



City of Farmington  
354 W. Main Street  
P.O. Box 150  
Farmington, AR 72730  
479-267-3865  
479-267-3805 (fax)

***PLANNING COMMISSION AGENDA***  
***December 16, 2019***

**A meeting of the Farmington Planning Commission will be held on  
Monday, December 16, 2019 at 6:00 p.m. at City Hall  
354 W. Main Street, Farmington, Arkansas.**

1. Roll Call
2. Approval of the minutes - October 28, 2019
3. Comments from Citizens – the Planning Commission will hear brief comments at this time from citizens. No action will be taken. All comments will be taken under advisement.
4. **PUBLIC HEARINGS**
  - A. **Rezoning** – from R-O to C-1  
**Property owned by:** Cedar Mountain Property  
**Property Location:** parcel# 760-01601-00 on Southwinds Dr.  
**Presented by:** Bates and Associates, Inc.
  - B. **Conditional Use on Appeal** – C-1 mixed commercial use/daycare/church  
**Property owned by:** Cedar Mountain Property  
**Property Location:** parcel# 760-01601-00 on Southwinds Dr.  
**Presented by:** Bates and Associates, Inc.

# Minutes

## **Planning Commission Minutes October 28, 2019**

1. **ROLL CALL** – Meeting was called to order by Chairman Robert Mann. A quorum was present.

**PRESENT**

Robert Mann, Chair  
Chad Ball  
Judy Horne  
Bobby Wilson  
Jay Moore  
Howard Carter  
Gerry Harris

**ABSENT**

Toni Lindsey

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

2. **Approval of Minutes:** September 23, 2019 Minutes were approved as written. Gerry Harris abstained, having been absent from that meeting.

3. **Comments from Citizens:** No comments from the public were heard.

4. **PUBLIC HEARINGS**

**A. Public Hearing on Master Street Plan:**

Melissa McCarville stated that the plan will now include a proposed trail system and that it will now be regarded as the Master Transportation Plan. It was stated that it would be available to the public for viewing and their input and questions. The Plan will go before the City Council for final approval.

Having no further discussion, and having no public comment, Robert Mann called the question to approve the Master Transportation Plan. Motion passed unanimously 6-0.

**B. Variance- for lot size in A-1 zoning located at parcel 760-02352-001 on Drain Rd as presented by Jordan and Sarah Huckeba:**

The Huckeba's were present to discuss the request. They explained their request for a variance. The lot size is 3 acres and they wish to expand their home but maintain the separate two acres for pasture but 1 acre for the house lot. Melissa explained that in A-1 there is a 2 acre minimum ; thus the variance request.

Having no further discussion, and no public comment, Robert Mann called the question to approve the Variance: Motion passed unanimously 6-0.

**C. Rezoning- from R-1 to R-3 for property owned by Farmington Commercial, LLC - located at 12655 Orchid Rd. Presented by Bates & Associates, Inc.:**

Geoff Bates was present to discuss the request for a subdivision that will be called The Grove at Engle's Mill. The proposed plan for the 150.70 acres is single family homes in varying sizes and price ranges ranging from larger manor homes adjacent to Twin Falls and the remainder to be small cottage type homes. The smaller size homes would be adjacent to homes on Countryside Drive and Briarhill Street. The developer is Mark Marquess of Riverwood Homes, 3420 Plainview Drive, Fayetteville. He stated that his master planned development would be similar to the new Sloanebrooke Subdivision on the east

side of Broyles Avenue in Fayetteville. It would include 71 cottages (1,350 – 1,700 sq. ft), 31 manor homes (1,750 – 2,300 sq. ft), and 17 estates (2,300 – 3,000 sq. ft). A pamphlet he provided to commissioners and to some citizens in the audience listed features such as lakes and ponds with fountains, greenspaces, small community parks, restrictive covenants.

The reason for the rezone request was to create smaller lot sizes for the single family cottage homes that would range from 1,350 to 1,700 square feet. (Duplexes and other multi-family housing can't be built in an R-3 zone.) Mr. Marquess said he plans to first build the smaller homes and needs the lot to be 60' – 65' wide. Thus the request for rezoning to R-3. The next phase would be 48 estate homes on the north side of Twin Falls properties. There will be connectivity to Folsom Elementary, Walmart, and the Sports Complex. After these two phases are completed, the southernmost portion of the land will be developed.

