

Planning Commission Minutes
July 26, 2021 at 6 PM

1. ROLL CALL – Meeting was held in person and also via Zoom due to Corona Virus pandemic. Meeting was called to order by Vice Chair Gerry Harris. A quorum was present.

PRESENT

Gerry Harris, Vice Chair
Chad Ball
Howard Carter
Judy Horne
Keith Macedo
Jay Moore
Bobby Wilson

ABSENT

Robert Mann, Chair

City Employees Present: Melissa McCarville, City Business Manager; Ernie Penn, Mayor; Chris Brackett, City Engineer; Steve Tennant, City Attorney

2. Approval of Minutes: June 28, 2021, meeting minutes were approved as written.

3. Comments from Citizens: None

4A. Public Hearing: Re-Plat – Farmington Creek Subdivision (Ecology Park), Location: Nature Trail Drive and Ecology Park owned by PBS Properties; presented by James Koch
And

4B. Large Scale Development – Ecology Park

James Koch was present representing owner and developer Paul A. Schmidt. This is a combined re-plat and Large Scale Development. He discussed a small drawing showed two proposed buildings encroachments into building setback requirements area: Corner of Unit E: 1.56’ and front of Unit “F” 1.1’ with request that this “minor encroachment” be allowed as a condition of approval of this development.

Chad Ball noted that he had received this additional information by e-mail only two and a half hours prior to the meeting.

Discussion followed regarding changes that would be needed such as remapping of the parking lot of Unit “B”; discussion of the flood plain of this property and necessary flood protection guarantees. (The buildings will have to be built up by two feet. Walls will have to be waterproofed.) In April they had indicated there would be 29 units but now with this new plat there will be 30 units because Unit “E” will be a tri-plex instead of a duplex. Mr. Koch also confirmed that some of the sewer easements would be changed slightly.

In further discussion, there was concern about the sight line from Ecology Drive onto Double Springs Road. Chris Brackett said the developer is in process of getting an access easement with the land owner in this area.

Public Comment: There were no public comments.

Chris Brackett presented a memo with suggested conditions for approval:

“The Replat of the Farmington Creek Subdivision and the Large Scale Development for Ecology Park has been reviewed and it is our opinion that the Planning Commission’s approval should be conditional on the following comments:

1. The dedication of the Double Springs Road Master Street Plan Right-of-way will need to be added to the replat.
2. Provide one original and 6 copies of the recorded replat to the City
3. All connections to the water and sewer systems must be approved by the City of Fayetteville.
4. The filed access easement will be required for the off-site drive connection to Double Springs Road prior to construction plan approval. If this easement is denied, this project will be required to go back to the Planning Commission for approval of the revised plan.
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 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.”

After further discussion, the Planning Commission added two more conditions: 1) The developer shall make payment of \$9,000 in lieu of a dedicated park; 2) Clearance of the needed right of way approval.

Chad Ball moved to table both items 4A and 4B due to easement issue stated in 4. above with the verbal agreement for access. Judy Horne seconded the motion. Upon roll call vote the Yes votes were Ball, Horne. No votes: Carter, Moore, Macedo, Wilson. Motion to table failed 4-2.

Vice Chair Harris called for question regarding approval of Large Scale Development for Ecology Park, conditional upon City Engineer Brackett’s memo and additional conditions of payment in lieu of park in amount of \$9,000 and also the needed right of way easement access approval from a property owner.

Upon roll call vote regarding items 4A and 4B the vote was Yes: Carter, Moore, Wilson. No: Ball, Macedo, Horne. With a 3-3 tie, Vice Chair Harris voted Yes and the motion passed 4-3.

4C. Large Scale Development – Holland Crossing Mini Storage - Owner: Alberta Investments, LLC; Location: N. Holland Drive Parcel #760-03869-000, 760-03866-000 760-03868-000; Presented by Crafton Tull.

Chad Ball asked about having 3 access points into this development and how it would work with traffic. Taylor Lindley, project engineer for Crafton Tull said the main entrance is on Holland Drive and other entrances will have a Knox Box for Fire Department and other emergency access only.

The lighting will meet Dark Sky protocols with shaded lights. They plan a 6’ wood fence around the property with required landscaping.

Chris Brackett presented a memo with suggested conditions to be met for approval:

“The Large Scale Development Plan for the Holland Crossing Mini Storage has been reviewed and it is our opinion that the Planning Commission’s approval should be conditional on the following comments:

1. All connections to the water and sewer systems must be approved by the City of Fayetteville.

2. Approval from the Gas Company for improvements over the high-pressure gas line must be provided prior to construction approval. If this approval is denied, this project will be required to go back to the Planning Commission for approval of the revised plan.
3. 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.
4. 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.”

Public Comment: There were no public comments.

Vice Chair Harris called for question regarding approval of Final Plat for the LSD for Holland Crossing Mini Storage, conditional upon City Engineer Brackett’s memo and upon roll call vote, the LSD was unanimously approved.

4D. Final Plat – The Grove at Engles Mill; Owner – Riverwood Homes; Location – between Folsom Elementary & Farmington High School, and Twin Falls to the south; presented by Bates & Associates, Inc.

There were no Public Comments. There was limited discussion on the Final Plat with concerns about the street naming where W. Tyler Road goes both east-west and north-south. Also, a street with Cove in the name was questioned. The authorities who designate street names for developments will deal with these issues.

