

Planning Commission Minutes September 27, 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 Chairman Robert Mann. A quorum was present.

PRESENT

Robert Mann, Chair
Chad Ball
Howard Carter
Judy Horne
Keith Macedo
Jay Moore, via zoom
Bobby Wilson

ABSENT

Gerry Harris, Vice Chair

City Employees Present: Melissa McCarville,
City Business Manager; Michael Schulz ,
representing Chris Brackett, City Engineer

2. Approval of Minutes: August 23, 2021, meeting minutes were approved as written.

3. Comments from Citizens: None

4A. Rezoning from A-1 to R-1 for property located at 12650 N. Hwy 170 owned by Damon McDonald as presented by Jorgensen & Associates:

Justin Jorgensen with Jorgensen & Associates was present via zoom to discuss the request. They have been discussing with the City about sewer line extensions. Chad Ball moved to postpone action for 90 days until after the Land Use Plan is in place because land in question is considered Rural Residential land use which is larger lots than R-1 would be. Motion failed to obtain a second. After further discussion, Chad moved to table this item until the October meeting and was seconded by Bobby Wilson. Motion carried 5-1. This item was tabled until the October meeting.

Melissa McCarville noted that the petitioners would not have to readvertise or put another ad in the paper. So interested citizens will not be re-notified in October but are welcome to attend the meeting.

4B. Amended Preliminary Plat- The Grove at Engles Mill, Phase 2 located off Grace Lane, owned by Riverwood Homes as presented by Bates & Associates, Inc.:

Geoff Bates with Bates & Associates was present to discuss the request. They had made a mistake concerning the side setbacks. They should have been 5 feet but the plat showed 10 feet. They did not catch this mistake until after the plan had gone through. This was brought back before the Commission because City staff felt the decision on a change should be made by the Planning Commissioners, although City could have made a decision.

Mark Marquess with Riverwood Homes said even with the setback change, the larger homes adjacent to Twin Falls subdivision would be the same larger size (2,400 sq. feet). He said the Grove plan will look just like Sloanebrooke in Fayetteville. There are 12 lots that wrap around Twin Falls and the Phillips Farm.

Public comment:

Norm Toering- 306 Claybrook: He was under the impression that there could be no changes on a PUD after its initial approval. He wondered what other changes might the developer ask for next. Marquess said he was not trying to change anything but rather there was a mistake on the plat drawing.

Tommy Johnson- 441 Driftwood: He feels that setbacks would defeat the purpose of the larger-sized homes. This setback change which would collapse the houses on each other would make the overall development unattractive. He thinks homes crowded together rapidly decrease in appearance and in value.

Jeanette Houser - 376 Eagle Ridge: They have been doing dirt work by her house and she is concerned that the construction site which is 2 feet higher than the normal elevation will turn water runoff into their yard. She wanted written assurance right now that the water in new subdivision will flow back and not on her yard.

Michael Schulz, representing Olsson Engineers explained that it is illegal to drain additional water onto adjacent properties. Chris Brackett has reviewed and approved the plans and therefore, they must be compliant with law. Chairman Mann said if there should be damages, the engineering firm would be held liable.

Chairman Mann said the PUD will be finalized when the Final Plat is approved. Changes can be made up until this point. The city's engineer makes sure the drainage plan will allow less water or no more water flow than what was already there prior to construction. They run this through calculations and models to verify it. The City Engineer will sign off on that plan once they check it. It is illegal for them to allow anything more than what is currently draining onto the property. They use NOAA 100-year flood studies in the calculations as well.

Dean Hauser – 376 Eagle Ridge: He asked about measurement of water because this area has not had rain in months now. Geoff Bates explained how runoff is calculated. He agreed to come take a look at the Eagle Ridge property and arrangements were made.

After lengthy discussion, Jay moved to approve the request with a change of setbacks to 5ft with exceptions for lots 119-131 that are adjacent to Twin Falls, keeping them at the 10 foot side setback. Howard Carter seconded the motion. Chad asked if house sizes would be smaller due to this change. It was said that it would not affect the size of the homes.

Having no further discussion, Robert Mann called the question to approve the Amended Preliminary Plat for The Grove at Engles Mills Phase subject to changing the setbacks to 5ft except for lots 119-131 which would stay at the 10ft setback. Upon roll call, the motion passed unanimously.

4C. Final Plat- The Grove at Engles Mills Phase 2 located off Grace Lane owned by Riverwood Homes as presented by Bates & Associates, Inc.:

Geoff Bates with Bates & Associates was present to discuss the request. Chad referred to an email from Jonathan Eley asking if the front easements for utilities had been noted on the plat, and they had. Chris Brackett had prepared a memo dated September 27, 2021. Geoff Bates had not received the copy of the memo before the meeting. Michael Shultz was present in Chris's stead and read the memo as follows:

“The Planned Unit District for the Grove at Engles Mill Subdivision Phases II 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 \$30,000 for 50 single family lots.

2. All public improvements including the sidewalk along the east side of Grace Lane and along the frontage of Commons 3 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 electrical company for these lights.
6. Provide one original and 6 copies of the recorded plat to the City.”

Preliminary Plat amendments approved in the previous agenda item was made a part of the motion to approve the Final Plat. Chairman, Robert Mann called for question regarding approval of Final Plat for the Grove at Engles Mill Phase II, conditional upon City Engineer Brackett’s 9-27-21 memo and the amended Preliminary Plat requiring 10’ side setbacks for properties next to Twin Falls. Upon roll call vote, the Final Plat was unanimously approved.

Jill Toering, 306 Claybrook and Tommy Johnson, 441 Driftwood, thanked the Commission for hearing their concerns and acting upon them.

