

**Planning Commission Special Meeting Minutes
March 24, 2025, at 6 PM**

- 1. ROLL CALL** – The meeting was called to order by Chair Robert Mann. A quorum was present.

PRESENT

Robert Mann, Chair
Gerry Harris, Vice Chair
Chad Ball
Judy Horne
Keith Macedo
Norm Toering
Bobby Wilson

ABSENT: Howard Carter

City Employees Present: Melissa McCarville, City Business Manager; Jay Moore, City Attorney; Rick Bramall, City Building Inspector; Chris Brackett, City Engineer; Bill Hellard, Fire Chief; LeAnn Tolleson, City Administrative Assistant.

- 2. Approval of Minutes:** February 24, 2025, Judy Horne stated there were a couple of errors in the minutes, Mesquite needed to be changed to mosquito, convenance was spelled wrong and swell needed to be changed to swale. The minutes were unanimously approved subject to Judy Horne's changes.

- 3. Comments from Citizens:** None

1. Public Hearings

1A. Variance – Property owned by Dianna & Charles Patterson, Location –73 E. Main Street, Presented by Bates & Associates.

Geoff Bates representing Bates & Associates stated there is an existing house on the property that is in the setback, once it is torn down and the new building built it will be in the setbacks, and they are asking for a variance Chairman Mann asked if the city had anything they wanted to add, City Business Manager, Melissa McCarville said the building is in the existing setbacks and the existing house is a lot more forward.

Comments from Citizens:

Jill Toering, 306 Claybrook asked the question is the smoke shop next to a daycare?

Chairman Mann closed the floor for public comment.

Geoff Bates with Bates & Associates answered Ms. Toering's question and said, yes, it is next to daycare. Keith Macedo asked City Attorney Jay Moore if there was anything legal. Mr. Moore answered not that he thinks they are both in commercial zoning, but he will investigate it more but does not think anything would prevent it. Melissa McCarville stated this will comeback as a Large-Scale Development.

Judy Horne asked if the daycare was on the east or west side of the building and whether the building could be moved away from it. Mr. Bates confirmed it is on the east side, and Mr. Moore stated any issues would be addressed during Large-Scale Development.

Chairman Mann called to question property owned by Dianna and Charles Patterson; property located at 73 E. Main Street. Presented by Geoff Bates upon roll call vote the variance passed unanimously.

1B. Variance – Property owned by Derek Winkle, Location –W. Main Street and S. Locust Street, Presented by Blew & Associates.

George DuQuesne, representing Blew & Associates, requested two variances: a setback variance and a parking variance. The setback variance is needed due to space limitations between the right-of-way and the back of the property, which restricts room for parking, drive space, and the building. The parking variance is required because the project is short of five parking spaces with no available location to add them. Although the project has not yet been presented, the variances are being sought in advance to determine if the project can proceed.

Vice Chair Gerry Harris inquired about sidewalks and whether the Fire Department approved the available space for fire truck access behind the building. Mr. DuQuesne stated he had not yet spoken with the Fire Department. Fire Chief Bill Hellard responded that he would need to review the plans and noted that fire access would be evaluated during the Large-Scale Development process. Mr. DuQuesne mentioned that no drive was planned for the back, with all access limited to the front.

Chad Ball asked where a dumpster would go. Mr. DuQuesne answered they would have to add a dumpster to the site. Chad Ball said they would need to have adequate parking and dumpsters. The sidewalk will need to connect. Mr. DuQuesne said they would follow the Master Street Plan.

Judy Horne wanted to know if there could be a compromise and it be shifted five feet south. Mr. DuQuesne answered he doesn't think it would be a problem, City Attorney Jay Moore stated anything can be proposed by the Planning Commission.

Public Comment: None

Judy Horne asked what was behind the building. Mr. DuQuesne answered that there is another project that will be a garage/storage building on the north side that Blew & Associates are handling.

