

**Planning Commission Minutes
September 25, 2017**

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

PRESENT

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

ABSENT

Gerry Harris

City Employees Present: Melissa McCarville, City Business Manager; Rick Brammall, City Inspector; Steve Tennant, City Attorney; Chris Dougherty, Engineer/ McGoodwin, Williams, Yates

2. **Approval of Minutes:** August 28, 2017 minutes were approved as written.

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

PUBLIC HEARING

4A. Variance Request – Cedar Mountain Properties, LLC – Old Farmington Rd

Geoff Bates was present and stated that the added street improvements had taken away a sizeable portion of the area upon which to build. That is why they have asked for the variance to place a tri-plex and a quad-plex (for total of 7 residential units) on the remaining land. The amount of variance almost equals one entire residential unit if allowed because they will be almost 4,000 square feet short of required land space. He noted that they are allowing for a great amount of greenspace and landscaping on all sides of the development as required.

Chairman Mann showed a printed e-mail from Vicki Norvell that had been given to each Commissioner and he asked that this be included in the official minutes of this meeting. This e-mail is attached. There was no public comment from attendees at the meeting.

City Attorney Steve Tennant questioned further the reasoning for the variance request. Geoff Bates explained that the developer believes 7 units are need for adequate cash flow. The buyer was not aware of the deduction of land area for right-of-way when purchased the property, depending upon an existing survey that Collier’s had had done.

Jay Moore was concerned about such a large area of variance request and Matt Hutcherson concurred. Discussion continued for an extended period of time regarding precedent.

Then, Geoff Bates presented page 22 from the Farmington Zoning Ordinance entitled “MISCELLANEOUS PROVISIONS – RESIDENTIAL DISTRICTS (a) Minimum Dimension Requirements” (**Attached to these minutes**) which, in summary, indicates that when an existing lot is reduced because of conveyance to a federal, state, or local government for a public purpose and remaining area is at least 75% of the required minimum lot size for the district in which it is located, the remaining lot shall be deemed to comply with minimum lot size requirements.

After careful review and consideration of this section of the zoning ordinance, Chairman Mann called for question to approve the variance request of Cedar Mountain Properties, LLC for property zoned MF-2 on Old Farmington Road. Yes votes: Moore, Bahn, Horne, Wilson. No votes: Carter and Hutcherson. Motion passed by 4-2 vote.

4B. Variance Request From Height Regulations – Farmington High School Stadium Pressbox – 12329 North Hwy 170 - presented by Geoff Bates – Bates & Associates and Jason Evans, architect – Hight Jackson & Associates

They requested to build a 70' 2-story pressbox (with elevator) in order to provide more seating in the bleachers for fans.

Melissa McCarville said that she believed it was a reasonable variance request. Steve Tennant said that a 40' height for pressbox is antiquated. It was determined that the bleachers will be 40 feet and pressbox will be 30' higher and will extend from 35' line to 35' line.

Public Comment: Norm Toering, a resident of Twin Falls who lives directly west of the proposed stadium noted that the 70' pressbox will be 30' higher than the building and believed that was unnecessary. He expressed great concern regarding the noise and light pollution that will negatively impact a large number of residents in Twin Falls.

Chairman Mann called for question to approve variance requested by Farmington Schools for increased height of stadium pressbox. Motion passed unanimously.

4C. Sign Ordinance – Amendment regarding Billboard – LED digital screen billboards

City Attorney Steve Tennant explained the amendment to sign ordinance that had been given to all Commissioners. The billboard size can't exceed 300 square feet; must have a light-sensing device to control brightness of display. The billboard can't glitter or shimmer in a distracting way. Each message will just change all at once and rapidly to avoid driver distraction.

Two company representatives whose office is in Ft. Smith were present and verified that they will allow City to use the board for community messaging (8 slots) and the board will also show Amber Alerts and Silver Alerts. The board is a standard size similar to others in NW Arkansas.

There was no comment from citizens.

