	1.23	1.23
40	1.23	1.23	1.23
41	1.23	1.23	1.23
42	1.23	1.23	1.23
43	1.23	1.23	1.23
44	1.23	1.23	1.23
45	1.23	1.23	1.23
46	1.23	1.23	1.23
47	1.23	1.23	1.23
48	1.23	1.23	1.23
49	1.23	1.23	1.23
50	1.23	1.23	1.23
51	1.23	1.23	1.23
52	1.23	1.23	1.23
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54	1.23	1.23	1.23
55	1.23	1.23	1.23
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60	1.23	1.23	1.23
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62	1.23	1.23	1.23
63	1.23	1.23	1.23
64	1.23	1.23	1.23
65	1.23	1.23	1.23
66	1.23	1.23	1.23
67	1.23	1.23	1.23
68	1.23	1.23	1.23
69	1.23	1.23	1.23
70	1.23	1.23	1.23
71	1.23	1.23	1.23
72	1.23	1.23	1.23
73	1.23	1.23	1.23
74	1.23	1.23	1.23
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76	1.23	1.23	1.23
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78	1.23	1.23	1.23
79	1.23	1.23	1.23
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81	1.23	1.23	1.23
82	1.23	1.23	1.23
83	1.23	1.23	1.23
84	1.23	1.23	1.23
85	1.23	1.23	1.23
86	1.23	1.23	1.23
87	1.23	1.23	1.23
88	1.23	1.23	1.23
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90	1.23	1.23	1.23
91	1.23	1.23	1.23
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93	1.23	1.23	1.23
94	1.23	1.23	1.23
95	1.23	1.23	1.23
96	1.23	1.23	1.23
97	1.23	1.23	1.23
98	1.23	1.23	1.23
99	1.23	1.23	1.23
100	1.23	1.23	1.23

**MORRISON SHIPLEY**

FOR REVIEW

**CEDAR CREST**

Farmington, Washington County, Arkansas

**PRELIMINARY PLAT**

Issued for Review - 02/18/2020

4

13

Road Crossings

20ft. W.E.

10ft. W.E. to all street lights

2/25/2020

Panel # 202-0211-200

02/18/2020

2020

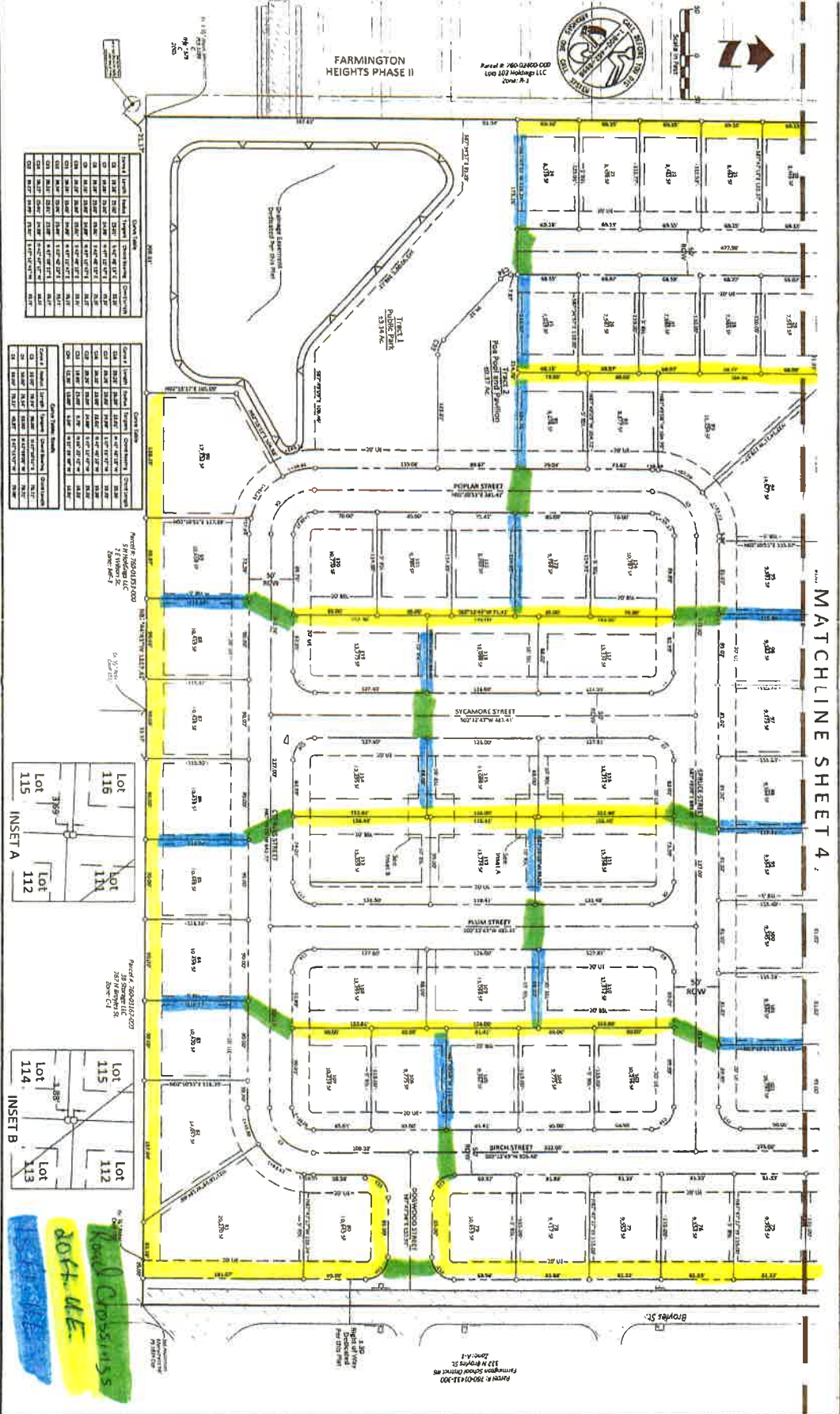
Panel # 202-0211-200

02/18/2020

2020

020415

MATCHLINE SHEET 4



Lot	Area	Volume	Weight	Percentage
111	1,000	100	100	100%
112	1,000	100	100	100%
113	1,000	100	100	100%
114	1,000	100	100	100%
115	1,000	100	100	100%
116	1,000	100	100	100%

Lot	Area	Volume	Weight	Percentage
111	1,000	100	100	100%
112	1,000	100	100	100%
113	1,000	100	100	100%
114	1,000	100	100	100%
115	1,000	100	100	100%
116	1,000	100	100	100%

Lot	Area	Volume	Weight	Percentage
111	1,000	100	100	100%
112	1,000	100	100	100%
113	1,000	100	100	100%
114	1,000	100	100	100%
115	1,000	100	100	100%
116	1,000	100	100	100%

Lot	Area	Volume	Weight	Percentage
111	1,000	100	100	100%
112	1,000	100	100	100%
113	1,000	100	100	100%
114	1,000	100	100	100%
115	1,000	100	100	100%
116	1,000	100	100	100%

Lot	Area	Volume	Weight	Percentage
111	1,000	100	100	100%
112	1,000	100	100	100%
113	1,000	100	100	100%
114	1,000	100	100	100%
115	1,000	100	100	100%
116	1,000	100	100	100%

Lot	Area	Volume	Weight	Percentage
111	1,000	100	100	100%
112	1,000	100	100	100%
113	1,000	100	100	100%
114	1,000	100	100	100%
115	1,000	100	100	100%
116	1,000	100	100	100%

Lot	Area	Volume	Weight	Percentage
111	1,000	100	100	100%
112	1,000	100	100	100%
113	1,000	100	100	100%
114	1,000	100	100	100%
115	1,000	100	100	100%
116	1,000	100	100	100%

Lot	Area	Volume	Weight	Percentage
111	1,000	100	100	100%
112	1,000	100	100	100%
113	1,000	100	100	100%
114	1,000	100	100	100%
115	1,000	100	100	100%
116	1,000	100	100	100%

**MORRISON SHIPLEY**

3402 W. COTTAGEWOOD STREET • NATIONAL, LA 70711 • 478.593.2800 • HOMESERVICE.COM

**FOR REVIEW**

CDP  
 01/28/2020  
 01/28/2020  
 01/28/2020

**CEDAR CREST**

Farmington, Washington County, Arkansas

**PRELIMINARY PLAT**

Issued for Review - 02/18/2020

**5**

**13**

Handwritten notes: "Crossings", "20ft. W.E.", "10ft. W.E."





# MORRISON SHIPLEY

March 10, 2020

City of Farmington

Re: Cedar Crest Subdivision  
City 1<sup>st</sup> Submittal Comments Response

The following are MSE's responses that correspond to the respective comments based on the department or person that made the comment.

## Engineering – Mr. Christopher Brackett

1. Understood that each item has to be addressed and this narrative is being provided in response to this comment.
2. A wetland delineation has not been performed since based on the USFW Wetland Mapper no potential wetlands or water of the state were indicated on the subject property.
3. Noted and as mentioned below under Judy Horn's comments we will discuss this with Planning Commission.
4. Based on our discussion at tech review, it is our understanding that if the property is dedicated that this requirement will go away since it will be public land. If the city does not accept the dedication, we will ensure that road is within dedicated R/W.
5. Concrete trickle channels have been added to the northwest detention basin.
6. A handicap ramp will be added to the northeast corner at the intersection of 54<sup>th</sup> and Broyles.
7. Currently working with the City of Fayetteville on required road improvements to 54<sup>th</sup>. We will show improvements on the Construction Plans that we submit for review.
8. Have updated the sidewalk to show the connection to the future sidewalk from Farmington Heights
9. Drainage Report
  - a. In our initial review of the Farmington Drainage manual we did not find anything stating 1' of freeboard, however, did find that structures must be 2' above and 20' from the 100yr WSE. We planned to call out FFEs around the detention basins to ensure they were built at least 2' above top of ponds.
  - b. Drainage area maps have been updated to have a scale.
  - c. The Tc Calculations have been updated to include channel flow in the storm system.