Chairman Mann stated that since they own both pieces of property that changes everything, if you own both pieces of property you shouldn't have a problem with parking. Mr. DuQuesne said that each property has two different property owners. Blew & Associates' client is the contractor, the contractor is also the contractor for each property, but they have different owners.

Chairman Mann called to question to approve the variance for off street parking requirements property owned by Derek Winkle, property located at W. Main St. and S. Locust St. presented by Blew & Associates failed 4-3 Chairman Robert Mann, Norm Toering, Chad Ball and Bobby Wilson voting no.

1C. Rezoning – From R-1 7 R-2 to MF-2 Property owned by Cox Development, LLC, Location 357 S. Hunter Street; 9,15,19 & 25 W. Dakota Trail, Presented by DCI.

Jay Young, representing DCI stated his client owns all the brown parcels of land shown on the exhibit, which is multi-family zoned, our client also owns the small triangle parcel off Hunter and the end lot of the cul-de-sac. Since most of the land is zoned multi-family, he is looking to do a single development with those tracts combined.

Comments from Citizens:

Sheila Morell owns the property at 381 S. Hunter, expressed concerns over the potential construction of two-story apartments and if they are built people will be able to see in everyone's homes and there would be no privacy. Ms. Morell also stated she had not seen any plans but had spoken to several neighbors and they do not want apartments. This needs to be long-term houses and not two-story apartments. Ms. Morell stated

that the back portion of her property extends to a field and that Cox Development has repeatedly attempted to purchase it over the years, she said she will not sell.

Keith Lipford, 280 S. Hunter, stated the area is surrounded by R-1, single family homes and a mix of duplexes, directly across the street is more residential with larger properties that consist of 1 to 2 acre lots. Mr. Lipford said he could see MF-1 duplexes going in, that fits the blend. MF-2 gets into higher density, and you could get apartment complexes, MF-1 just makes more sense.

Chairman Mann closed the floor for public comment.

Chad Ball stated the majority of this is already zoned as MF-2, 4.7 acres is MF-2 have and they are trying to add more parcels that would equate to an acre or less than an acre. Mr. Ball asked, this is already zoned MF-2, you are just adding more parcels? Mr. Young answered the north triangle is currently zones R-2 and the south triangle is currently zoned R-1, the developer owns them all he wants to develop them as one development Whatever action that is taken tonight won't affect the development.

Chad Ball asked City Attorney Jay Moore what would happen legally if a sewer/lateral line exceeds someone's property. Jay Moore answered that this would be an issue between the developer and the homeowner, it would become a civil case.

Chairman Mann called to question to approve the rezoning from R-1 & R-2 to MF-2 property owned by Cox Development, property located at 357 S. Hunter Street; 9,15,19 & 25 W. Dakota Trail, presented by DCI passed 5-1 with Keith Macedo voting no.

1D. Large Scale Development Brand New Church – Property owned by Brand New Church, Location –512 W. Main St., Presented by Bates & Associates.

Geoff Bates, representing Bates & Associates, stated that the church purchased the property, which is already zoned C-2. They plan to put in a parking lot and pave the existing access easement.

City Engineer Chris Brackett read a memo as follows.

The Large-Scale Development for the Brand-New Church Parking Lot has been reviewed, and it is our opinion that the Planning Commission's approval should be conditional on the following comments.

1. A temporary construction easement will be required prior to construction plan approval for the work being performed on the adjacent properties.
2. Access to the adjacent properties will have to be maintained during the construction of the parking lot.
3. A completed Grading Permit Application and fee must be submitted to the City prior to final approval of the construction plans. A preconstruction conference will be required prior to any grading on the site. The owner, their engineering consultant, and the 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 have been approved by KMS, the applicant shall submit to the City one (1) set of the full-size plans and two (2) sets of the half-size plans, and one (1) copy of the final drainage report that have been sealed by the engineer of record for final approval and distribution.
5. This approval of this large-scale development is effective for a period of one year and thereafter as long as work is actively progressing on the installation of the required improvements.

The following comments can be addressed in the construction plan submittal.