Mr. Marquess said when the new subdivision (Wagon Wheel Crossing) that will be located south of his subdivision is planned, he will plan for the streets in the next phase to line up with streets in the Wagon Wheel Crossing Subdivision, providing additional access for his subdivision.

Some commissioners expressed concern about allowing the entire 150.70 acres to be zoned R-3, even though the developer indicates he will include some larger homes within the property. It was explained that if he decided to sell the land to someone else, they could build the entire area in small zero-lot-line homes which might create too much density and traffic problems.

Chad Ball suggested that a Bill of Assurance might be considered, but with further discussion by commissioners, it was determined that a PUD might be the best course of action due to the fact they can make sure that they will do as they said they will do with the land, even if sold to someone else. The PUD would follow the land not the owner.

Judy Horne reminded that there is a small, existing family cemetery near the north edge of the proposed land and that by law it had to be protected. The cemetery will be cleaned up and wrought iron fencing will be put around the cemetery. Also, access will be provided to the cemetery.

#### PUBLIC COMMENT:

Jill Toering – 306 Claybrook Drive, Twin Falls: She said she was the only person in Twin Falls who was notified of the proposed rezoning and she wanted to know why no one else was notified. \_\_\_\_\_ She also asked if the rezoning request for R-3 is withdrawn and they come back with a Planned Unit Development (PUD), will all property owners be notified or just the adjacent property owners. Melissa McCarville stated that the State Law doesn't require that and it will only be the adjacent owners. It will however, be posted online for public information.

Finally, she asked if the PUD they might bring for consideration would be for the entire property or just for the northern portion of the land. The answer was that the PUD would be for the first two parcels of land. They will wait to design the remainder until the other subdivision plans are set. Mr. Marquess hopes to be able to draw his final phase so that the streets will connect, allowing for additional connectivity.

Jeanette Houser – 376 Eagle Ridge Drive, Twin Falls: She had a strong concern regarding the greatly increased traffic through Twin Falls if they use the stub next to her property to create a through street into the new subdivision. She emphasized that residents of Twin Falls want the subdivision to be separate and keep the safety for the children who now are used to being able to play in the street by her home.

The stub out will have to be in place for emergency vehicle access. This will be handled in Technical Plat Review. The subdivision suggested connections would be to Angus and Grace Lane which allows traffic to utilize two traffic lights to get onto Main Street.

The commissioners debated the connectivity issue from Twin Falls into the new subdivision at length with no final consensus. There did seem to be agreement, however, that a trail that would allow children in Twin Falls to be able to walk to the new high school would be a good idea.

Ken Bishop - 490 Twin Falls: He expressed concern that this new subdivision, plus the additional proposed subdivision to the south, would cause very rapid growth that will impact the city, the infrastructure, roadways, and the schools. He wondered if the City has a short-term and long-term plan for accommodating this substantial growth.

Deborah Powell – 372 Driftwood Drive, Twin Falls: There is a current drainage ditch/culvert at the end of Twin Falls that already has a water issue with rainwater running through the backyard which then floods. She was concerned that covering more land with houses will cause increased flooding. Later, in answer to her question, the City Engineer, Chris Brackett said the developer will be required to create drainage plan that should not add to the flooding they already have now.

Toni Brown – 243 Briarhill: Her property backs up to the current pasture land where the smaller homes will be built. She was concerned that this placement will cause a decrease in their property values. She was also concerned about there being enough parking on the small R-3 lots and was afraid they would begin parking in the yards. She said there is a big problem on Briarhill with people parking on the street to the point a fire truck or ambulance could not get through in an emergency call.

She concluded with the question: “Why punish smaller home owners by putting small homes next to them while putting the larger homes next to Twin Falls?”

Mark Marquess said that even for small homes, parking area could accommodate six cars in garage and driveway.

Tiffany Rogers- 475 Browning Circle: She said she had the same concern for reduced property values because small homes so often become rentals and become run down. She was also concerned about the increased flooding that had been expressed, noting there are times when Clyde Carnes floods.

She also asked about the completion of the FEMA Flood study and requested that nothing be built until the FEMA study is completed. Rentals have been a concern too.

Regarding FEMA study, Melissa McCarville said the city should get the study results by the end of this year. Geoff Bates said that the flood plain issues will not affect this property and also said that the current pond will be quadrupled in size when the new detention pond is created.

