

**Planning Commission Meeting Minutes
May 27, 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
Howard Carter
Judy Horne
Norm Toering
Bobby Wilson

ABSENT:

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

Chairman Robert Mann turned the meeting over to City Business Manager Melissa McCarville made an announcement stating Planning Commissioner Keith Macedo resigned effective immediately.

- 2. Approval of Minutes:** April 28, 2025, minutes were unanimously approved with the following corrections Sarah Shone should say Sally Schoen and Vice Chari should have said Vice Chair.

- 3. Comments from Citizens: None**

Chairman Robert Mann amended the agenda to table item 2A. Variance, setbacks and 2B. Large Scale Development, the Smoke Shop until the June planning meeting.

1. Unfinished Business

1A. Large Scale Development – Property owned by Derek Winkle, Location –S. Bois D’ Arc 7 W. White Street, Presented by Blew & Associates.

George Duquesne of Blew & Associates introduced Josh Siebert from Modus Studio, who then gave a presentation to the planning commission.

City Engineer Chris Brackett read a memo as follows.

The Large Scale Development for the Beacon Ventures Commercial has been reviewed, and it is our opinion that the Planning Commission’s approval should be conditional on the following comments.

1. The 100-year Water Surface Elevation (WSE) must be 2’ vertically and 20’ horizontally for any structure. The WSE is currently shown at 12’ horizontally but is 2.5’ vertically. A waiver of the 20’ setback must be approved by the Planning Commission. I recommend approval of this waiver due to the additional 6” vertical separation shown.
2. The fire flow, fire hydrant and fire lane locations must be reviewed and approved by the Farmington Fire Department prior to construction plan approval.
3. 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 construction plan approval.
4. Submit two (2) copies of the filed easement plat prior to construction plan approval. A copy of the proposed easement plat shall be submitted to KMS for review and approval prior to signatures.
5. A sign permit will be required for the construction of the signage for this project.
6. 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.
7. 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.
 8. 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.

Chairman Robert Mann asked Chris Brackett for more information on waiver. City Engineer Chris Brackett stated that for a dry detention pond from the water service elevation the manual requires them to be twenty-feet horizontally and two-feet vertically. In the last submittal they were nine-foot and have increased it to twelve-foot horizontally, they have added six inches and have raised the building, this is what I advised them to do. Chairman Mann asked if this was something the commission needed to vote on, Mr. Brackett answered no, it could be part of the approval subject to the memo.

Chad Ball asked if this will be at Bois D'Arc looking straight east and it is zoned residential on White Street. Mr. Siebert stated the building is 360 degrees and making sure each facade isn't the back of the building, and the building will stay white brick all the way across. Chairman Mann asked if there were two separate buildings. Mr. Siebert showed the presentation where there are two buildings and the building on Bois D'Arc is the only building being reviewed tonight.

Norm Toering asked if we are good with the setbacks. City Engineer Chris Brackett answered yes, he had met with all the engineers and discussed setbacks, and they are all in agreement and don't need a variance. City Attorney Jay Moore commented that he was in the meeting and discussed how the language in our ordinance and what was on paper and then translated on the internet was a little different but what was on paper was what we looked at and it was good to go.

Comments from Citizens: NONE

Norm Toering inquired whether the parking was adequate and met city standards. City Engineer Chris Brackett noted the Planning Commission had approved a variance for one less parking space the previous month. Chad Ball asked if the second story added square footage and whether additional parking was calculated accordingly. Mr. Siebert responded that the second story, used as a boardroom or office space, brings the total building size to approximately 4,500 square feet, and stated that parking and the garage were accounted for. Chris Brackett asked if the previously approved variance included the second story, to which Mr. Siebert replied that the building always had a second floor. However, Vice Chair Gerry Harris and City Business Manager Melissa McCarville both expressed that this was the first time the second story had been brought to their attention, and Chad Ball noted the building now appears to have an extra story that wasn't evident before.

City Engineer Chris Brackett stated the 3,238.72 square footage is based on square feet of the building, there is an office that was included in that calculation. We are going to have to go back and look to verify what was submitted.

Vice Chair made a motion to table this to the June 28th meeting, Bobby Wilson seconded the motion.

1F. Preliminary Plat – Property owned by KD Real Estate Investment, LLC, Location –275 E. Old Farmington Rd., Presented by Crafton Tull

Blake Murray with Crafton Tull stated that little has changed since the last meeting. The Corps of Engineers recently reviewed the project, made minor adjustments, and gave verbal approval, with a formal letter expected the next day. City Attorney Jay Moore noted previous approvals were contingent on Corps approval. City Engineer Chris Brackett emphasized that the approval process has not officially started, and his approval will not

be given until all necessary steps, including Arkansas Department of Health approval, are completed. However, he recommended the Planning Commission proceed with hearing and voting, as the Corps' letter is expected soon. Chad Ball asked if the one-year timeframe to develop the final plat begins upon approval. City Engineer Chris Brackett confirmed that if the Planning Commission approves it that night, the developer must begin construction within a year.