1. There is an error in the drainage report that must be addressed. This error does involve the size of

the detention pond but after there appears to be enough room on-site to address this error. I do not see any reason to table this project due to this error.

2. A trickle channel will be required in the detention pond and the pond outlet will have to be RCP.

Judy Horne expressed concern that the roadway appeared to be built higher than one foot, which would cause neighboring property owners to look uphill toward the parking lot. She also worried that raising the roadway would worsen drainage issues. Ms. Horne also voiced her concern about the detention pond needs to be deeper. In response, Mr. Bates stated that the water would be directed to a ditch, which would prevent it from reaching the neighboring properties. They will be meeting the drainage requirements.

Comments from Citizens:

Jennifer Whitney 12281 Tyler Road lives directly behind where the asphalt is supposed to be. She stated it is overstepping her property lines and is willing to get a survey to prove that. Ms. Whitney said her biggest concern was the encroachment on the property line and her second concern was the utility lines that are underneath the gravel road. Ms. Whitney went on to say that they had been dealing with water line leaks since last summer (Mr. Chrisley passed out pictures to the Planning Commission). Ms. Whitney asked the question, what are the plans for the utility lines and drainage.

Joey Chrisley, also of 12281 Tyler Road, raised concerns about ongoing water line issues that began in September 2024. Although a gas line that was dug up was repaired, the water lines have not been fixed, as they are awaiting approval from Brand New Church to reroute the line. As a result, water has been running onto their property for the past six months. Mr. Chrisley stated there is already a 20-foot easement that extends up to their house and claimed that half their property has effectively been taken. He also expressed concerns about traffic congestion, suggested having police direct traffic, and questioned why an access easement could not be granted to their property connecting Rheas Mill to Wesley Stevens.

Eleanor McDonald, 12839 Ruby Road, passed out pictures showing flooding to the Planning Commission and asked if the runoff coefficient is changing on her property. She made the comment when does a small ditch that she made on her property become a drainage easement for a big parking lot.

Jason McDonald, who owns the west adjacent property at 12839 Ruby Road, raised several concerns about the proposed Large-Scale Development. First, he requested the Planning Commission table the project due to unresolved drainage issues. Second, he stated that displacing water onto his and neighboring properties post-development would be illegal. Third, he emphasized that flooding and drainage easement issues must be addressed before the project proceeds. Fourth, he questioned whether there are any undisclosed plans. Lastly, he inquired about how chemical runoff from the parking lot is being handled.

Hannah Gloria 12847 Ruby Road concerned about the flooding issues that are causing the septic backup. Ms. Gloria also voiced her concerns about where the utilities will be moved and if there is going to be an easement. No one has communicated with her about where the gas and water lines will be moved to.

Lilly Kersh 18240 & 18242 Ruby Road stated that the relationship they have had with the construction workers has been negative since the beginning. The waterline has been destroyed by the large trucks driving through and a road from Ruby Road to Tyler has been built over the waterline. The angle of the parking lot will have water running into their yards and the detention pond is full and with any rain they will be flooded out.

Jeff Crowder 10503 Garden Court asked who is responsible for paving the road and will it be a

public road?

Robert Phelps 750 W. Main pastor at the Apostolic Church stated when work was being done at his church, he had to come to the Planning Commission to get permission to begin work, he said we did everything we were asked to do, and we have had all proper inspections. There is already work being done, gravel equipment on the neighbor's property and theirs. No one asked and the road was widened and prepped to lay asphalt and tonight they are asking permission to work on the road and parking lot. If we had to follow the rules of Farmington, how did they get permission to start? We have not had anyone from Brand New Church speak with them. My question is whether permission been granted to do the work by the city prior to this meeting?

Chairman Mann closed the floor for public comment.

Chairman Robert Mann asked Mr. Bates to address the question about the property line. Mr. Bates answered they are not taking any of their land, there is a twenty-foot easement on their side and a ten-foot easement on the church side, so there will be a thirty-foot easement. Chad Ball asked if it has been properly surveyed and is it sealed, Mr. Bates answered yes.