Gary Noe - 271 Countryside Drive: He also was concerned about property values if so many small homes were built on the acreage and small homes adjacent to R-1 zone homes. His home is an R-1 zone. He felt present owners should be considered and respected.

He was also very concerned about the huge increase in traffic that will occur because even now Countryside is becoming highly traveled due to the new high school. People also speed on the street. In addition, if Angus is opened to the subdivision, there will be another bottleneck because Angus is a very narrow street and already having higher traffic.

He said that there is a stock pond in the far northeast corner of the property and said the pond often overflows and it causes flooding there that is among the worst in the city. He reminded again about the small cemetery that is located on the far north edge of the property.

Tommy Johnson – 441 Driftwood Drive: He said he was pleading with the commissioners to consider this rezoning carefully. He hoped they would have a vision for the future and what they want Farmington to look like. He said he wants a city that is well planned. This received applause from the audience. He suggested they drive around old subdivisions and think how they might look in 10 – 20 years. He urged commissioners to have a long-term plan for how the city will develop as it continues to grow.

Lonnie Grant – 474 Browning Circle: He reminded everyone to remember the real estate “boom and bust” back in 2005 and 2006; he expressed fear that this might happen again and in the city of Farmington. When one developer goes bankrupt, eventually a new developer might take over the property and could build a lower quality subdivision if property is rezoned to R-3.

John Hamilton – 306 Driftwood: He noted that the 2017 R-3 Ordinance doesn’t address the parking concern. There are no requirements for parking in R-3. Therefore, parking for these numerous small homes could be a problem.

Dennis Young - Browning Circle: He was concerned about the developer’s plan to create a PUD for only two phases. He wanted to be able to see the entire plan for all 150.70 acres.

Billy Carter - 13086 Bethel Blacktop: He explained that his daughter lives at 332 Claybrook on the cul-de-sac. He absolutely doesn’t want a through street to the new subdivision put there. He fears for the safety of his grandchildren.

#### Final Discussion

Gerry Harris reminded that not everyone wants to have 2-acre yards. Millenials and older people often prefer small lawns. Robert Mann reminded everyone that growth is going to occur, whether or not people want it. Also, nothing can be done to prevent people from renting homes to others.

It was suggested that people who have parking concerns should contact the Police Department which will enforce parking complaints. Several citizens indicated they had tried that, but on-street parking continues.

It was said that we were looking at the Land Use Plan for revision in the near future. Everyone was encouraged to come to meetings to give input. State laws and City ordinances are what dictate what the Planning Commission can do. The City cannot enforce covenants.

Mark Marquess indicated that he will develop a PUD for consideration and will withdraw the rezoning request.

A motion for withdrawal of the rezoning request was made and seconded. Upon roll call the motion passed 6-0 and the rezoning request by Farmington Commercial, LLC was withdrawn.

#### **D. Rezoning- from R-1 to C-2 - 12328 Hwy 62 and 12405 Bethel Blacktop owned by Frances Hawkins; Presented by Dan Dorman:**

Dan Dorman was present to discuss the request. There is an existing business on the corner now. Melissa McCarville stated that there is C-2 usage in the area; a similar rezoning was passed recently as well. There was no comment from citizens. There were no questions from commissioners.

Having no further discussion, Robert Mann called the question to approve the Rezone request: Motion passed unanimously 6-0. This will be on the City Council agenda November 12.

**E. Rezone- from A-1 to R-1 Property located at 2846 S. Archie Watkins Rd; owned by Randy Osnes - Presented by Bates and Associates, Inc.:**

Geoff Bates was present to discuss the request. The owner wishes to rezone to R-1 to allow for a lot split under the R-1 street frontage requirements.

Having no discussion, and having no public comment, Robert Mann called the question to approve the Rezone request: Motion passed unanimously 6-0. This will be on the agenda for November 12<sup>th</sup> meeting.

**F. Variance- reduction of rear setbacks from 20' to 15' for lots 1-8, 11-15 & 23-25 in Redbird Subdivision located at 65 N. Double Springs as presented by Bates and Associates, Inc.:**

Geoff Bates was present to discuss the request due to there being a new owner who wished to reduce the rear setback requirement so the homes could be larger. The City had no comments. City Council members Bobby Morgan, 66 Briar Meadow and Keith Lipford, 280 S. Hunter were present. They expressed concern because the rezone did not have a plat and the fact that the new owner had changed the current plans. The City Engineer has signed off regarding the utilities.

