

Planning Commission Minutes September 26, 2022 at 6 PM

1. **ROLL CALL** – Meeting which was available in person was called to order by Chair Robert Mann. A quorum was present.

PRESENT

Robert Mann, Chair
Keith Macedo
Bobby Wilson
Chad Ball
Judy Horne
Howard Carter

ABSENT

Gerry Harris, Vice Chair
Jay Moore

City Employees Present: Melissa McCarville, City Business Manager; Rick Bramall, City Building Inspector; Mayor Ernie Penn; Steve Tennant, City Attorney

2. **Approval of Minutes:** August 22, 2022 meeting minutes were approved as written.

3. **Comments from Citizens:** None.

Public Hearings:

4A. Variance- Variance to hydroseed the retention area; Property located intersection of Effie Way and Hwy 170; Owner - Bart Bauer and Presented by Bart Bauer

Bart Bauer – 8304 Apple Ridge, Little Flock, was present to discuss the request. He explained that the detention pond was very large, sod was very expensive now, and currently is hard to obtain. He also said that he has been using hydroseeding “all his life, all over” and if put on good top soil, it works fine.

Chris Brackett had submitted a memo but was not present to present it. Melissa read the memo as follows:

“The Variance Request for the Hillcrest Subdivision has been reviewed and I have the following comments.

1. Part of 5.4.2 of the Farmington Drainage Criteria states the following concerning Dry Reservoirs (Detention Ponds). “The entire reservoir area (the bottom and interior slopes to the top of the bank) shall be sodded prior to final plat approval or insurance of certificate of occupancy.”
2. The City has received several requests in the past several years for hydroseeding detention ponds. All these requests have been denied due to the requirement stated above.
3. While Hydroseeding is superior in growing grass to just seeding a site, I have found that it does not provide the soil coverage that sodding will provide. It is for this reason that I can’t support this requested variance.”

Chad Ball noted that the Commission considers “undo hardship” unique to the property when considering a variance. He didn’t believe cost was an undue hardship as per our Ordinance concerning variances. We have never granted a variance for this request in past due to the drainage criteria manual.

Further, Chad said sod is an immediate protection and will provide erosion control as well as slow runoff. The hydro seed would not prevent erosion and runoff which could then become a major issue. It can cause pollution of waterways downstream.

Keith Macedo said he was familiar with this type of work because he had done that while in college. He agreed that due to this particular situation, the previous drainage and flooding problems in Valley View Subdivision, it is important to require sod blocks.

Mr. Bauer did not know exactly what type of seed would be used in the hydroseeding, but thought Bermuda grass seed.

City Attorney Steve Tennant said that the Drainage Criteria Manual requires sod and a variance has never been granted for hydroseeding. He said to allow this variance would be opening "Pandora's Box" in future variance requests like this..

There was no public comment on this variance.

Having no further discussion, Robert Mann called the question to approve the variance to hydroseed the retention area subject to Chris Brackett's memo. Upon roll call, the motion failed unanimously. Sod will be required for the detention pond.

Multi-Family Design Standards Ordinance

The Commissioners informally discussed the Multi- Family Design Standards Ordinance. They determined that they will need to have another work session to discuss and make changes prior to setting a public hearing. The Multi- Family Moratorium will end in December of this year, so the ordinance changes can be completed prior to the Moratorium being lifted.

The Arkansas Legislature passed a law that severely restricts what a city can require for single-family residential housing. However, there are not restrictions regarding multi-family housing. There are a lot of things covered under the International Building Codes. The commissioners will continue to look at the standards at the next work session, rewording and making changes to multiple sections. Fences between each unit were one of the issues that will be considered at the work session. Perimeter fencing is addressed within the Landscaping Ordinance.

Adjournment: Having no further business, the in-person Planning Commission meeting was adjourned at 7:00 PM.



Judy Horne - Secretary



Robert Mann, Chair