## Fire Dept – Mark Cunningham

1. The medians in Walnut and Dogwood have both been shifted further away from Broyles as well as called out to have mountable curb to help with fire access to the subdivision.

**Planning – Melissa McCarville**

1. Noted and Developer is aware.
2. Certified Mail has been sent out and receipts should be provided with the 2<sup>nd</sup> submittal.
3. Advertisement has been scheduled and proof will be provided.
4. Provided 2<sup>nd</sup> submittal and one consolidated sheet as discussed.
5. A revised copy of the PUD submittal and drainage report has been prepared and will be delivered to Chris directly.
6. This project will not be phased.
7. Noted

**Mrs. Judy Horn**

1. We understand that we will discuss with PC if the retention pond will be accepted as a part of the park land dedication since it will retain water and have a trail around it to serve as an amenity for the park. The retention pond will have a “safety bench” just under the water surface to provide safety to the public.

**City of Fayetteville – Josh Boccaccio**

1. Coordinating analysis of Lift Station with Corey Granderson.
2. Coordinating road improvements with Josh.
3. Noted
4. Noted
5. Proposing to connect water supply along Broyles and again off of 54<sup>th</sup>.
6. Will provide drainage study with Final Drainage report.

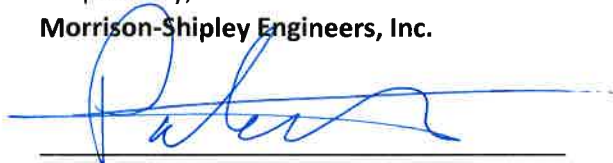
**Ozark Electric – Wes Mahaffey**

1-11. Noted all General Comments. Also, MSE received the marked-up utility easement layout that both Ozark Electric and PGTelco provided and developer is in agreement to providing all proposed UEs and road crossings.

**PGTelco/Zing Broadband – Shane Bell**

1. Will provide requested easements
2. Will provide requested easements

Respectfully,  
**Morrison-Shipleigh Engineers, Inc.**



---

Patrick Foy, PE  
Project Manager

7019 1120 0001 3966 7362

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55  
Total \$6.95



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113 W Mountain Str  
Fayetteville, AR 72701

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Extra Services & Fees (check box, add fee as appropriate)	\$2.85
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55  
Total P \$6.95



Sent To: Farmington School District #6  
42 S Double Springs Rd  
Farmington, AR 72730

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PS Form 3800, April 2019 Edition See reverse for instructions

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55  
Total P \$6.95



Sent To: City of Farmington  
PO Box 150  
Farmington, AR 72730

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7019 1120 0001 3966 7409

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FARMINGTON, AR 72730

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55  
Total P \$6.95



Sent To: Joey Alderson  
108 E Pheasant Dr.  
Farmington, AR 72730

HHL

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7019 1120 0001 3966 7393

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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BENTONVILLE, AR 72712

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55  
Total P \$6.95



Sent To: 3B Storage LLC  
PO Box 2053  
Bentonville AR 72712

HHL

PS Form 3800, April 2019 Edition See reverse for instructions

7019 1120 0001 3966 7386

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

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FAYETTEVILLE, AR 72701

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55  
Total P \$6.95



Sent To: SH Holdings LLC  
1063 N Valley Dr  
Fayetteville AR 72701

HHL

PS Form 3800, April 2019 Edition See reverse for instructions



7019 1120 0001 3966 7416

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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FARMINGTON, AR 72730

OFFICIAL USE

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55

Total \$6.95

Sent to: **Lots 102 Holdings**  
Street: **PO Box 1496**  
City, State: **Farmington AR 72703**



HHL

7019 1120 0001 3966 7423

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

SPRINGDALE, AR 72764

OFFICIAL USE

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55

Total \$6.95

Sent to: **Pitts Eldest Trust**  
Street at: **2790 S. Thompson Str**  
City, State: **Springdale AR 72764**



HHL

## NOTICE OF PUBLIC HEARING

A petition for a **Planned Unit District/Preliminary Plat** for the property as described below has been filed with the City of Farmington on the **18<sup>th</sup>** day of **February**, 2020.

### **Legal Description:**

The Northwest Quarter of the Northeast Quarter, Section 23, Township 16 North, Range 30 West of the Fifth Principal Meridian, all in Washington County, Arkansas.

The 40.40-acre tract located at the southwest corner of W Woolsey Farm Rd (N 54<sup>th</sup> Ave) and N Broyles Ave is being proposed to be a residential subdivision that includes Single-Family, Duplex, and Townhome units.

A public hearing to consider this **Planned Unit District/Preliminary Plat** will be held on the **23<sup>rd</sup>** day of **March**, 2020, at six o'clock p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All parties interested in this matter may appear and be heard at said time and place; or may notify the Planning Commission of their views on this matter by letter. All persons interested in this request are invited to call or visit the City Business Manager at City Hall, 354 W. Main, 479-267-3865



**Legend**  
🏡 Jerry Williams Elementary

Subject Property



Google Earth

# Agenda Item 4. D



# City of Farmington, Arkansas Application for Variance/Waiver



Please fill out this form completely, supply all necessary information to support your request. Your application will not be placed on the agenda for Planning Commission/Board of Adjustment until all information is furnished.

Applicant: Brad Smith Day phone: 479-601-1757  
Address: PO Box 1194, Fayetteville, AR Fax: \_\_\_\_\_  
Representative: Bates & Associates, Inc. Day phone: 479-442-9350  
Address: 7230 S. Pleasant Ridge Dr, Fayetteville, AR Fax: \_\_\_\_\_  
Property Owner: Cedar Mountain Properties, LLC Day phone: 479-601-1757  
Address: PO Box 1194, Fayetteville, AR Fax: \_\_\_\_\_

Indicate where the correspondence shall be sent (circle one): Applicant Representative Owner

Describe Proposed Property In Detail (Attach additional pages if necessary)

Property description: Southwinds Drive, Southeast of DTS Plaza, Northwest of The Meadow SD Phase 1  
Site address: Southwinds Drive, Farmington, AR  
Current zoning: C-1 *Bristol Commons*

Attach legal description and site plan (a scaled drawing of the property showing accurate lot lines, surrounding zoning, adjacent owners and a north arrow is required.) Attach photos if they are helpful in describing your request.

Type of variance requested and reason for request:

The Applicant is requesting a variance from the required number of parking spaces. Because the use of the individual units is currently unknown, the required spaces total 1/200 sq. ft. of gross floor area. Due to limited space on this site, and the fact that it is unlikely that the ultimate use of all proposed units would require 1 space per 200 sq. ft. per code, the Applicant is requesting a reduction from 109 required spaces to 93 spaces. Additionally, the addition of 17 more parking spaces would increase the impermeable area of this site, and contribute to the heat-island effect created by large areas of paved surfaces.

Responsibilities of the Applicant:

1. Complete application and pay a \$25.00 application fee.
2. Provide a copy of the deed for the property. If the property is rented, provide written permission from the owner that the variance is allowable.
3. Written authorization from the property owner if someone other than the owners will be representing the request.
4. Publish the following notice in a newspaper of general circulation in the City no later than 7 days prior to the meeting, A copy of the proof of publication from the newspaper must be provided to the City 3 days before the meeting:

**NOTICE OF PUBLIC MEETING**

A petition for a variance at the property described below has been filed with the City of Farmington on the 10th day of March, 2020.

**PLACE LEGAL DESCRIPTION HERE AND DESCRIPTION OF THE VARIANCE HERE**

A public meeting to consider this request for variance at the above described property will be held on 23rd day of March, 2020, at 6:00 p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All interested persons are invited to attend.

Applicant/Representative: *I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incomplete, incorrect or false information is grounds for invalidation of the application. I understand that the City of Farmington may not approve my application or may set conditions on approval.*

*Geoffrey H Bates* Date 3/10/2020  
Applicant Signature

Property Owner/Authorized Agent: *I certify under penalty of perjury that I am the owner of the property that is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating the agent is authorized to act on their behalf.)*

*Thomas B Smith* Date 3-10-2020  
Owner/Agent Signature

# RECEIPT

DATE 3-10-20

No. 217172

RECEIVED FROM Bates & Assoc.

\$ 25.00

Twenty five & no/100 DOLLARS

FOR RENT  
 FOR Variance Parking at Bristol Commons

*ck #  
25.00*

ACCOUNT	
PAYMENT	<u>2500</u>
BAL. DUE	<u>0</u>

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM \_\_\_\_\_ TO \_\_\_\_\_

BY D. Coleman

**File# 2018-00001024**

After recording please return to:  
Waco Title Company  
2592 S. 48th St.  
Springdale, AR 72762

**WARRANTY DEED  
(LLC)**

File #: 1712985-131

**KNOW ALL MEN BY THESE PRESENTS:**

That, **Eagle Holdings, LLC**, an Arkansas limited liability company, hereinafter called GRANTOR(S), for and in consideration of the sum of ---ONE AND 00/100--- DOLLAR---(\$1.00)---and other good and valuable consideration, in hand paid by **Cedar Mountain Properties, LLC**, an Arkansas limited liability company, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto **Cedar Mountain Properties, LLC**, an Arkansas limited liability company, hereinafter called GRANTEE(S), and unto its successors and assigns forever, the following described lands lying in **Washington County, Arkansas** to-wit:

**SEE ATTACHED EXHIBIT "A"**

**TO HAVE AND TO HOLD** the same unto the said Grantee(s) and unto its successors and assigns forever, with all appurtenances thereunto belonging. And the Grantor(s) hereby covenants with said Grantee(s) that it will forever warrant and defend the title to the said lands against all claims whatsoever.