Public Comment: None.

Having no further discussion, Robert Mann called the question to approve the variance: Voting No: Gerry Harris, Chad Ball, Judy Horne and Robert Mann. The Aye's: Jay Moore, Howard Carter and Bobby Wilson. Motion failed by 4-3 vote.

**G. Final Plat- Redbird Subdivision located at 65 N. Double Springs as presented by Bates and Associates, Inc.:**

Geoff Bates was present to discuss the request. Chris Brackett memo reads as follows:

“The Final Plat for the Redbird Subdivision has been reviewed and it is our opinion that the Planning Commission’s approval should be conditional on the following comments.

1. The payment in lieu of park land of \$14,400 must be paid to the City prior to the signatures on the Final Plat.
2. 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.
3. 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.
4. 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.
5. Provide one original and 6 copies of the recorded plat to the City.”

Melissa stated that the City had received the checks for Park land and landscaping.

Having no further discussion, and no public comment, Robert Mann called the question to approve the Final Plat: Motion passed unanimously 6-0.

**H. Preliminary Plat- Wagon Wheel Crossing Subdivision, Property owned by Michael Mashburn with 75.28 acres off of Clyde Carnes Rd as presented by Engineering Services, Inc.:**

Blake Murray with Engineering Services, Inc. was present to discuss the request. He said the land is currently zoned R-1. There will be 233 lots, and one detention pond. Originally they intended to pay the fee in lieu of creating a neighborhood park. However, they are now considering a 5 acre park on the final plat. Washington Water Authority is water provider. A sewer lift station is proposed for the subdivision which will go to an existing sewer system located at Farmington High School, northeast of the project area.

Chris Brackett submitted a memo and it reads as follows:

“The Preliminary Plat for the Wagon Wheel Subdivision 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 shown on the plat and utility plans must be reviewed and approved by the Fire Department.
2. This subdivision currently complies with the revised but not approved Farmington Master Street Plan. If the approved Master Street Plan is revised that affects this property, then this approval will be void and this subdivision would have to resubmit for 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 any further construction activities.
4. Payment in lieu of Park Land Conveyance will be required for this subdivision. This fee will be \$600 per single family unit (\$31,200, Phase 1).
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 three (2) sets of full size plans and two (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.”

Chad Ball had concerns about the proposed park being located just south of Farmington High School.

Connectivity of the Twin Falls to the new Wagon Wheel Crossing Subdivision was discussed. There are stub-outs at Copperwood and Claybrook in Twin Falls and some commissioners favored connecting to Grace Lane (a collector street) from one or both of those streets. Other commissioners were opposed to opening these streets, believing traffic would speed through Twin Falls to the High School. For size comparison, Broyles Street is an arterial street.

**PUBLIC COMMENT:**

Mark Meyers - 305 Claybrook was very concerned that the new development will increase the floodwater that already comes across his back yard to the current detention pond. He said his back yard was completely flooded last week; and he simply cannot take more rainwater run-off without severe



damage to his home and property. He concluded that there had to be a better plan than crossing his yard with an easement. The Engineer said the new road will slow the sheet flow he experiences now. However, that portion will not be done in Phase 1 of this subdivision development.

Larry Angel - 329 Claybrook: He is concerned with how high the water gets, reminding everyone that Clyde Carnes closes when there is heavy rain.

Deborah Pavel - 372 Driftwood Drive: She was very concerned that their current weak water pressure will be made even worse when the new subdivision is built. The developer has no control over the water pressure and it was suggested that people should contact Washington Water Authority to request assistance with the poor water pressure issue. The State Utilities Commission would be an agency to address any concerns with Washington Water Authority.

Billy Carter – 13080 Bethel Blacktop spoke again regarding this development. He explained that his daughter bought a house at 332 Claybrook, within a cul-de-sac and his grandchildren can now play in the street. He is very worried about the safety of the children if the street is connected through to the new subdivision. One of the main reasons she bought her home in cul-de-sac was for privacy and lack of traffic. She was not told there might be a connection someday in the future.

City Engineer Brackett said the drainage will be addressed by the drainage plan that will have to be sent to him for his approval. Also, the water flow will drain to the south to a detention pond.