Chairman Mann called for question to approve the amendment to the sign ordinance and to send it to City Council for their consideration at their next regularly scheduled meeting. Motion passed unanimously.

NEW BUSINESS

5A. Large Scale Development – Old Farmington Rd Townhouses – Cedar Mountain Properties, LLC, property located on Old Farmington Road, south of Collier Drugstore building

Chris Dougherty from McGoodwin, Williams and Yates Engineers read a memo from Chris Brackett, City Engineer as follows, but he noted that item #1 was not relevant since the Commission approved the variance request (4A):

“1. This property is zoned MF-2. The zoning ordinance requires 6,000 sq. ft. of lot area per unit. This lot is currently 37,176 sq. ft., allowing six units. The plan currently shows seven units. Remove one unit for the plan. The developer is requesting a variance of the zoning ordinance to allow the extra unit.

2. A completed Grading Permit Application and fee must be submitted prior to final acceptance of the plans. A preconstruction conference will be required prior to any mass grading on the site. The owner, their engineering consultant, and their contractor responsible for the best management practices will be required to attend this conference.

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

Commissioners unanimously approved the Large Scale Development contingent upon items 2. and 3. shown above.

5B. Large Scale Development – Farmington Public Schools – Athletic Complex – 12329 N. Hwy 170
Presented by Geoff Bates of Bates & Associates

City did not have any comments regarding development.

Memo from Chris Brackett, City Engineer was read:

“The Large Scale Development Plan for the FHS Football Field and Track 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 minor corrections that are needed for the Detention Design to be considered a “final” design. These corrections can be addressed with the construction plan submittal and review.

2. The fire hydrant and fire lane locations must be reviewed and approved by the Fire Department.

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 filing.

4. Any 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. Any water improvements must be reviewed and approved by the Washington Water Authority and the Arkansas Department of Health prior to any construction activities.

6. A completed Grading Permit Application and fee must be submitted prior to final approval of the plans. A preconstruction conference will be required prior to any mass grading on the site. The owner, their engineering consultant, and their contractor responsible for the best management practices will be required to attend this conference.

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

Public Comment – Norm Toering, a resident of Twin Falls Subdivision and whose home is directly west of the proposed athletic complex spoke with concerns about flooding due to increased runoff from this development. He wanted it on public record that even before this is built, in heavy rains, the land west of the school land and east of Twin Falls homes floods and he has grave concerns that it will now be made much worse.

Jill Toering, President of the Twin Falls Property Association, also expressed concerns regarding the athletic complex plans and light pollution that will ensue and she asked about lighting requirements. She wanted to be sure that the lights will be down-facing, controlled lights.

Mike Mashburn, a landowner to the west agreed with Mr. Toering about flooding in that area.

Engineer Geoff Bates said that all water should go into the ditch and then into the creek. It was clarified that a berm will be built to channel water to the detention pond. Mr. Bates said he was “100% sure” that this drainage plan would work successfully.

Chairman Mann called for question to approve the Large Scale Development for Farmington High School Athletic Complex. Motion passed unanimously.

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



Judy Horne - Secretary



Robert Mann - Chair

E-mail sent by Vicki Norvell to some of the Planning Commissioners: Matt Hutcherson, Toni Bahn, Dean Mann, and Judy Horne

Vicki Norvell

Sep 25

Fwd: Comments Regarding Planning Commission Agenda Items
to me, Matt, Toni, Dean

----- Forwarded Message -----

From: Vicki Norvell <vnorvell@pgtc.com>
To: jay@justiceforarkansas.com
Sent: Mon, 25 Sep 2017 16:14:32 -0400 (EDT)
Subject: Comments Regarding Planning Commission Agenda Items

The following is my statement to be read at the Planning Commission meeting of 7/25 by the appropriate Planner regarding the agenda items listed for the meeting.