Prepared under the supervision of  
Brian Blackman, Attorney  
2592 S. 48<sup>th</sup> St.  
Springdale, AR. 72762

151-GRANDMA



EXHIBIT "A"

A PART OF BLOCK 3 OF FARMINGTON COMMERCIAL CENTER PHASE I AS PER FINAL PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EXOFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF SAID BLOCK 3, THENCE N 33 DEGREES 11' 56" W, 335.31 FEET; THENCE N 56 DEGREES 09' 00" E, 300.02 FEET; THENCE N 59 DEGREES 51' 44" E, 51.77 FEET; THENCE S 09 DEGREES 30' 00" E, 365.00 FEET, THENCE S 50 DEGREES 28' 35" E, 365.97 FEET; THENCE S 56 DEGREES 45' 41" W, 313.69 FEET; THENCE N 33 DEGREES 11' 56" W, 347.94 FEET TO THE POINT OF BEGINNING, CONTAINING 4.23 ACRES, MORE OR LESS.

LESS & EXCEPT: A PART OF BLOCK 3 OF FARMINGTON COMMERCIAL CENTER PHASE I, AS PER THE FINAL PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING IRON AT THE SW CORNER OF SAID BLOCK 3, SAID POINT BEING ON THE NORTHEASTERLY RIGHT-OF-WAY OF SOUTHWINDS ROAD; THENCE N 33 DEGREES 09' 31" W ALONG THE WEST LINE OF SAID BLOCK 3 AND THE NORTHEASTERLY RIGHT-OF-WAY OF SAID ROAD 335.34 FEET TO AN EXISTING IRON; THENCE LEAVING SAID RIGHT-OF-WAY AND THE WEST LINE OF SAID BLOCK 3, N 56 DEGREES 11' 42" E, 300.00 FEET TO AN EXISTING IRON, THENCE N 59 DEGREES 54' 04" E, 51.86 FEET TO AN EXISTING IRON; THENCE S 09 DEGREES 26' 37" E, 365.05 FEET TO AN EXISTING IRON; THENCE S 56 DEGREES 21' 29" W, 204.96 FEET TO THE POINT OF BEGINNING, SAID EXCEPTED TRACT CONTAINING 2.15 ACRES MORE OR LESS

AND,

A PART OF BLOCK 4 OF FARMINGTON COMMERCIAL CENTER PHASE I, A SUBDIVISION IN THE CITY OF FARMINGTON, WASHINGTON COUNTY, ARKANSAS, AND A PART OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF THE SW 1/4 NW 1/4 OF SAID SECTION 26, THENCE S89°56'35"E, 1319.20 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE EAST BOUNDARY OF THE MEADOWS SUBDIVISION PHASE I AS FOLLOWS: N00°02'12"E 9.71 FEET; THENCE N22°54'00"W 124.84 FEET; THENCE N29°06'00"W 165.30 FEET; THENCE N50°09'00"W 394.40 FEET; THENCE N30°22'00"W 52.80 FEET; THENCE N29°48'00"W 117.30 FEET; THENCE N63°38'00"W 153.10 FEET; THENCE S82°56'48"W 45.35 FEET; THENCE THROUGH A PORTION OF FARMINGTON COMMERCIAL CENTER PHASE I AS FOLLOWS: N50°28'35"W 365.97 FEET; THENCE N09°30'00"W 365.00 FEET; THENCE EAST 180.97 FEET; THENCE ALONG THE EAST BOUNDARY OF FARMINGTON COMMERCIAL CENTER PHASE I SOUTH 230.33 FEET; THENCE ALONG THE WEST LINE OF SOUTH HAVEN SUBDIVISION PHASE I, S50°28'35"E 148.83 FEET; THENCE S89°55'47"E 251.39 FEET; THENCE ALONG THE WEST LINE OF SOUTH HAVEN SUBDIVISION PHASE 2, S00°04'10"W 226.32 FEET; THENCE S50°28'35"E 163.15 FEET; THENCE S89°55'50"E 44.02 FEET; THENCE S00°04'10"W 80.00 FEET; THENCE S89°55'50"E 130.00 FEET; THENCE S00°04'10"W 53.19 FEET; THENCE ALONG A CURVE TO THE LEFT 54.63 FEET, SAID CURVE HAVING A RADIUS OF 100.00 FEET AND A LONG CHORD BEARING S15°34'48"E 53.95 FEET; THENCE S31°13'46"E 357.39 FEET; THENCE ALONG A CURVE TO THE LEFT 66.46 FEET, SAID CURVE HAVING A RADIUS OF 100.00 FEET AND A LONG CHORD BEARING S50°16'08"E 65.24 FEET; THENCE S22°00'00"W 147.07 FEET TO THE POINT OF BEGINNING, CONTAINING 5.80 ACRES, MORE OR LESS.

LESS AND EXCEPT: ANY PORTION OF THE ABOVE DESCRIBED PROPERTY CONTAINED IN LOTS 23 THRU 31 OF SOUTH HAVEN SUBDIVISION, PHASE III TO THE CITY OF FARMINGTON, WASHINGTON COUNTY, ARKANSAS.

Subject to easements, rights-of-way, and protective covenants of record, if any.  
Subject to all prior mineral reservations and oil and gas leases.



STATE OF ARKANSAS  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
MISCELLANEOUS TAX SECTION  
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

**Real Estate Transfer Tax Stamp**

Proof of Tax Paid



File Number: 1712985-131

**Grantee:** CEDAR MOUNTAIN PROPERTIES, LLC  
**Mailing Address:** PO BOX 1194  
FAYETTEVILLE AR 727020000

**Grantor:** EAGLE HOLDINGS, LLC  
**Mailing Address:** PO BOX 605  
FARMINGTON AR 727300000

**Property Purchase Price:** \$125,000.00  
**Tax Amount:** \$412.50  
**County:** WASHINGTON  
**Date Issued:** 01/09/2018  
**Stamp ID:** 1136545792

Washington County, AR  
I certify this instrument was filed on  
1/10/2018 9:38:23 AM  
and recorded in REAL ESTATE

File# 2018-00001024  
Kyle Sylvester - Circuit Clerk

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): Cedar Mountain Properties, LLC

Grantee or Agent Name (signature): Byrnes Title Agent Date: 1/9/18

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_



## NOTICE OF PUBLIC HEARING

A petition for a Large Scale Development and Variance at the property as described below has been filed with the City of Farmington on the 21st day of January, 2020.

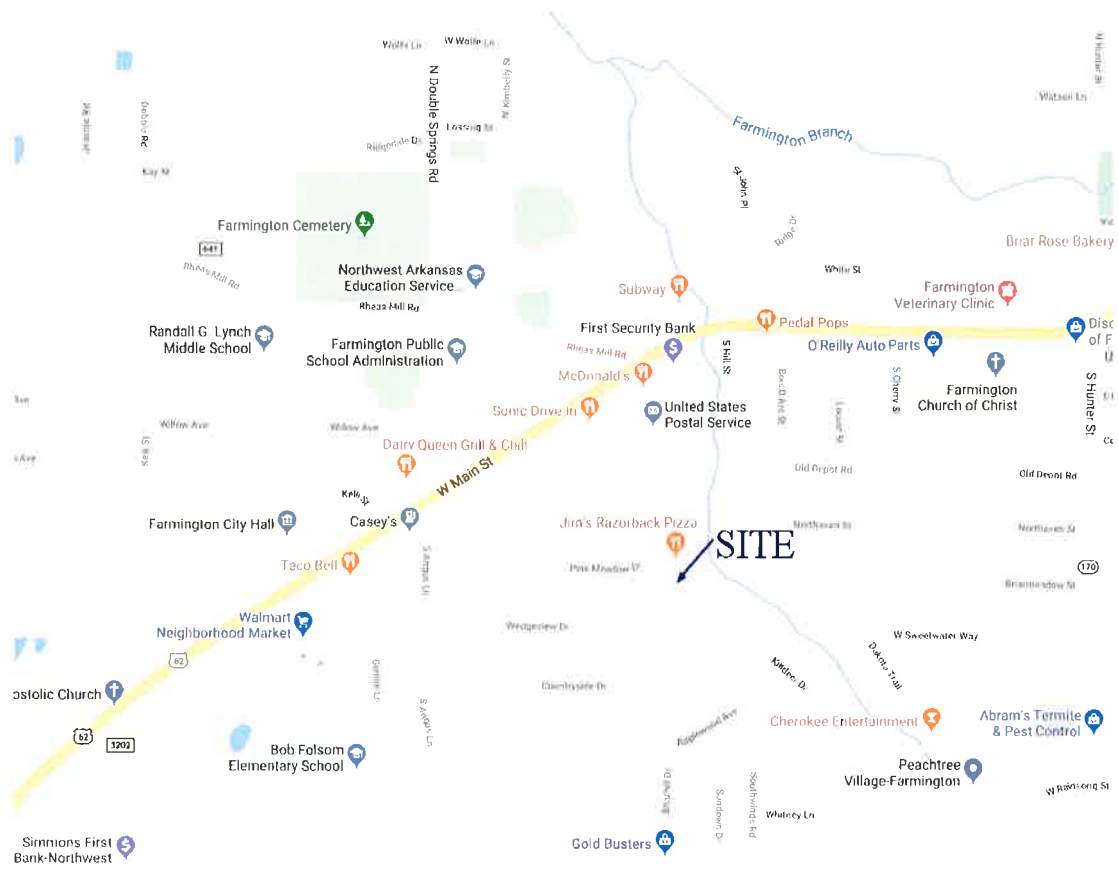
A PART OF BLOCK 3 OF FARMINGTON COMMERCIAL CENTER PHASE I AS PER FINAL PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EXOFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK 3 AND RUNNING THENCE N 33°11'56" W 335.31', THENCE N 56°09'00" E 300.02', THENCE N 59°51'44" E 51.77', THENCE S 09°30'00" E 365.00', THENCE S 50°28'35" E 365.97' THENCE S 56°45'41" W 313.69', THENCE N 33°11'56" W 347.94' TO THE POINT OF BEGINNING, CONTAINING 4.23 ACRES, MORE OR LESS.

