

Planning Commission Minutes
April 23, 2018

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

PRESENT

Jay Moore
Gerry Harris
Bobby Wilson
Robert Mann, Chair
Judy Horne
Matt Hutcherson
Toni Bahn
Howard Carter

ABSENT

None

City Employees Present: Steve Tennant, City Attorney; Chris Brackett, City Engineer

2. **Approval of Minutes:** March 26, 2018 Minutes were approved as written.

3. **Comments from Citizens:** No comments from citizens.

PUBLIC HEARING

4A. Conditional Use for Sale of Fireworks presented by Kevin Bailey:

David Stewart was present to discuss the request

Comments from the City:

A memo from Melissa McCarville was read to the Planning Commissioners and audience. This memo states that this is a reoccurring request every year. It is the same company and location. She does not have any issues with the request.

Steve Tennant provided clarification on the ordinance states for the sale of fireworks. This period is from June 21st to July 7th.

Robert Mann called the question to approve the conditional use for the sale of fireworks. Upon roll call, the motion was passed unanimously.

4B. Conditional Use on Appeal- Residential dwelling in C-2 zoning presented by Joey Ingle:

Joey Ingle was present to discuss the request.

Comments by the City:

Melissa McCarville's memo was read as follows:

"In my opinion this is a reasonable request. Since we cannot foresee every possible appeal that can be made, the planning commission is allowed to consider these exceptions. The key, in my view, is the idea that you can add whatever conditions that you see fit on this request. The mandate that only the

manager of the storage units be the tenant is what I would consider a reasonable requirement. This is a conditional use, so if complaints are received, you would have the option to reconsider this approval.”

Rick Bramall’s memo was read as follows:

“I am not opposed of letting Scott Busch get a conditional use to allow a residential dwelling in a C-2 zoned lot. This is a common practice in other towns and is allowed in the building codes. The dwelling will have to meet all the fire separation requirements in the commercial building code and the construction requirements of the residential code.”

Steve Tennant stated he has looked at the history and a manager only would be a good stipulation to have on the conditional use. No family should be living there; it should only be for a single person. His only concern is the complaints for safety of children.

Jay Moore asked Steve if they would have to wait the 1 year before addressing any complaints or if we can address the complaints when we receive them. Steve stated if the problem arises it can be addressed at that time and they don’t have to wait the full year to revoke the Conditional Use permit.

Public Comment: No public comment.

Joey Ingle stated he will make it a stipulation that the tenant can only be a single person. No families will be allowed to take residence as manager on the property. He will be following all building codes.

Robert Mann called the question to approve the Conditional Use on Appeal. Upon roll call, the motion was passed unanimously.

4C. Variance Request to front setback requirement presented by Joey Ingle:

Joey Ingle was present to discuss the request.

Joey Ingle from Sand Creek Engineers stated the goal of this request is to create street-front visibility of the property. This is due to the fact that when Highway 62 was widened, the now required setbacks from highway would hide the new building. (The existing buildings on either side are closer to the highway.). The parking will be placed in the rear of the property.

Comments from the City:

Melissa McCarville’s memo read as follows:

“This set back variance request is in keeping with the front setback of other buildings adjacent to it. To set this building back, with the other so far forward would hamper the ability for the owner to market the lease space. With the speed limit as it is, it si realistic to allow this structure to have visibility closer to Hwy 62.”

Rick Bramall’s memo read as follows:

“I am not opposed of the building set back variance being requested. This will allow more visibility of the building and will not cause any undue hindrance to the business.”

Steve Tenant stated he agrees with Melissa and Rick. Joey Ingle stated one of the goals was to create curb appeal. Gerry Harris liked the idea of parking behind businesses. She suggested the Planning Commission should revisit the ordinance about commercial business parking. Steve Tenant agreed. Gerry Harris asked if the variance goes with the person or the property. It was answered that it goes with the property. Therefore, even if current owner sells the property to someone who wants to put in a different business, the conditional use stands.

Chris Brackett stated this property has special circumstances because the drainage and Highway 62 right of way pushed the setbacks even further and the business building needs to be in line with the businesses in that area. The variance would fix this issue of being too far back.

Public comment:

Ernie Penn, 50 Bellwood- stated he likes the design and visibility this variance will help the issues. He also stated if they want to make an exception with the property it would be a great addition.

Robert Mann called the question to approve the variance to the front setback requirement. Upon roll call, the motion passed unanimously.

NEW BUSINESS

5. Large Scale Development: Holland House Holdings- the Vault Storage & 277 Farmington Commercial presented by Joey Ingle:

Joey Ingle stated they have revised the plans including the landscaping.

Comments from the City:

Melissa McCarville's memo stated "I defer to Chris Brackett."

There were no remarks from Rick Bramall.

Chris Brackett read his memo for the Commission as follows; "The Large Scale Development Plan for the Holland House Holdings has been reviewed and it is our opinion that the Planning Commission's approval should be conditional on the following comments: 1. There are several drainage issues from Technical Plat Review that have not been satisfactorily addressed. These issues must be addressed for the Detention Design to be considered a "final" design. These corrections can be addressed with the construction plan submittal and review. A meeting to review the comments and responses prior to construction plan submittal is recommended. 2. The fire flow and fire hydrant and fire lane locations must be approved by the Fire Department prior to construction plan approval. 3. Submit two (2) copies of the filed easement plat before final approval of the plans. A copy of the proposed easement plat should be submitted to MWY for review prior to acquiring signatures. 4. Any 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 construction activities. 5. 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. 6. After a final review set of plans and drainage report has been approved by

MWY, the applicant should submit to the City three (3) set of full size plans, two (2) sets of half sized plans, and two (2) copies of the final drainage report that have been sealed by the engineer for final approval and distribution.”

Public Comment: no comments from citizens.

Robert Mann called the questions to approve the Large Scale Development: Holland House Holdings- the Vault Storage & 277 Farmington Commercial. Upon roll call, the motion passed unanimously.

6. Adjournment: Having no further business, meeting was adjourned.



Judy Horne - Secretary



Robert Mann - Chair