Chad Ball questioned having a hammerhead turn-around 21 feet from the track at the High School. They have not talked directly to the school about the development but they have been notified. The cul-de-sac will not be extended. It was stated that the Fire Department must have a turnaround in that area. Mr. Riggins said that they can put barrier landscaping around the hammerhead, if that would be better.

Regarding water flow, Mr. Riggins said that when streets are built, this will actually take water flow away from Twin Falls properties.

Having no further discussion, Robert Mann called the question to approve the Preliminary Plat: Voting Aye: Bobby Wilson, Judy Horne, Gerry Harris and Robert Mann. No: Chad Ball, Howard Carter and Jay Moore. Motion passed 4 - 3.

**6. Adjournment:** Having no further business the Planning Commission meeting was adjourned.

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Judy Horne - Secretary

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Robert Mann - Chair

# Agenda Item 4. A

## City of Farmington Application for Rezoning

Please fill out this form completely, supply all necessary information to support your request. Your application will not be placed on the agenda for Planning Commission until all information is furnished.

Applicant: <u>Coyle Enterprises</u>	Day Phone: <u>479 879 6444</u>
Address: <u>P.O. Box 565 P.G.</u>	Fax: <u>479 846 4524</u>
Representative: <u>Jerry Coyle</u>	Day Phone: <u>479 879 6444</u>
Address: <u>P.O. Box 565 P.G.</u>	Fax: <u>479 846 4524</u>
Property Owner: <u>Cedar Mt Property</u>	Day Phone: <u>479 601 1759</u>
Address: <u>P.O. Box 1194 Fay, AR 72702</u>	Fax: <u>N/A</u>

Indicate where correspondence should be sent (circle one): Applicant → Representative -- Owner

Describe Proposed Property In Detail (Attach additional pages if necessary)

Property Description  
 Site Address -- Parcel # 76-01601-000 Southwinds Dr  
 Current Zoning -- RO Proposed Zoning -- ~~RO~~ C-1

Attach legal description and site plan (a scaled drawing of the property to be rezoned showing accurate lot lines, surrounding zoning, adjacent owners and a north arrow is required.)

Type of zoning requested and reason for request:

~~RO~~ C-1  
Mixed Commercial Use / Daycare / Church

Responsibilities of the Applicant:  
 1. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit (see attached), that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the City of Farmington has accepted the application and the date of the public hearing has been confirmed. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy

**AFFIDAVIT**

I hereby certify that I Coyle Enterprises / Jerry Coyle  
Print name

acting as agent/owner, have provided notice to affected parties in accordance with the requirements set forth in the instruction given with the application and that the notice information provided is to the best of my knowledge true and factual. I am hereby enclosing the following supporting documents: copy of the notice, mailing receipts, list of property owners of record, return cards, and any notices that were undeliverable.

Signature: J Coyle

Date: 11-22-19

**AGENT AUTHORIZATION**

I (We), BRAD Smith, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s), Bates & assc. & Coyle Enterprises, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City of Farmington considering this application and to act in all respects as our agent in matters pertaining to the attached application.



Property Owner – Signature

Property Owner - Print

Property Owner – Signature

Property Owner - Print

# RECEIPT

DATE 11/26/19

No. 217144

RECEIVED FROM Coyle Enterprises

\$ 25.00

twenty five dollars and no/100 DOLLARS

FOR RENT  
 FOR Ret one fee - parcel # 760-01601-000

ACCOUNT	
PAYMENT	<u>25.00</u>
BAL. DUE	

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM \_\_\_\_\_ TO \_\_\_\_\_

BY Shasta

## NOTICE OF PUBLIC HEARING

A petition for a conditional use and rezone at the property as described below has been filed with the City of Farmington on the 27th day of November, 2019.

A PART OF BLOCK 3 OF FARMINGTON COMMERCIAL CENTER PHASE I AS PER FINAL PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EXOFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHIGNTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK 3 AND RUNNING THENCE N 33°11'56" W 335.31', THENCE N 56°09'00" E 300.02', THENCE N 59°51'44" E 51.77', THENCE S 09°30'00" E 365.00', THENCE S 50°28'35" E 365.97' THENCE S 56°45'41" W 313.69', THENCE N 33°11'56" W 347.94' TO THE POINT OF BEGINNING, CONTAINING 4.23 ACRES, MORE OR LESS.