LESS & EXCEPT: A PART OF BLOCK 3 OF FARMINGTON COMMERCIAL CENTER PHASE 1, AS PER THE FINAL PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING IRON AT THE SOUTHWEST CORNER OF SAID BLOCK 3, SAID POINT BEING ON THE NORTHEASTERLY RIGHT-OF-WAY OF SOUTHWINDS ROAD, THENCE N 33°09'31" W ALONG THE WEST LINE OF SAID BLOCK 3 AND THE NORTHEASTERLY RIGHT-OF-WAY OF SAID ROAD 335.34' TO AN EXISTING IRON, THENCE LEAVING SAID RIGHT-OF-WAY AND WEST LINE OF SAID BLOCK 3 N 56°11'42" E 300.00' TO AN EXISTING IRON, THENCE N 59°54'40" E 51.86' TO AN EXISTING IRON, THENCE S 09°26'37" E 365.05' TO AN EXISTING IRON, THENCE S 56°21'29" W 204.96' TO THE POINT OF BEGINNING, SAID EXCEPTED TRACT CONTAIN 2.15 ACRES, MORE OR LESS.

Layman's Description:

Southwinds Road, Southeast of DTS Plaza, Northwest of The Meadow SD Phase 1  
Farmington, AR  
(See vicinity map on reverse)

A public hearing to consider this Large Scale Development will be held on the 23<sup>rd</sup> day of March, 2020, at six o' clock p.m. at Farmington City hall, 354 West main, Farmington, Arkansas. All interested persons are invited to attend.



7019 1640 0000 1706 4976

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0202 07

03/12/2020

Postmark

132 KILLBEEB PLACE LLC  
3249 W MT COMFORT RD  
FAYETTEVILLE, AR 72703

PS Form 3800, April 2015 PSN 7530-01-000-9001 See Reverse for Instructions

7019 1640 0000 1706 4965

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0202 07

03/12/2020

Postmark

GUNN PROPERTIES LLC  
Po Box 1703  
FAYETTEVILLE, AR 72703

PS Form 3800, April 2015 PSN 7530-01-000-9001 See Reverse for Instructions

7019 1640 0000 1706 4992

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03/12/2020

Postmark

CEDAR MOUNTAIN  
PROPERTIES LLC  
PO BOX 1194  
FAYETTEVILLE, AR 72702

PS Form 3800, April 2015 PSN 7530-01-000-9001 See Reverse for Instructions

7019 1640 0000 1706 5005

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SPRINGDALE, AR 72753

**OFFICIAL USE**

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0202 07

03/12/2020

Postmark

SOSA PROPERTIES LLC 217 W  
348 SUNSET STE B  
SPRINGDALE, AR 72762

PS Form 3800, April 2015 PSN 7530-01-000-9001 See Reverse for Instructions

7019 1640 0000 1706 4930

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FARMINGTON, AR 72730

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0202 07

03/12/2020

Postmark

RINCON, MARIO BURCIAGA  
187 W CEDARBROOK PL  
FARMINGTON, AR 72730

PS Form 3800, April 2015 PSN 7530-01-000-9001 See Reverse for Instructions

7019 1640 0000 1706 4947

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FARMINGTON, AR 72730

**OFFICIAL USE**

Certified Mail Fee \$3.55

0202 07

03/12/2020

Postmark

HAMPSON, SARA J  
170 COUNTRYSIDE  
FARMINGTON, AR 72730

PS Form 3800, April 2015 PSN 7530-01-000-9001 See Reverse for Instructions

7019 1640 0000 1706 4954

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WEST FORK, AR 72774

**OFFICIAL USE**

Certified Mail Fee \$3.55

0202 07

03/12/2020

Postmark

SMITH, STANLEY W REVOCABLE  
LIVING TRUST  
16977 HOLCOMBE SCHOOL RD  
WEST FORK, AR 72774

PS Form 3800, April 2015 PSN 7530-01-000-9001 See Reverse for Instructions

7019 1640 0000 1706 4963

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FAYETTEVILLE, AR 72701

**OFFICIAL USE**

Certified Mail Fee \$3.55

0202 07

03/12/2020

Postmark

NAGLE, KATHYNA LIVING TRUST  
1561 E HOPE ST  
FAYETTEVILLE, AR 72701

PS Form 3800, April 2015 PSN 7530-01-000-9001 See Reverse for Instructions

7019 1640 0000 1706 4916

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FARMINGTON, AR 72730

**OFFICIAL USE**

Certified Mail Fee \$3.55

0202 07

03/12/2020

Postmark

GRUMMIEG, ROBERT F & LOU ANN  
201 W PINE MEADOW DR  
FARMINGTON, AR 72730-8624

PS Form 3800, April 2015 PSN 7530-01-000-9001 See Reverse for Instructions

7019 1640 0000 1706 4923

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FARMINGTON, AR 72730

**OFFICIAL USE**

Certified Mail Fee \$3.55

0202 07

03/12/2020

Postmark

ASHLEY & THERESA  
190 W CEDARBROOK PL  
FARMINGTON, AR 72730

PS Form 3800, April 2015 PSN 7530-01-000-9001 See Reverse for Instructions

7019 1640 0000 1706 4923

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CERTIFIED MAIL® RECEIPT**  
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For delivery information, visit our website at [www.usps.com](http://www.usps.com)™

FARMINGTON, AR 72730

**OFFICIAL USE**

Certified Mail Fee \$3.55

0202 07

03/12/2020

Postmark

ASHLEY & THERESA  
190 W CEDARBROOK PL  
FARMINGTON, AR 72730

PS Form 3800, April 2015 PSN 7530-01-000-9001 See Reverse for Instructions

7019 1640 0000 1706 4923

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FARMINGTON, AR 72730

**OFFICIAL USE**

Certified Mail Fee \$3.55

0202 07

03/12/2020

Postmark

ASHLEY & THERESA  
190 W CEDARBROOK PL  
FARMINGTON, AR 72730

PS Form 3800, April 2015 PSN 7530-01-000-9001 See Reverse for Instructions

# Agenda Item 4. E

City of Farmington  
Application and Checklist  
Large Scale Development

Please fill out this form completely, supply all necessary information to support your request. Your application will not be placed on the agenda for Technical Plat Review or Planning Commission until all information is furnished.

Applicant: Brad Smith Day Phone: Cell 479-601-1757  
 Address: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Representative: Bates & Associates Day Phone: 442-9350  
 Address: 7230 S. Pleasant ridge dr. Fayetteville Fax: 521-9350  
 Property Owner: Same as applicant Day Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Fax: \_\_\_\_\_

Indicate where correspondence should be sent (circle one): Applicant - Representative - Owner

**Fee:** A non-refundable review fee of **\$500** is required at the time the application is accepted. In the event engineering review fees and costs exceed \$500, the owners and/or developers shall reimburse the City of Farmington for all additional expenses incurred prior to review by the Farmington Planning Commission. In the event the Farmington Planning Commission requires modifications to the large scale development and additional engineering fees and costs are incurred, the owners and/or developers shall reimburse the City of Farmington before the large scale development is resubmitted to the Farmington Planning Commission.

For office use only:

Fee paid \$	Date	Receipt #

Describe Proposed Property In Detail (Attach additional pages if necessary)

Property Description \_\_\_\_\_  
 Site Address -- Southwinds drive, south of Jims Pizza  
 Current Zoning -- C-1  
 Attach legal description \_\_\_\_\_

*Bristol Commons*

**Financial Interests**

The following entities or people have a financial interest in this project:

Brad Smith  
 \_\_\_\_\_  
 \_\_\_\_\_

Applicant/Representative: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incomplete, incorrect or false information is grounds for invalidation of the application. I understand that the City of Farmington may not approve my application or may set conditions on approval.

*[Signature]* Date 1-21-20  
 Applicant Signature

Property Owner/Authorized Agent: I certify under penalty of perjury that I am the owner of the property that is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his behalf.)

*[Signature]* Date 1-21-20  
 Owner/Agent Signature

## LSD/Subdivision Application Checklist:

	Yes	No	N/A, why?
1. Completed application form which includes: name and address of person preparing application, name and address of property owner, including written, notarized documentation to verify that the applicant has permission to locate on property, zoning district, size of property, postal address and tax parcel number.	✓		
2. Payment of application fee.	✓		
3. A descriptive statement of the objective(s) for the new facility or material modification and the need for the type of facility and/or capacity requirements.	✓		
4. Fifteen (15) copies of the site plan <b>folded</b> to a size of no greater than 10" X 10 ½ ".	✓		
5. List of adjacent property owners and copy of notification letter sent. *	✓		
6. White receipts from post office and green cards from registered letters (at least 7 days prior to the meeting).			will provide to city once mailed
7. Proof of publication of public hearing notice, should be published a minimum of 10 days prior to planning commission meeting (proof must be provided at least 7 days prior to the meeting).			will provide to city when notice published
<b>The Following Shall Appear on the Site Plan:</b>			
1. Names, addresses and telephone numbers of the record owners, applicant, surveyor, architect, engineer and person preparing the plat.	✓		
2. Names, addresses and property lines and zoning of all property owners adjacent to the exterior boundaries of the project including across streets and rights of way shall be located at the general location of their property.*	✓		
3. North arrow, graphic scale, acreage, date of preparation, zoning classification and proposed use.	✓		
4. Complete and accurate legend.	✓		
5. Title block located in the lower right hand corner indicating the name and type of project, scale, firm or individual preparing drawings, date and revision.	✓		
6. Note regarding wetlands determination, if any. Note if Army Corps of Engineers determination is in progress.	✓		
7. Written legal description. (If the project is in more than one tract the legal for each individual tract must be provided.)	✓		
8. P.O.B. from a permanent well-defined reference point, P.O.B. must be clearly labeled.	✓		
9. Clear representation of the FEMA Designated 100-year Floodplain and or Floodway and base flood elevations. Reference the FIRM panel number and effective date and the Corps of Engineers Flood Hazard Study.	✓		
10. Status of regulatory permits:			
a. NPDES Storm water Permit			will provide with grading
b. 404 Permit			not required
c. Other			
11. Provide a benchmark, clearly defined with a precision of 1/100 <sup>th</sup> of a foot. This benchmark must be tied to NAVD 88 datum; Benchmarks include but are not limited to, the following: fire hydrant, manhole rim, drainage structure	✓		