Chris Brackett presented a memo with suggested conditions for approval:

“The Planned Unit District for the Grove at Engles Mill Subdivision Phases 1 Final Plat has been reviewed and it is our opinion that the Planning Commission’s approval should be conditional on the following comments:

1. The required Payment in Lieu of Park Land Conveyance must be paid prior to the signatures on the Final Plat. This fee will be \$600 per single family unit. The fee will be \$48,000 for 80 single family lots.
2. All public improvements including the sidewalk along West Tyler Road must be completed and a Final Inspection scheduled. All punch list items must be completed and accepted prior to final approval of the final plat.
3. A one-year Maintenance Bond to the City of Farmington for all public improvements with the exception to the water and sanitary sewer improvements must be provided prior to the signatures on the Final Plat. The engineer must submit an itemized cost of these improvements for approval prior to obtaining the bond.
4. If the sidewalk construction is to be delayed until the home construction then the developer shall provide an escrow account in accordance with Ordinance No 8.1(C), 3(A.). The engineer shall provide a cost estimate for the construction of the sidewalk for approval.
5. If the installation of the Street Lights has not been completed at the time of Final Plat signatures, then the developer shall provide the paid invoice from the electric company for these lights.
6. Provide one original and 6 copies of the recorded Right-of-way Document for the extension of West Tyler Road through the School District’s property.
7. Provide one original and 6 copies of the recorded plat to the City.”

Chad Ball reminded that the Commission had discussed previously a stub-out on the southeast border of this development to allow trail access into the outer portion of the ball park. He suggested that the \$48,000 (payment in lieu of park land) be earmarked specifically for this access. He agreed to meet with the Finance Committee of the City Council to present this request.

Public Comment:

Norm Toering, 306 Claybrook noted an error in the Agenda which stated this was a Final Plat for property “south of phase 1 and 2.” It should have read “south of **Phase 1.**”

Vice Chair Harris called for question regarding approval of Final Plat for the Grove at Engles Mill, conditional upon City Engineer Brackett’s memo and the clarification of street names.

Upon roll call vote, the Final Plat was approved unanimously.

4E. Preliminary Plat – Goose Creek Village Phase 3 & 4; property owned by Red Canyon Development; Location: Double Springs; Presented by Jorgenson & Associates.

Blake Jorgenson was present via Zoom.

Chris Brackett presented a memo with suggested conditions for approval:

“The Preliminary Plat for the Goose Creek Subdivision Phases III and IV 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 and Traffic Circle shown on the plat 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 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. This fee will be \$37,200 for the 62 lots in Phase III and \$35,400 for the 59 lots in Phase IV. If Park Land Dedication is requested prior to final plat, then the dedication must be approved by the Planning Commission.
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) more copies of the final drainage report that have been sealed by the engineer for final approval and distribution.”

Mr. Jorgenson was reminded that the Commission expects Silverthorne in the subdivision to the north will be kept closed to construction vehicles for Phases 3 and 4.

Phyllis Young, 546 Goose Creek Road spoke with concerns about large amounts of trash that the water flowing from Phases 1 and 2 brings onto her property. She said having drainage from 200 lots is going to cause her continuing problems. She felt the drain system that was approved by the City Engineer and the City is not a good type of drainage system. She dislikes having to put up with this when she did not choose to live in the city.

Mr. Jorgenson apologized for the trash and stated that he thinks the water flow will improve as sod gets established; he also believes eventually there will be less construction trash and he agreed to look into the situation there.

Lori Burns, 464 Goose Creek Road, has a long fence that backs up to 12 back yards in the new development. She hopes that all the big trees on the fence line will be kept, not cut down. She also wanted to know how long before the 12 houses would be built behind her property.

Mr. Jorgenson asked the city personnel to give her his contact information for further discussion about the trees and he also said that due to the huge demand for housing that the new homes behind her property will be built rather quickly.

Vice Chair Harris called for question regarding approval of Preliminary Plat for Goose Creek Village Phase 3 & 4, conditional upon City Engineer Brackett's memo. The vote to approve passed unanimously.

4F. Large Scale Development & Variance: S. Hunter Street Townhomes Development; Property owned by Brad Smith/Jerry Coyle; Location: 81 S. Hunter; Presented by Bates & Associates, Inc.

Jake Chavis was present for Bates & Associates.

Mr. Chavis' letter dated July 9, 2021 in which the applicant, Green Prairie Investment asked for a waiver of street improvements on South Hunter Street was discussed. Mr. Chavis said that since this street is currently under Arkansas Department of Transportation jurisdiction and they will be making necessary street improvements, Green Prairie Investment should not have to make the improvements. He further stated in his letter that GPI had been given 3 options:

- 1) Pay a fee in lieu of street improvements, even though funds have already been allocated for the 170 project.
- 2) Wait a year until the project has been constructed before beginning townhome construction.
- 3) Request a waiver of street improvements from the Planning Commission.

They are requesting the waiver. The letter further states:

"The Applicant will never opt for the fee in lieu option and, if this waiver is denied, would rather wait until construction of the street improvements are constructed."

Mayor Penn reiterated that the funds for the paving and sidewalk construction are already allocated.

Vice Chair Harris called for question to approve the waiver of street and sidewalk requirements for the S. Hunter Street Townhomes Development. Yes: Carter, Moore, Macedo, Horne, Wilson. No: Ball. Waiver request was approved 5 – 1.

The Planning Commissioners will discuss the Land Use Plan at the next work session.

Having no further business, meeting was adjourned.



Judy Horne / Secretary



Gerry Harris – Vice Chair