LESS & EXCEPT: A PART OF BLOCK 3 OF FARMINGTON COMMERCIAL CENTER PHASE 1, AS PER THE FINAL PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING IRON AT THE SOUTHWEST CORNER OF SAID BLOCK 3, SAID POINT BEING ON THE NORTHEASTERLY RIGHT-OF-WAY OF SOUTHWINDS ROAD, THENCE N 33°09'31" W ALONG THE WEST LINE OF SAID BLOCK 3 AND THE NORTHEASTERLY RIGHT-OF-WAY OF SAID ROAD 335.34' TO AN EXISTING IRON, THENCE LEAVING SAID RIGHT-OF-WAY AND WEST LINE OF SAID BLOCK 3 N 56°11'42" E 300.00' TO AB EXISTING IRON, THENCE N 59°54'40" E 51.86' TO AN EXISTING IRON, THENCE S 09°26'37" E 365.05' TO AN EXISTING IRON, THENCE S 56°21'29" W 204.96' TO THE POINT OF BEGINNING, SAID EXCEPTED TRACT CONTAIN 2.15 ACRES, MORE OR LESS.

### Layman's Description:

Southwinds Road  
Farmington, AR

A public hearing to consider this request to rezone at the above described property from R-O to C-1 and for conditional use at the above described property for a Child Daycare and a Church will be held on the 16th day of December, 2019, at 6:00 p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All interested persons are invited to attend.

**AFFIDAVIT**

I hereby certify that I Geoffrey Bates  
Print name

acting as agent/owner, have provided notice to affected parties in accordance with the requirements set forth in the instruction given with the application and that the notice information provided is to the best of my knowledge true and factual. I am hereby enclosing the following supporting documents: copy of the notice, mailing receipts, list of property owners of record, return cards, and any notices that were undeliverable.

Signature:  Date: 11-27-19







7230 Pleasant Ridge Dr. / Fayetteville, AR 72704  
PH: 479-442-9350 \* FAX: 479-521-9350

November 27, 2019

**NOTICE OF PUBLIC HEARING BEFORE  
THE FARMINGTON PLANNING COMMISSION  
ON AN APPLICATION FOR A REZONING AND CONDITIONAL USE**

**To All Owners** of land lying adjacent to the property at:

Southwinds Road (Parcel #760-01601-000)  
Location

Cedar Mountain Properties  
Owned by

NOTICE IS HEREBY GIVEN THAT an application has been filed for REZONING of the above property from R-O Residential Office to C-1 General Commercial.

An application has also been filed for a conditional use for the property. The conditional use is to all the construction of a Child Day Care and for a Church on the property.

A public hearing on said application will be held by the Farmington Planning Commission at **Farmington City Hall, 354 W. Main St. on December 16 at 6:00 p.m.**

All parties interested in this matter may appear and be heard at said time and place; or may notify the Planning Commission of their views on this matter by letter. All persons interested in this request are invited to call or visit the City Business Manager at City Hall, 354 W. Main, 479-267-3865.

Geoffrey Bates, P.E.  
President of Engineering  
**Bates & Associates, Inc.**



# Vicinity Map



Type: REAL ESTATE  
Kind: WARRANTY DEED  
Recorded: 1/10/2018 9:38:23  
AM  
Fee Amt: \$30.00 Page 1 of 4  
Washington County, AR  
Kyle Sylvester Circuit Clerk

**File# 2018-00001024**

After recording please return to:  
Waco Title Company  
2592 S. 48th St.  
Springdale, AR 72762

**WARRANTY DEED  
(LLC)**

File #: 1712985-131

**KNOW ALL MEN BY THESE PRESENTS:**

That, **Eagle Holdings, LLC**, an Arkansas limited liability company, hereinafter called GRANTOR(S), for and in consideration of the sum of ---ONE AND 00/100--- DOLLAR---(\$1.00)---and other good and valuable consideration, in hand paid by **Cedar Mountain Properties, LLC**, an Arkansas limited liability company, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto **Cedar Mountain Properties, LLC**, an Arkansas limited liability company, hereinafter called GRANTEE(S), and unto its successors and assigns forever, the following described lands lying in **Washington County, Arkansas** to-wit:

**SEE ATTACHED EXHIBIT "A"**

**TO HAVE AND TO HOLD** the same unto the said Grantee(s) and unto its successors and assigns forever, with all appurtenances thereunto belonging. And the Grantor(s) hereby covenants with said Grantee(s) that it will forever warrant and defend the title to the said lands against all claims whatsoever.