abutment, etc.			
12. Spot elevations at grade breaks along the flow line of drainage swales.	✓		
13. A general vicinity map of the project at a scale of 1" = 2000'	✓		
14. The location of all existing structures. Dimensions of buildings and setbacks from the building to property lines.	✓		
15. Street right-of-way lines clearly labeled. The drawing shall depict any future ROW needs as determined by the AHTD and/or Master Street Plan. Future ROW as well as existing ROW and center lines should be shown and dimensioned.	✓		
16. Existing topographic information with source of the information noted. Show:	✓		1' contours provided
a. Two foot contour for ground slope between level and ten percent.			
b. Four foot contour interval for ground slope exceeding 10%.			
17. Preliminary grading plan.			
<b>Existing Utilities and Drainage Improvements (Copy of the <u>Drainage Criteria Manual</u> can be obtained from the City of Farmington)</b>			
1. Show all known on site and off-site existing utilities, drainage improvements and easements (dimensioned) and provide the structures, locations, types and condition and note them as "existing" on the plat.	✓		
2. Existing easements shall show the name of the easement holder, purpose of the easement, and book and page number for the easement. If an easement is blanket or indeterminate in nature, a note to this effect should be placed on the plan.	✓		
<b>Proposed Utilities</b>			
1. Regarding all proposed storm sewer structures and drainage structures:	✓		
a. Provide structure location and types.	✓		
b. Provide pipe types and sizes.	✓		
2. Regarding all proposed sanitary sewer systems	✓		
a. Provide pipe locations, sizes and types.	✓		
b. Manhole locations.	✓		
3. Note the occurrence of any previous sanitary sewer overflow problems on-site or in the proximity of the site	✓		
4. If a septic system is to be utilized, note that on the plat. Show the location and test data for all percolation tests.		✓	
5. Regarding all proposed water systems on or near the site:			
a. Provide pipe locations, sizes and types.	✓		
b. Note the static pressure and flow of the nearest hydrant.			requested from city
c. Show the location of proposed fire hydrants, meters, valves, backflow preventers and related appurtenances.	✓		
6. All proposed underground or surface utility lines if determined: (this category includes but is not limited to telephone, electrical, natural gas and cable.)	✓		
a. Locations of all related structures.	✓		
b. Locations of all lines above and below ground.	✓		
c. A note shall be placed where streets will be placed under the existing overhead facilities and the	✓		



approximate change in the grade for the proposed street.			
7. The width, approximate locations and purposes of all proposed easements or rights-of-way for utilities, drainage, sewers, flood control, ingress/egress or other public purposes within and adjacent to the project.	✓		
<b>Proposed and Existing Streets, Rights-of –way and Easements</b>			
1. The location, widths and names (avoid using first names of people for new streets) of all exiting and proposed streets, allies, paths and other rights-of-way, whether public or private within and adjacent to the project; private easements within and adjacent to the project; and the centerline curve data; and all curb return radii. Private streets shall be clearly identified and named.	✓		
2. A layout of adjoining property sufficient detail to show the affect of proposed and existing streets (including those on the master street plan), adjoining lots and off-site easements. This information can be obtained from the Master Street Plan.	✓		
3. The location of all existing and proposed street lights (at every intersection, cul-de-sac and every 300 feet, and associated easements to serve each light.)	✓		
<b>Site Specific Information</b>			
1. Provide a note describing any off site improvements.			none proposed
2. The location of known existing or abandoned water wells, sumps, cesspools, springs, water impoundments and underground structures within the project.	✓		none on site
3. The location of known existing or proposed ground leases or access agreements, if known. (e.g. shared parking lots, drives, areas of land that will be leased.)	✓		none on site
4. The location of all known potentially dangerous areas, including areas subject to flooding, slope stability, settlement, excessive noise, previously filled areas and the means of mitigating the hazards (abatement wall, signage, etc.)	✓		
5. The boundaries, acreage and use of existing and proposed public area in and adjacent to the project. If land is to be offered for dedication for park and recreation purposes it shall be designated.	✓		
6. For large scale residential development, indicate the use and list in a table the number of units and bedrooms.		✓	
7. For non-residential use, indicate the gross floor area and if for multiple uses, the floor area devoted to each type of use. (Large Scale Developments only.)	✓		
8. The location and size of existing and proposed signs, if any.	✓		
9. Location and width of curb cuts and driveways. Dimension all driveways and curb cuts from side property line and surrounding intersections.	✓		
10. Location, size, surfacing, landscaping and arrangement of parking and loading areas. Indicate pattern of traffic flow; include a table showing required, provided and handicapped accessible parking spaces. (Large Scale Developments only.)	✓		
11. Location of buffer strips, fences or screen walls, where required (check the zoning ordinance).	✓		
12. Location of existing and purposed sidewalks.	✓		
13. Finished floor elevation of existing and purposed structures.	✓		
14. Indicate location and type of garbage service (Large Scale	✓		

Developments only.) Dimension turnaround area at dumpster location.			
15. A description of commonly held areas, if applicable.		✓	
16. Draft of covenants, conditions and restrictions, if any.		✓	
17. Draft POA agreements, if any.		✓	
18. A written description of requested variances and waivers from any city requirements.		✓	
19. Show required building setbacks for large scale developments. Provide a note on the plat of the current setback requirements for the subdivision. A variance is necessary from the Board of Adjustment for proposed setbacks less than those set forth in the zoning district.	✓		
20. Preliminary drainage plan as required by the consulting engineer.	✓		

*\*All applicants submitting preliminary plats and Large Scale Developments before the Farmington Planning Commission shall provide written notice of the time and place of the regular or special meeting to the owners of all real property adjacent to the project. The notice shall include the name and address of the applicant, location of the project, and the time and place of the scheduled meeting. Notices shall be sent by certified mail, return receipt requested, to the last known address shown on the most recent tax records at the Washington County Tax Collector's Office. (A sample notification and affidavit is attached.) Applicants must submit a verified affidavit attesting to the delivery of the notice to all owners of real property adjacent to the project, a copy of the notice to each property owner, and copies of receipts evidencing pre-paid postage for each notice. The affidavit and supporting documents referred to above must be submitted seven (7) days prior to the regular or special meeting of the planning commission.*

# RECEIPT

DATE 1-21-20

No. **217150**

RECEIVED FROM Proton 1 (A) associated \$ 500.00  
Five hundred & no/100 DOLLARS

FOR RENT  
 FOR Surp Scale Dev Bristol Common

*Chit  
1664*

ACCOUNT	
PAYMENT	<u>500.00</u>
BAL. DUE	

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM \_\_\_\_\_ TO \_\_\_\_\_  
BY B. Calera



**Bates &  
Associates, Inc.**

**Civil Engineering & Surveying**

7230 S. Pleasant Ridge Drive / Fayetteville, AR 72704  
PH: 479-442-9350 \* FAX: 479-521-9350

January 20, 2020

Planning Commission  
City of Farmington  
354 W. Main Street  
Farmington, AR 72730

**RE: Bristol Commons project letter**

Dear Planning Commission,

The proposed development located along Southwinds Drive will be a commercial building designed for multiple tenants consisting of retail, business office or restaurants.

If you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely

**Bates & Associates, Inc**

Geoffrey H. Bates, P.E.  
President of Engineering



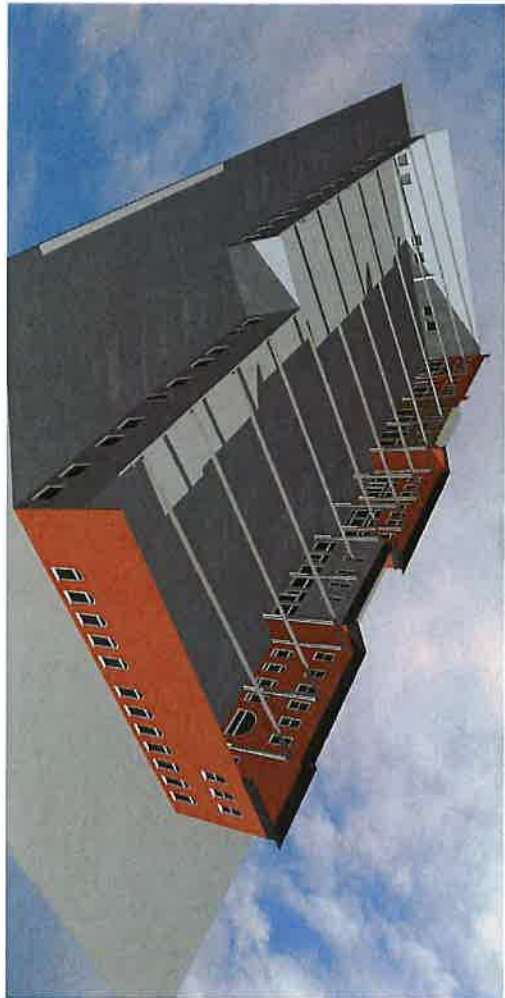


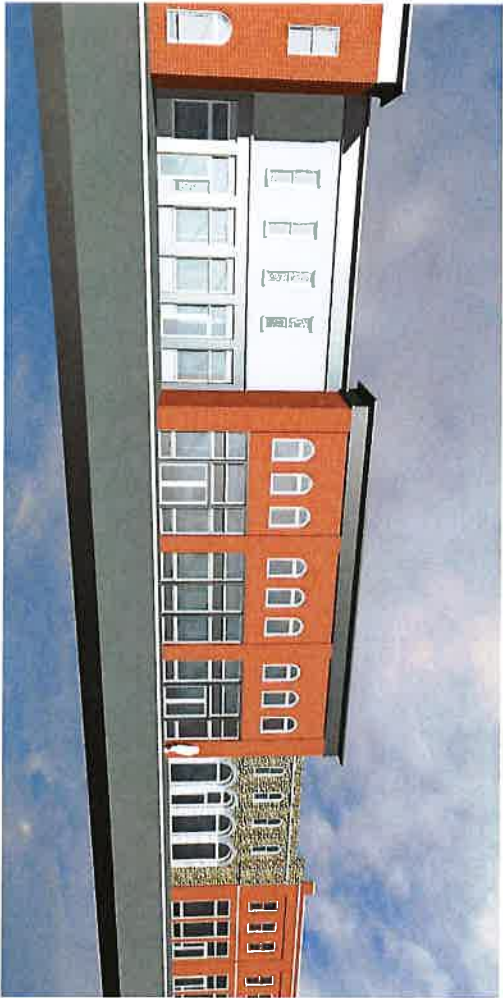












**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Coyle Enterprises, Inc.

Date: February 4, 2020

Project Name: Bristol Commons LSD

Engineer/Architect: Bates & Associates, Inc.