#4A. Variance Request, Old Farmington Road: It does not say what they want it changed to, but I assume they want to allow more units than MF-2 will allow. My answer is **ABSOLUTELY NOT !!!** My reasons are as follows: 1. I own a single family residence at 165 Old Farmington Rd. I use as a rental. At 1400+ SF living it is not a cheap rental. These proposed cramped units will lower my property value. 2. I received no notification about this possible multi-family unit complex in the first place or I would have been all over this from the start. Yes, I know I was not one of the folks who was required to be notified, but I should have been, and that needs to be changed!!! 3. Are these going to be owner-occupied or rentals? Some of my questions may be duplicates from earlier meetings, but as mentioned above, I got in on this late. 4. Old Farmington Road cannot handle all of this extra traffic. 5. Pulling out going west from Old Farmington Road onto hwy 62/Main St. is already a nightmare. This extra traffic will only intensify the situation and make an unsafe intersection even more hazardous. 6. Where will the children play "catch" with their softballs and footballs? As a mother who once had a small child, I can tell you it will be **IN THE STREET !!!** Soccer? **IN THE STREET !!!** Bicycle riding? **IN THE STREET !!!** Basketball? No idea. One thing is for sure, parents are not going to load the kids up every day and take them to the park. Occasionally, maybe. They are also not going to let them cross the highway, at least I wouldn't even with a traffic light. 7. Increased crime rate. FBI statistics prove the closer people are forced to live together due to their inability to pay higher rent or house payment amounts and their position on the socio-economic ladder, the higher the crime rate. This is already being reflected in Farmington's crime rate. Granted, some of this increase is due to increase in population, but not at the current rate increase. 8. Do the folks proposing these units live in Farmington? I doubt it and I would like an answer to this question. Do they plan to live in one of these units and why not? In other words, are they willing to live with the end product of what they build?? Or, are they not willing to live with the end product, but expect us to? 9. If their variance is approved, everyone else will expect the same thing. I would like answers to these questions reflected in the minutes so I may see their answers. Thank You.

#4B. Why should the school be allowed to have signs any different than anyone else? If their variance is approved, everyone else will expect the same thing.

#4C. I don't have a copy of the sign ordinance. However, I was very happy with it when it was drawn up during the time I was on the Planning Commission many years ago. I would say the billboard should conform to the height and size requirements in the current ordinance. Also, it should not have any moving words, sentences, letters, etc., because they could be distracting to drivers and might cause accidents.

Response to 5 A & B to follow.

Vicki M Norvell

Note: Vicki Norvell's Response to 5A & B was not sent to my e-mail account.

Judy Horne

4A. Variance Request
Shovel Cedar Mountain Properties
Old Farmington Road

**MISCELLANEOUS PROVISIONS
RESIDENTIAL DISTRICTS**

(a) Minimum Dimension Requirements

(1) When an existing lot is reduced because of conveyance to a federal, state or local government for a public purpose, and the remaining area is at least seventy-five percent (75%) of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with minimum lot size requirements.

(2) Minimum lot size requirements shall not be interpreted as prohibiting the construction of a single-family residential dwelling unit on a lot that was legally platted and recorded before the adoption of these regulations. For lots that are rendered nonconforming, the necessity of obtaining a variance from such created nonconformity shall not be required as a condition of issuance of a building permit, provided all setback and other requirements can be met.

(3) When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose, and the remaining setback is at least seventy-five percent (75%) of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to satisfy minimum setback requirements.

(b) Maximum Lot Coverage

(1) The maximum lot coverage (all buildings) shall not exceed forty percent (40%) in R-1, R-2, MF-1, and MF-2 zones.

(2) The maximum lot coverage for the R-O zone is sixty percent (60%) of the lot or parcel.

(c) Height Limitations

(1) The maximum height for all structures is thirty-five (35) feet in R-1, R-2, MF-1, and MF-2 zones. The maximum height for all structures is 20 feet in MHP zones.

(2) The maximum height for all structures is forty (40) feet in the R-O zone.

(d) Off-street parking

(1) Parking requirements for R-1 and R-2 zones are as follows:

2 per each single-family dwelling;

1 per each 10 seats in a church auditorium or sanctuary;