Prepared under the supervision of  
Brian Blackman, Attorney  
2592 S. 48<sup>th</sup> St.  
Springdale, AR. 72762

Waco 1712985-131



**EXHIBIT "A"**

**A PART OF BLOCK 3 OF FARMINGTON COMMERCIAL CENTER PHASE I AS PER FINAL PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EXOFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF SAID BLOCK 3, THENCE N 33 DEGREES 11' 56" W, 335.31 FEET; THENCE N 56 DEGREES 09' 00" E, 300.02 FEET; THENCE N 59 DEGREES 51' 44" E, 51.77 FEET; THENCE S 09 DEGREES 30' 00" E, 365.00 FEET, THENCE S 50 DEGREES 28' 35" E, 365.97 FEET; THENCE S 56 DEGREES 45' 41" W, 313.69 FEET; THENCE N 33 DEGREES 11' 56" W, 347.94 FEET TO THE POINT OF BEGINNING, CONTAINING 4.23 ACRES, MORE OR LESS.**

**LESS & EXCEPT: A PART OF BLOCK 3 OF FARMINGTON COMMERCIAL CENTER PHASE I, AS PER THE FINAL PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING IRON AT THE SW CORNER OF SAID BLOCK 3, SAID POINT BEING ON THE NORTHEASTERLY RIGHT-OF-WAY OF SOUTHWINDS ROAD; THENCE N 33 DEGREES 09' 31" W ALONG THE WEST LINE OF SAID BLOCK 3 AND THE NORTHEASTERLY RIGHT-OF-WAY OF SAID ROAD 335.34 FEET TO AN EXISTING IRON; THENCE LEAVING SAID RIGHT-OF-WAY AND THE WEST LINE OF SAID BLOCK 3, N 56 DEGREES 11' 42" E, 300.00 FEET TO AN EXISTING IRON, THENCE N 59 DEGREES 54' 04" E, 51.86 FEET TO AN EXISTING IRON; THENCE S 09 DEGREES 26' 37" E, 365.05 FEET TO AN EXISTING IRON; THENCE S 56 DEGREES 21' 29" W, 204.96 FEET TO THE POINT OF BEGINNING, SAID EXCEPTED TRACT CONTAINING 2.15 ACRES MORE OR LESS**

**AND,**

**A PART OF BLOCK 4 OF FARMINGTON COMMERCIAL CENTER PHASE I, A SUBDIVISION IN THE CITY OF FARMINGTON, WASHINGTON COUNTY, ARKANSAS, AND A PART OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF THE SW 1/4 NW 1/4 OF SAID SECTION 26, THENCE S89°56'35"E, 1319.20 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE EAST BOUNDARY OF THE MEADOWS SUBDIVISION PHASE I AS FOLLOWS: N00°02'12"E 9.71 FEET; THENCE N22°54'00"W 124.84 FEET; THENCE N29°06'00"W 165.30 FEET; THENCE N50°09'00"W 394.40 FEET; THENCE N30°22'00"W 52.80 FEET; THENCE N29°48'00"W 117.30 FEET; THENCE N63°38'00"W 153.10 FEET; THENCE S82°56'48"W 45.35 FEET; THENCE THROUGH A PORTION OF FARMINGTON COMMERCIAL CENTER PHASE I AS FOLLOWS: N50°28'35"W 365.97 FEET; THENCE N09°30'00"W 365.00 FEET; THENCE EAST 180.97 FEET; THENCE ALONG THE EAST BOUNDARY OF FARMINGTON COMMERCIAL CENTER PHASE I SOUTH 230.33 FEET; THENCE ALONG THE WEST LINE OF SOUTH HAVEN SUBDIVISION PHASE I, S50°28'35"E 148.83 FEET; THENCE S89°55'47"E 251.39 FEET; THENCE ALONG THE WEST LINE OF SOUTH HAVEN SUBDIVISION PHASE 2, S00°04'10"W 226.32 FEET; THENCE S50°28'35"E 163.15 FEET; THENCE S89°55'50"E 44.02 FEET; THENCE S00°04'10"W 80.00 FEET; THENCE S89°55'50"E 130.00 FEET; THENCE S00°04'10"W 53.19 FEET; THENCE ALONG A CURVE TO THE LEFT 54.63 FEET, SAID CURVE HAVING A RADIUS OF 100.00 FEET AND A LONG CHORD BEARING S15°34'48"E 53.95 FEET; THENCE S31°13'46"E 357.39 FEET; THENCE ALONG A CURVE TO THE LEFT 66.46 FEET, SAID CURVE HAVING A RADIUS OF 100.00 FEET AND A LONG CHORD BEARING S50°16'08"E 65.24 FEET; THENCE S22°00'00"W 147.07 FEET TO THE POINT OF BEGINNING, CONTAINING 5.80 ACRES, MORE OR LESS.**