---

Following are **recommendations** from the Technical Plat Review Committee which **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting**. The information must be submitted to the Planning Office before **12:00 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A **narrative** addressing each comment must be submitted along with the revised plat.

---

Representing: City of Farmington

Name: Christopher B. Brackett, P. E.

1. This submittal has too many deficiencies to continue on this planning cycle. The major deficiencies are as follows:
  - The drainage design is fundamentally flawed. The detention pond as shown is several feet lower than the 100-WSE in this area, so the pond would be inundated and not function as designed for the larger storms. The best I can tell, your drainage calculations assume a free discharge which would not be the case as shown on your plans. The drainage calculations were not reviewed any further after this issue was discovered. The review will continue after this issue is corrected.
  - The parking numbers appear to have been back calculated for the parking spaces shown on the site. The All Other Uses calculation is incorrect, it should be 34 spaces. One of the office spaces shown does not have any exterior doors. There is concerns that this building will not lease with almost 70% office space and the property will not have enough parking.
2. Show and label the floodplain with flood elevations on the Site and Utility Plan. A new flood study has been completed in this area and the new floodplain should also be shown on the plan. You can contact the Floodplain Administrator for the new study.
3. This development will require a Floodplain Development Permit.
4. Label the number of parking spaces in each isle.
5. You show three handicap spaces, but you only show one hatched access and ramp. Add the hatch and ramp for the other space.
6. Provide documentation that you have permission to connect the parking lot to the development to the north.
7. There are two rear building setback lines shown. I assume the 30' is an easement, verify.
8. Show the 30' Drainage Easement for the existing culvert.
9. Show the existing drainage culvert on the site plan. There appears to be a conflict between the existing culvert and the fire line.
10. The grading plan does not have enough spot elevations. Show spot elevation in the corners of the parking lot and at grade breaks.

Josh Flood Plain?



**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Brad Smith

Date: 2/4/20

Project Name: Bristol Commons

Engineer/Architect: Bates & Associates

---

Following are **recommendations** from the Technical Plat Review Committee that **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting**. The information must be submitted to the Planning Office before **12 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A narrative addressing each comment must be submitted along with the revised plat.

---

Representing: City of Farmington Name: Judy Horne 479-267-1022  
Landscaping Ordinance Requirements

---

1. Both Entryways into property must meet Sight Triangle requirements (Article V. General Provisions – Section E.) to ensure safe, clear view of traffic for pedestrians and motorists. The 2 Colorado Blue Spruce trees planned just east of the entryway will grow to mature height of 30-40' and spread of 35'. This would cause sight problems. Suggest eliminating Blue Spruce and planting lower-growing vegetation at this location whose lower limbs can be pruned upward to maintain safe visibility – perhaps Eastern Redbud.

2. Refer to Article VI. Street Frontage Buffer Landscaping, Section B. General Provisions and Section C. Street Buffer – Main Street Requirements for required vegetation for each 30 linear feet and 15 foot depth. It appears that more vegetation is shown than may be required. Some of this proposed layout could result in stunted growth due to overcrowding.

3. Be aware that in our growing area, Nandina domestica grows approximately 8' with a 4' to 5' spread. They are good, attractive choice because are drought- and insect-resistant and are evergreen. But, locate them so that they do not grow to block the view of Southwinds.

Purple Diamond Semi-dwarf Loropetalum is a beautiful, sturdy shrub about 5' tall and 5' wide at maturity. But, be careful with placement for this one also.

4. Plan shows detention pond surrounded with numerous Nandina domestica which grows to 8' high x 4' or 5'. For child safety, use low-growing vegetation. (See below)

**ARTICLE X. AUXILIARY LANDSCAPING/ SHIELDING/ SCREENING REQUIREMENTS**

**A. Detention Pond and Water Quality Pond Landscaping:**

- (1) Several areas around detention pond shall be provided with low shrubs or grass plants for better appearance.
- (2) Pond landscaping plants or shrubs shall be of a type and variety that prevents clogged drains.

Received By: \_\_\_\_\_

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**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Brad Smith

Date: 2/4/20

Project Name: Bristol Commons

Engineer/Architect: Bates & Associates

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Following are **recommendations** from the Technical Plat Review Committee that **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting**. The information must be submitted to the Planning Office before **12 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A narrative addressing each comment must be submitted along with the revised plat.

---

Representing: SWEPCO      Name: Christian Dickey

Please show existing SWEPCO tap cabinet on northeastern corner of property on print.

Please show 20' BSB as Utility Easement along Northeastern property boundary.

Call Christian with any questions or issues – 479-973-2306

Received By: \_\_\_\_\_

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**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Coyle Enterprises, Inc.

Date: February 4, 2020

Project Name: Bristol Commons LSD

Engineer/Architect: Bates & Associates, Inc.

Following are **recommendations** from the Technical Plat Review Committee which **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting**. The information must be submitted to the Planning Office before **12:00 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A **narrative** addressing each comment must be submitted along with the revised plat.

Representing: City of Farmington

Name: Christopher B. Brackett, P. E.

1. This submittal has too many deficiencies to continue on this planning cycle. The major deficiencies are as follows:

- The drainage design is fundamentally flawed. The detention pond as shown is several feet lower than the 100-WSE in this area, so the pond would be inundated and not function as designed for the larger storms. The best I can tell, your drainage calculations assume a free discharge which would not be the case as shown on your plans. The drainage calculations were not reviewed any further after this issue was discovered. The review will continue after this issue is corrected. *Detention pond removed, and shown that drainage basin peaks before arriving at site*
- The parking numbers appear to have been back calculated for the parking spaces shown on the site. The All Other Uses calculation is incorrect, it should be 34 spaces. One of the office spaces shown does not have any exterior doors. There is concerns that this building will not lease with almost 70% office space and the property will not have enough parking. *Parking Calculations revised to 1 per 200 sq. ft. as if entire development will be occupied by restaurant/retail.*

2. Show and label the floodplain with flood elevations on the Site and Utility Plan. A new flood study has been completed in this area and the new floodplain should also be shown on the plan. You can contact the Floodplain Administrator for the new study. *Floodplain and BFEs added.*

3. This development will require a Floodplain Development Permit. *Floodplain Development Permit will be provided.*

4. Label the number of parking spaces in each isle. *Number of parking spaces added to aisles.*

5. You show three handicap spaces, but you only show one hatched access and ramp. Add the hatch and ramp for the other space. *Additional access aisle added.*

6. Provide documentation that you have permission to connect the parking lot to the development to the north. *Permission from property owner is being sought.*

7. There are two rear building setback lines shown. I assume the 30' is an easement, verify. *B.S.B./U.E. revised.*

8. Show the 30' Drainage Easement for the existing culvert. *30' D.E. added to plans.*

9. Show the existing drainage culvert on the site plan. There appears to be a conflict between the existing culvert and the fire line. *Culvert added to plans. Fire Line relocated.*

10. The grading plan does not have enough spot elevations. Show spot elevation in the corners of the parking lot and at grade breaks. *Additional Spot Elevations provided.*

11. Based on the contours, it appears that you are proposing cutting above the existing drainage culvert. The cover of this culvert must be maintained. drainage swale is moved to the side of culvert, reducing cut over pipe.
12. The detention pond is not located on the parcel. You must show the adjacent property boundary that the pond is located to verify ownership. Detention removed from adjacent property.

13. show what parcel looks like behind

Received By: \_\_\_\_\_

**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Brad Smith

Date: 2/4/20

Project Name: Bristol Commons

Engineer/Architect: Bates & Associates

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Following are **recommendations** from the Technical Plat Review Committee that **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting**. The information must be submitted to the Planning Office before **12 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A narrative addressing each comment must be submitted along with the revised plat.

---

Representing: SWEPCO      Name: Christian Dickey

Please show existing SWEPCO tap cabinet on northeastern corner of property on print.  
Tap Cabinet added to Site & Utility Plan

Please show 20' BSB as Utility Easement along Northeastern property boundary.  
Rear setbacks/easement on previous submittal shown incorrectly. There is an existing 30' U.E. along rear property line.

Call Christian with any questions or issues – 479-973-2306

Received By: \_\_\_\_\_

---

**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Brad Smith

Date: 2/4/20

Project Name: Bristol Commons

Engineer/Architect: Bates & Associates

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Following are **recommendations** from the Technical Plat Review Committee that **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting**. The information must be submitted to the Planning Office before **12 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A narrative addressing each comment must be submitted along with the revised plat.

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Representing: City of Farmington Name: Judy Horne 479-267-1022  
Landscaping Ordinance Requirements

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Blue Spruce changed to Redbud.