City Engineer Chris Brackett read a memo as follows.

The Preliminary Plat for the Old Farmington Rd Subdivision has been reviewed, and it is our opinion that the Planning Commission's approval should be conditional on the following comments.

1. A discussion has been started to use the payment in lieu of parkland dedication amount to help pay for the improvement of Old Farmington Road along the frontage of the subdivision to South Holland Drive. The city staff have agreed that this is acceptable.
2. Payment in lieu of Park Land Conveyance will be required for this subdivision at \$900 per single family unit. This fee will be \$92,700 for the 103 lots.
3. The fire hydrant locations shown on the plat and the utility plans must be reviewed and approved by the Fire Department.
4. 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.
5. After the U.S. Army Corp of Engineers approval for the stream relocation, you will have to dedicate the area of stream as a drainage easement to the 100-year WSE. This can be dedicated on the final plat. The construction plans will not be approved until the Corp of Engineering has approved the relocation.
6. 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.
7. 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.
8. This approval of this preliminary plat is effective for a period of one year and thereafter as long as work is actively progressing on the installation of the required improvements.

Judy Horne asked Mr. Murray if approval was needed to move the streams and noted that water flow cannot be interfered with. Mr. Murray responded that the stream would run along the southern property line and drain into the pond. He stated that permits are in place to allow the stream to be moved and that the Corps of Engineers supports this plan. Judy Horne read an article about wetlands. Mr. Murray stated this is not wetlands, it is Waters of the U.S. City Engineer Chris Brackett said the Corps of Engineers control both wetlands and the creek, they will make the rulings.

Comments from Citizens:

Sally Schone voiced her concern about this being on going and it hasn't been made really clear about rechanneling, how it is all going to work and it is still to be determined by the Corps of Engineers. Ms. Schone is concerned that since her property is all on the south side, she is concerned about what they may or may not do to the field. Back in April she had put in a request for a fence, she feels the hayfield is a big temptation to people. I have seen the amount of liter that gets blown on to the fields, so I am requesting a fence to be required.

Jeff Hasbrook stated he had brought this up last time about the wetlands and channeling going through there that is down south. Further north is where he lives, and it is wetlands. The water ~~glows~~ flows through and the majority goes

to the pond. Mr. Hasbrook went on to say he has not heard anything as far as what they are going to do with the water. There are two other places where this water goes through my property. Mr. Hasbrook said he has had a hard time trying to keep it away from my house, where it eventually flows through is where they are building these houses. It is a wetland, if they backfill it where the water will go, it will pile up off my property and I have not heard anything back on what's going on.

Chairman Mann closed the floor for public comment.

Chairman Mann stated we don't really have any rights to dictate a fence, that's something we can't really enforce, it's not in our ordinance. Chairman Mann then asked Mr. Murray to discuss backfill. Mr. Murray stated they are going to drain and muck out the pond, it will all be piped through our storm system and will drain into the ponds creek. City Engineer Chris Brackett commented that the construction plans will all be part of his review and making sure they are not backing water upstream. They are going to have to accept the water and handle it within their subdivision.

Bobby Wilson asked why they couldn't require a fence. Chairman Mann explained that they have no jurisdiction or authority to mandate fences, though they can request it, we've never had the rights to say build a fence. City Attorney Jay Moore added that even if a fence were put up, there are issues to consider, such as its placement and whether the creek would run under it.

City Attorney Jay Moore explained that if the applicant meets all code requirements and the planning commission still votes no, the decision can be appealed to the city council and then to circuit court, where the city would likely lose. He emphasized that legally, the commission cannot require them to build a fence.

Chairman Robert Mann called to question to approve the preliminary plat Old Farmington Road Subdivision property owned by KD Real Estate Investments, LLC, located at 275 E. Old Farmington Road, 19 & 25 S. Holland, presented by Crafton Tull conditional upon Chris Brackett's memo dated May 27, 2025. upon roll call vote the Preliminary plat passed 4-2 Bobby Wilson and Judy Horne voting no.

Public Hearings

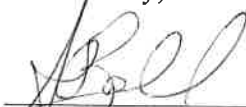
1B. Conditional Use for Frese Fireworks.; property located at 331 W. Main owned by Gary Nichols; presented by Jacob Frese:


Jacob Frese represented this company. City Business Manager Melissa McCarville asked if insurance had been received and requested written confirmation that trash would be managed. Mr. Frese confirmed the insurance was submitted and said they have someone assigned to regularly collect trash using a dump trailer. Chad Ball asked about parking on grass and potential ruts; Mr. Frese confirmed parking would be on grass only.

Comments from Citizens: NONE

Chairman Robert Mann called to question to approve the conditional use for Frese Fireworks, property owned by Gary Nichols, property located at 331 W. Main presented by Jacob Frese contingent upon email trash documentation. upon roll call vote and the request was approved 6-0.

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