Chairman Mann asked City Attorney, Jay Moore about the legal question that was asked. City Attorney Jay Moore responded that if a homeowner believes their property has been encroached upon, it is a private legal issue between the parties involved and does not concern the city. He added that the church should take all necessary steps to be good neighbors.

Chairman Mann questioned Mr. Bates about large trucks potentially breaking water lines. Mr. Bates replied that he was unaware of any trucks in the area and clarified that he serves as the engineer and is only the middleman. Chairman Mann then asked the City Business Manager if any complaints had been received regarding broken water lines, and she said no. Mr. Bates added that he had heard about broken lines but noted that those lines were scheduled for replacement. He believed Washington Water Authority, though he wasn't certain, was responsible for them.

Vice Chair Gerry Harris asked if the road was a private or public road. Mr. Bates said it was a private road with a shared access easement. All property owners who share the easement are responsible for the maintenance. City Attorney Jay Moore responded he doesn't know the specifics of the shared road 2766.401 is the statute, he will do some research and will look into it.

Chairman Mann asked City Engineer Chris Brackett about the runoff coefficient. Mr. Brackett said the runoff coefficient has increased but providing detention to mitigate. The post is .9 and the pre-emp is .5.

Chairman Mann asked Mr. Bates if the work has started. Mr. Bates answered and said the work should not have started, they are going through the right procedures, they have notified everyone. Building Official Rick Bramall responded and said that they have not started doing any grading to the parking lot, they have added materials to a gravel road without permission.

Norm Toering voiced his concern and stated what is going to stop you six months from now coming back and asking for more parking, why didn't you ask for more parking in the first place?

Keith Macedo made a motion to table the Large-Scale Development until the April 28th Planning Commission meeting with the following information to be answered by the applicant, Geoff Bates,

- Details of all utility easements in the area of Ruby Road.
- Easement information from applicants.
- No more work on site or Ruby Road.
- Information about where water lines were damaged and where the work happened.
- Road Easement (shared, private, public) statute 2766.401.

Judy Horne seconded the motion.

Robert Mann called to question to table the Large-Scale Development upon roll call vote and the request was approved 6-0.

1E. Final Plat Wagon Wheel West – Property owned by DR Horton, Location –11828 Clyde Carnes Road, Presented by Engineering Services.

Josh Hailey with Engineering Services asking for approval of Wagon Wheel West with 123 lots.

City Engineer Chris Brackett read a memo as follows.

The Final Plat for the Wagon Wheel West Subdivision has been reviewed, and it is our opinion that the Planning Commission's approval should be conditional on the following comments.

1. On March 28, 2022, the Planning Commission accepted the parkland that is now called Wagon Wheel Park. The original donation was 3.18 Acres and a recent donation to complete the parkland was 1.81 Acres for a total donation of 4.99 Acres. The Wagon Wheel Crossing Subdivision Phase I included 84 buildable lots for a total required donation of 1.68 Acres (0.02 Acres/lot at the time). The 120 lots of this subdivision will require an additional 2.76 acres (0.023 Acres/lot). This will leave 0.55 acres banked for future phases.
2. All public improvements 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 except for 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 9.20.03(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 3 copies of the recorded plat to the city.

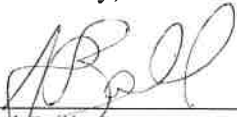
Comments from Citizens:

Jill Toering 306 Claybrook wanted to know if this was the same plat that went through the Preliminary Plat and if the Final Plat would still have four houses per acre? City Engineer Chris Brackett answered the Final Plat is the same as the Preliminary Plat that was approved.

Chairman Mann closed the floor for public comment.

Chairman Robert Mann called to question to approve the Final Plat Wagon Wheel West, property owned by DR Horton, located at 11828 Clyde Carnes, presented by Engineering Services upon roll call vote, passed unanimously.

Adjournment: Having no further business, motion was made and seconded to adjourn; it was approved unanimously, and meeting was adjourned.


Chad Ball, Secretary


Robert Mann, Chair