2. Refer to Article VI. Street Frontage Buffer Landscaping, Section B. General Provisions and Section C. Street Buffer – Main Street Requirements for required vegetation for each 30 linear feet and 15 foot depth. It appears that more vegetation is shown than may be required. Some of this proposed layout could result in stunted growth due to overcrowding.

Landscaping reduced along street frontage to 1 tree / 5 shrubs every 30 feet (347.94' = 12 trees/60 shrubs)

3. Be aware that in our growing area, Nandina domestica grows approximately 8' with a 4' to 5' spread. They are good, attractive choice because are drought- and insect-resistant and are evergreen. But, locate them so that they do not grow to block the view of Southwinds.

Nandinia changed to "Firepower" cultivar.

Purple Diamond Semi-dwarf Loropetalum is a beautiful, sturdy shrub about 5' tall and 5' wide at maturity. But, be careful with placement for this one also.

Loropetalum moved outside of sight-triangle, and spaced elsewhere to allow growth to full maturity.

4. Plan shows detention pond surrounded with numerous Nandina domestica which grows to 8' high x 4' or 5'. For child safety, use low-growing vegetation. (See below)

Detention pond eliminated from development.

**ARTICLE X. AUXILIARY LANDSCAPING/ SHIELDING/ SCREENING REQUIREMENTS**

**A. Detention Pond and Water Quality Pond Landscaping:**

- (1) Several areas around detention pond shall be provided with low shrubs or grass plants for better appearance.
- (2) Pond landscaping plants or shrubs shall be of a type and variety that prevents clogged drains.

Received By: \_\_\_\_\_

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**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Brad Smith

Date: 3/3/20

Project Name: Bristol Commons

Engineer/Architect: Bates & Associates

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Following are **recommendations** from the Technical Plat Review Committee that **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting**. The information must be submitted to the Planning Office before **12 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A narrative addressing each comment must be submitted along with the revised plat.

---

Representing: \_\_\_\_\_ Name: \_\_\_\_\_

Bristol: Before any construction can begin - the building department will need construction documents which include the following:

1. Structural plans
2. ~~see~~ architectural plans
3. Mechanical plans
4. Plumbing plans
5. Electrical plans
6. Energy calculations
7. Manual N for HVAC calculations

All plans must be stamped by an Arkansas registered design professional. Plans will be approved by the building department before a permit will be issued.  
& elevation certificate

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Received By: \_\_\_\_\_

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**CITY OF FARMINGTON**  
**TECHNICAL PLAT REVIEW COMMITTEE REPORT - Page 1**

Applicant: Brad Smith

Date: 3/3/20

Project Name: Bristol Commons

Engineer/Architect: Bates & Associates

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Following are **recommendations** from the Technical Plat Review Committee that **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting**. The information must be submitted to the Planning Office before **12 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A narrative addressing each comment must be submitted along with the revised plat.

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Representing: City of Farmington Name: Judy Horne  
Landscaping Ordinance Requirements

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1. All Entryways into property must meet Sight Triangle requirements (Article V. General Provisions – Section E.) to ensure safe, clear view of traffic for pedestrians and motorists. Colorado Blue Spruce trees planned just east of the entryway will grow to mature height of 30-40’ and spread of 35’ causing visibility problems. Also, Blue Spruce doesn’t do well in hotter environments. There are a couple of dead Blue Spruce just across the street on Southwinds. Suggest eliminating Blue Spruce and planting lower-growing vegetation at this location whose lower limbs can be pruned upward to maintain safe visibility and more dwarf evergreens.

2. Purple Diamond Semi-dwarf Loropetalum is an attractive, sturdy shrub about 7’ tall X 7’ wide at maturity. Because of big size, be careful with placement near entryways. Also, need more spacing between these shrubs.

3. More shrubs than required are shown in Landscape Plan. Some of this proposed crowded layout could result in stunted growth due to overcrowding and parking lot and street heat AND again, might block pedestrian and vehicle view at entryway. Note the Street Buffer – Main Street Requirements shown below from Article VI. Street Frontage Buffer Landscaping.

**C. STREET BUFFER – MAIN STREET REQUIREMENTS:**

**Fifteen foot (15’) depth by each thirty linear feet (30’):**

- (1) One shade tree with 2.5” diameter at 4.5 feet above the ground, OR one ornamental tree with 1.5” diameter at 4.5 feet above ground, OR one conifer (evergreen) tree a minimum of four (4) feet tall at planting.
- (2) Five (5) shrubs (2 gallon size, minimum).
- (3) Perennial ornamental grasses, perennial plants, flowering plants, and other vegetation may be added at landscaper’s discretion.
- (4) Mulch and/or groundcover shall be used.

**CITY OF FARMINGTON**  
**TECHNICAL PLAT REVIEW COMMITTEE REPORT - Page 2**

Applicant: Brad Smith

Date: 3/3/20

Project Name: Bristol Commons

Engineer/Architect: Bates & Associates

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~~4. Plan shows no vegetation around detention pond located behind the building. Although there are usually screening requirements for detention ponds, I agree with this because due to the flood plain issues on this lot, there will be water in the pond frequently and for child safety reasons no screening is best.~~

5. The proposed screening on the south edge of the property next to the multi-family residential area is excellent to meet the ordinance requirements. However, fewer shrubs could be used because required trees will shade the area. Reminder: proposed Colorado Blue Spruce don't thrive in zones warmer than Zone 6 and we are in Zone 7. ~~A newer evergreen that might work well for screening is the Murray Cypress. See info below:~~

*since parking will be in this area, taller, "thinner" evergreens would be a better choice than Murray Cypress that has a broad base.*  
*Jkh*

Murray Cypress (*Cupressocyparis x leylandi* 'Murray') is an evergreen relative of the popular Leyland Cypress, but has a few differences that make it better. It has improved disease resistance, stronger branching and some tolerance for partially wet soil. It tolerates hotter climates well (zones 6 - 10) and takes harsh winter winds and scorching summer heat in stride. Fast growth rate, growing up to 4 feet/ year. Grows 30 to 40 feet tall and 9 to 12 feet wide. (Space at least 6 to 7 feet apart at planting).

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6. Ordinance requires a privacy barrier (wall or wood privacy fence) a minimum of six feet (6') tall in addition to the landscaping adjacent to the multi-family residential area south of this commercial development.

Received By: \_\_\_\_\_  
\_\_\_\_\_

**CITY OF FARMINGTON**  
**TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Brad Smith

Date: 03/03/20

Project Name: Bristol Commons

Engineer/Architect: Bates & Associates

---

Following are **recommendations** from the Technical Plat Review Committee that **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting.** The information must be submitted to the Planning Office before **12 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A narrative addressing each comment must be submitted along with the revised plat.

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**Representing: PGTelco / Zing Broadband**

Name: Shane Bell

Phone: 479-841-0980

Email: [sbell@pgtc.com](mailto:sbell@pgtc.com)

All easements noted on the plat are satisfactory.

Received By: \_\_\_\_\_



**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Brad Smith

Date: 3-3-2020

Project Name: Bristol Commons

Engineer/Architect: Bates & Associates

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Representing: City of Farmington Name: Melissa McCarville

1. Engineering fees will accumulate as the development continues. We will bill the engineer or the developer monthly.
2. Adjacent property owners must be notified by certified mail; receipts should be submitted by one week prior to the Planning Commission meeting.
3. An advertisement regarding plan for change in zoning <sup>development</sup> should be in the paper no later than 10 days prior to the planning commission meeting. Proof of publication must be provided when it is available.
4. The revised plan must be submitted by next Tuesday, March 10<sup>th</sup> by noon. The City requires 15 copies for planning commission.
5. A revised copy of the plan and the drainage plan should be delivered directly to Chris Brackett at his office.



**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Brad Smith

Date: 3/3/20

Project Name: Bristol Commons

Engineer/Architect: Bates & Associates

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Following are **recommendations** from the Technical Plat Review Committee that **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting**. The information must be submitted to the Planning Office before **12 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A narrative addressing each comment must be submitted along with the revised plat.

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Representing: City of Fayetteville Name: Josh Boccaccio

1. A grading permit must be submitted to the City of Fayetteville Engineering Division for comprehensive construction level review of the water/sewer utilities within the City of Fayetteville service area.
  2. City of Fayetteville 2017 Water and Sewer Specifications will apply.
  3. Revise service line alignments. Service lines may not run parallel within a utility easement.
  4. Fire lines must be ductile iron and installed per the 2017 water and specifications mentioned above.
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Received By: \_\_\_\_\_

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**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Coyle Enterprises, Inc.

Date: March 3, 2020

Project Name: Bristol Commons LSD

Engineer/Architect: Bates & Associates, Inc.

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Following are **recommendations** from the Technical Plat Review Committee which **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting**. The information must be submitted to the Planning Office before **12:00 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A **narrative** addressing each comment must be submitted along with the revised plat.

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Representing: City of Farmington

Name: Christopher B. Brackett, P. E.

1. The major deficiencies from the February 4<sup>th</sup> Technical Review have not been addressed satisfactory and this project will not be forwarded to the Planning Commission until these deficiencies have been corrected. The major deficiencies that remain are as follows:
  - I have attached the narrative of the drainage report submitted for this project. In the future, projects that are submitted in this condition will not be reviewed and the projects will be tabled.
  - The drainage report does not prove that the installation of a detention pond would increase the peak flow for the basin. A detention pond will be required unless this can be proved. Figure 7.4 from the Fayetteville Drainage Criteria Manual was included in the report but narrative and calculations that support this figure are not included in the report. A detention pond must be designed to detain to predevelopment conditions. This design must take into account the water surface elevations in the creek. You must prove that by detaining this site's runoff the peak for the entire basin is increased.
  - The parking numbers shown on the plans still show that this site does not have enough parking for the building size shown. Your table indicates that 109 spaces are required and 90 spaces are shown in the plans.
2. Is the floodplain shown from the new study? Label the floodplain with what the study is.
3. This development will require a Floodplain Development Permit.
4. Provide documentation that you have permission to connect the parking lot to the development to the north.
5. Based on the contours, it appears that you are proposing cutting above the existing drainage culvert. The cover of this culvert must be maintained. This has not been addressed satisfactory.