4D. Public Hearing- Land Use Plan:

Sarah Gertz was present via zoom to discuss the Land Use Plan. She presented a slideshow with the definitions which will be provided on the City website. She predicted that Farmington’s population will continue to grow rapidly. Although there is a Light Industrial land use classification, no area of the City has that designation at this time. The Agricultural areas do not have water and sewer now.

Public Comment:

Brady Ghan- 9 Locust St: His neighborhood is reflected as Neighborhood Commercial. He does not like the fact that you have preexisting homes in that mixture and then the possibility of coming in with businesses all around him. Legally they can rezone it however they want and it does not stop someone from putting a commercial business there. He feels this will discourage investors to come to the area for housing. This aids outsider developers but does not help the local citizens. He would like to see more contained highway commercial usage than broad highway commercial usage.

He provided his statement for entry into the Minutes as follows:

“Thank you in advance for letting me speak. I will do my best to be brief. My opposition to the current land use plan is as a homeowner, as a taxpayer, and as a citizen of the region.

At the previous meeting on this plan, I noted my concerns with designating my whole neighborhood as Highway Commercial. Also, at the last meeting on approving the land use plan, the city attorney noted that attempts to rezone that complied with the land use plan would most likely be approved. As a homeowner, I am frustrated because it seems the zoning of my entire neighborhood is being left up to this body, who did not address my concerns noted at the last meeting on this plan, and none of whom live in the highway commercial zone. In legal terms, while this may not be de jure zoning, this is certainly de facto zoning.

As a homeowner, I am further frustrated that the current land use plan does not consider the character of my neighborhood and doesn't honor the recent investments of its residents.

In the past two years, there have been new homes built in the area that would now be designated for tobacco stores, bus stations, and car lots - all of which would be approved without a conditional use permit. In addition to new homes there have been recent and ongoing renovations to historic homes and buildings, which mark some of the oldest in Farmington. For example, my home and the church next door predate the plat of the city of Farmington. Even as such, my home would now be in an area zoned for pawn shops, dry cleaners, and motorcycle repair shops, once again - all of which would be approved without a conditional use permit. This discourages homeowners like myself from investing in areas like mine which contain a variety of housing styles and varying income levels, and instead gives preference to developers who may be less concerned about the overall aesthetic and sense of place in our city.

My second concern is as a taxpayer. The current zone of highway commercial being considered is centered on Highway 62, a regional arterial road which services interstate as well as intrastate travel. Instead of seeking to serve the local community, it seems to service those traveling through the community. This goes against current trends in urban and suburban planning which focus on building communities that are less focused on cars and more focused on the residents of a city.

Dr. Michael Yoder from the University of Central Arkansas, did a case study of suburban sprawl in small Arkansas towns. He spoke about broad commercial zoning along arterial roads as is being considered and stated, "Such stretched, linear development, which represents a spreading out of functions traditionally found in downtowns and traditional neighborhoods, requires greater public investment in roads than traditional town grids."

Continuing to center our development on serving outsiders and those traveling by cars will ultimately result in the city putting more of its funds toward maintaining roads for those passing through and less for parks and amenities for those of us who call Farmington home.

Lastly, I am opposed to this plan as a citizen of the Northwest Arkansas region. This plan seems to focus on allowing developers to dictate the landscape of our community. As a citizen of Farmington, I want our city to look different. I want a city with its own identity, that preserves its history where it can and that produces a sense of place that stands out in Northwest Arkansas. I believe that starts by creating centers of commercial growth rather than reactively Zoning along wide swaths of land and allowing outside developers to determine our city's future.

In conclusion, I ask that the planning commission do away with the broad highway commercial zone present in the current plan in favor of a central commercial zone more in keeping with urban and suburban planning principals, and to protect my neighborhood and others like it to invest in Farmington's future.

Thank you for your time."

He closed by saying that he wants our city to look different from other cities; he wants a sense of place here. And he does think organized centers of commercial growth would be acceptable.

Guy Von Bergen, 11512 Giles Street also owns property at 240 Lossing. He said a proposed trail on the Master Transportation Plan goes right through the middle of his Lossing property. That property has 5.2 acres. There is a sewer easement running through it. He has to pick up trash next to the Ecology Park development which abuts his property.

Melissa McCarville assured him that a sewer easement could not automatically be used by the City for a trail. They would have to obtain land from him for a trail. It was further determined that the trail would lead to Ecology Park, which did not set aside a trail easement in their development.

It was decided that this proposed trail will be taken off of the Master Transportation Plan when we reevaluate it. The Land Use Plan cannot address the trail issue. This was just added for reference when viewing the Land Use Plan.

It was suggested that we minimize some of the highway commercial and consider neighborhood commercial areas as well. This would apply to areas off Main Street. This could create some buffer zones for residential areas that back up or are in commercial areas. We can take all the comments and notes and forward them to the City Council. City Council has the authority to make their own changes and then approve it.

Some Commissioners wanted to see the adjustments prior to sending it to the City Council for approval. After discussion, Chad Ball moved to send the Land Use Plan to the City Council with the proposed changes to White Street and also Jim Brooks Road where there would be some large estate-type homes on land next to Highway Commercial. Jay seconded the motion. The motion failed 4-3. Then Chad made the motion to go ahead and send it to the City Council as presented. Bobby seconded the motion.

Chairman, Robert Mann called for the Land Use Plan to be forwarded to the City Council as presented.

Upon roll call vote, the Final Plat was approved 5-1. Judy Horne voted No.

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



Judy Horne – Secretary



Robert Mann – Chair