**PROJECT OWNER:**

Cedar Mountain Properties LLC  
PO BOX 1194  
Fayetteville, AR 72702

**PROJECT TITLE:**

Drainage report for Bristol Commons

**PROJECT LOCATION:**

This project is located on Southwinds RD in Farmington. See the attached vicinity map for the exact location.

**PROJECT DESCRIPTION:**

The existing site is approximately 2 acres and consists of a grass pasture. Improvements to the site will consist of a large retail building with associated parking and drives. See the site plan for details.

**SITE DRAINAGE:**

This project is a small site that boards a tributary to Farmington branch. As shown in the pre development map, most of the runoff from this property feed directly into this tributary, but a small portion (basin 2 ) runs north west, in front of Razorback pizza, then into the retail centers parking lot and into that retail centers detention pond, from there it flows through the outlet pipe and into the tributary. The two flow paths described intersect at this point and flow into Farmington branch downstream.

The Soils for this site are listed in the Soil Report Section.

A portion of this property is located within a floodplain as shown by the National Flood Insurance Program's Flood Insurance Rate Map for Washington County, Arkansas (Map No. 05143C0215 F, April 2, 2008).

**AREA DRAIANGE PROBLEMS:**

We are not aware of any known area drainage problems on or around this property.

**DRAINAGE DESIGN COMPUTATIONS:**

A runoff coefficient for each drainage basin was computed based on the soil classification, ground cover, and the impervious area. The Curve Numbers were selected from the Farmington Drainage Manual for pre-development and post-development conditions. See the attached report for the drainage area map for locations.

High Clay Soils                      Runoff Curve Number

Meadow- continuous grazing HSG C	71
Impervious	98
Lawn- grass cover >75% GSC C	74
Woods	70
Pasture	74
¼ acre lots	83

**Pre Developed Basin 1 (1.91 ac)**

Pasture	71	1.91 ac
Composite coefficient	71	

**Pre Developed Basin 2 (0.10 ac)**

Pasture	71	0.10 ac
Composite coefficient	71	

**Post Developed Basin 1 (2.00 ac)**

Lawn	74	0.35 ac
Pervious	98	0.21 ac
Composite coefficient	90.80	

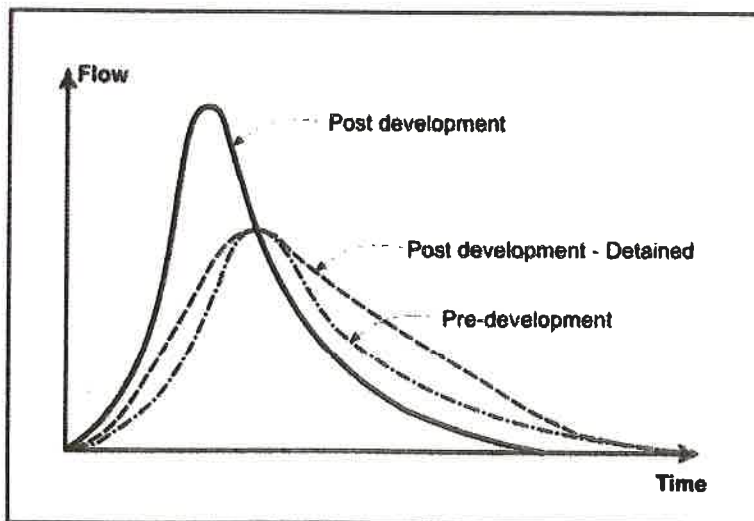
*0.56 ?*

**Offsite (787 ac)**

Pasture	74	437 ac
¼ acre lots	83	139 ac
Woods	70	211 ac
Composite	75	

The 2-year through 100-year frequency storm events for pre- and post- development flows were calculated using the drainage program Hydrology Studio (SCS Method).

Essentially, the Peak flow will not change in the overall study point due to the development of this site. it is our opinion that if the water was detained on this site that the overall flows after peak would increase similar to the example hydrograph pictured below. ?



**SUMMARY OF RUNOFF:**

**Basin 1**

The post-developed peak runoff will be slightly more than the pre-development peak runoff due to the decrease in basin size

<b>Design Storm</b>	<b>Pre-Dev.</b>	<b>Post-Dev w/ detention</b>	<b>Difference</b>
2-yr	579.4	579.7	+0.3
5-yr	796.2	796.6	+0.4
10-yr	998.5	998.8	+0.3
25-yr	1310.8	1311.2	+0.4
50-yr	1575.3	1575.7	+0.4
100-yr	1856.9	1857.3	+0.4

**EROSION AND SEDIMENT CONTROL:**

Erosion Control will be provided per the grading plan and the SWPPP.

**CONCLUSION:**

~~Future improvements to the site will consist of building streets, sidewalks, driveways and single family homes. The improvements will replace some of the green space with impervious area and will increase the peak runoff from the site. However, two retention ponds are proposed to reduce the peak runoff to lower than pre developed conditions.~~

*FROM ANOTHER PROJECT*

**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Brad Smith

Date: 3/3/20

Project Name: Bristol Commons

Engineer/Architect: Bates & Associates

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Following are recommendations from the Technical Plat Review Committee that must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting. The information must be submitted to the Planning Office before 12 noon the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A narrative addressing each comment must be submitted along with the revised plat.

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Representing: \_\_\_\_\_ Name: \_\_\_\_\_

Bristol: Before any construction can begin - the building department will need construction documents which include the following:

1. Structural plans
2. ~~Arch~~ architectural plans
3. Mechanical plans
4. Plumbing plans
5. Electrical plans
6. Energy calculations
7. Manual N for HVAC calculations

All plans must be stamped by an Arkansas registered design professional. Plans will be approved by the building department before a permit will be issued.   
elevation certificate

All required documents will be provided before construction.

Received By: \_\_\_\_\_



**CITY OF FARMINGTON**  
**TECHNICAL PLAT REVIEW COMMITTEE REPORT - Page 1**

Applicant: Brad Smith

Date: 3/3/20

Project Name: Bristol Commons

Engineer/Architect: Bates & Associates

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Representing: City of Farmington Name: Judy Horne  
Landscaping Ordinance Requirements

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1. All Entryways into property must meet Sight Triangle requirements (Article V. General Provisions – Section E.) to ensure safe, clear view of traffic for pedestrians and motorists. Colorado Blue Spruce trees planned just east of the entryway will grow to mature height of 30-40' and spread of 35' causing visibility problems. Also, Blue Spruce doesn't do well in hotter environments. There are a couple of dead Blue Spruce just across the street on Southwinds. Suggest eliminating Blue Spruce and planting lower-growing vegetation at this location whose lower limbs can be pruned upward to maintain safe visibility and more dwarf evergreens. Sight Triangles Labeled. Blue spruce replaced with Murray Cypress

2. Purple Diamond Semi-dwarf Loropetalum is an attractive, sturdy shrub about 7' tall X 7' wide at maturity. Because of big size, be careful with placement near entryways. Also, need more spacing between these shrubs. Most Loropetalums removed from plan. More Nandinas added to street frontage landscaping.

3. More shrubs than required are shown in Landscape Plan. Some of this proposed crowded layout could result in stunted growth due to overcrowding and parking lot and street heat AND again, might block pedestrian and vehicle view at entryway. Note the Street Buffer – Main Street Requirements shown below from Article VI. Street Frontage Buffer Landscaping. Per requirements, 12 trees and 70 shrubs are required for street frontage landscaping (348.06' frontage). Plantings placed at recommended spacing to allow for full maturity.

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**STREET BUFFER –** Fifteen foot (15') depth by each entry linear feet (30').

- (1) One shade tree with 2.5" diameter at 4.5 feet above the ground, OR one ornamental tree with 1.5" diameter at 4.5 feet above ground, OR one conifer (evergreen) tree a minimum of four (4) feet tall at planting.
  - (2) Five (5) shrubs (2 gallon size, minimum).
  - (3) Perennial ornamental grasses, perennial plants, flowering plants, and other vegetation may be added at landscaper's discretion.
  - (4) Mulch and/or groundcover shall be used.
-

**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Brad Smith

Date: 03/03/20

Project Name: Bristol Commons

Engineer/Architect: Bates & Associates

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**Representing: PGTelco / Zing Broadband**

Name: Shane Bell

Phone: 479-841-0980

Email: [sbell@pgtc.com](mailto:sbell@pgtc.com)

All easements noted on the plat are satisfactory.

Received By: \_\_\_\_\_

**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Brad Smith

Date: 3/3/20

Project Name: Bristol Commons

Engineer/Architect: Bates & Associates

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Representing: Fire Dept Name: Mark Cunningham  
fire lines okay and hydrants with FDC

Received By: \_\_\_\_\_

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**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Brad Smith

Date: 3-3-2020

Project Name: Bristol Commons

Engineer/Architect: Bates & Associates

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Representing: City of Farmington Name: Melissa McCarville

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**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Brad Smith

Date: 3/3/20

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Representing: City of Fayetteville Name: Josh Boccaccio

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1. A grading permit must be submitted to the City of Fayetteville Engineering Division for comprehensive construction level review of the water/sewer utilities within the City of Fayetteville service area.

Noted

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2. City of Fayetteville 2017 Water and Sewer Specifications will apply.

Noted

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3. Revise service line alignments. Service lines may not run parallel within a utility easement.

Parallel service lines moved outside of easement.

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4. Fire lines must be ductile iron and installed per the 2017 water and specifications mentioned above.

Fire Line labeled as DIP

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Received By: \_\_\_\_\_

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