**LESS AND EXCEPT: ANY PORTION OF THE ABOVE DESCRIBED PROPERTY CONTAINED IN LOTS 23 THRU 31 OF SOUTH HAVEN SUBDIVISION, PHASE III TO THE CITY OF FARMINGTON, WASHINGTON COUNTY, ARKANSAS.**

**Subject to easements, rights-of-way, and protective covenants of record, if any.  
Subject to all prior mineral reservations and oil and gas leases.**



STATE OF ARKANSAS  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
MISCELLANEOUS TAX SECTION  
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Real Estate Transfer Tax Stamp  
Proof of Tax Paid



File Number: 1712985-131

Grantee: CEDAR MOUNTAIN PROPERTIES, LLC  
Mailing Address: PO BOX 1194  
FAYETTEVILLE AR 727020000

Grantor: EAGLE HOLDINGS, LLC  
Mailing Address: PO BOX 605  
FARMINGTON AR 727300000

Property Purchase Price: \$125,000.00  
Tax Amount: \$412.50  
County: WASHINGTON  
Date Issued: 01/09/2018  
Stamp ID: 1136545792

Washington County, AR  
I certify this instrument was filed on  
1/10/2018 9:38:23 AM  
and recorded in REAL ESTATE

File# 2018-00001024  
Kyle Sylvester - Circuit Clerk

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): Cedar Mountain Properties, LLC

Grantee or Agent Name (signature): By/Inco Title As Agent Date: 1/9/18

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_



**Bates &  
Associates, Inc.**

**Civil Engineering & Surveying**

7230 S. Pleasant Ridge Dr / Fayetteville, AR 72704  
PH: 479-442-9350 \* FAX: 479-521-9350

November 27, 2019

City of Farmington  
354 W. Main St  
Farmington, AR 72730

RE: Rezoning and Conditional Use Request

Dear City Staff,

Please see the attached Parcel Map and list of Adjoining Property owners.

ADJACENT LAND OWNERS (PARCEL 760-01601-000)

- 1) SOSA PROPERTIES LLC  
217 W  
3418 W SUNSET STE B  
SPRINGDALE, AR 72762  
PARCEL #760-02241-002  
ZONED: R-O
- 2) CEDAR MOUNTAIN  
PROPERTIES LLC  
PO BOX 1194  
FAYETTEVILLE, AR 72702  
PARCEL: 760-02242-000  
ZONED: R-O.
- 3) GUNN PROPERTIES LLC  
Po Box 1703  
FAYETTEVILLE, AR 72703  
PARCEL: 760-02030-000  
ZONED: R-2.
- 4) 132 KILLDEER PLACE LLC  
3249 W MT COMFORT RD  
FAYETTEVILLE, AR 72703  
PARCEL: 760-02029-000  
ZONED: R-2



- 5) NAGLE, KATARINA LIVING TRUST  
1561 E HOPE ST  
FAYETTEVILLE, AR 72701  
PARCEL: 760-02028-000  
ZONED: R-2
- 6) SMITH, STANLEY W REVOCABLE LIVING TRUST  
16977 HOLCOMBE SCHOOL RD  
WEST FORK, AR 72774  
PARCEL: 760-02027-000  
ZONED: R-2
- 7) HAMPTON, SARA J  
170 COUNTRYSIDE  
FARMINGTON, AR 72730  
PARCEL: 760-01991-000  
ZONED: R-1
- 8) RINCON, MARIO BURCIAGA  
187 W CEDARBROOK PL  
FARMINGTON, AR 72730  
PARCEL: 760-02176-000  
ZONED: R-1
- 9) ASHLEY, BOBBY & THERESA  
190 W CEDARBROOK PL  
FARMINGTON, AR 72730  
PARCEL: 760-02171-000  
ZONED: R-1
- 10) GRUMMER, ROBERT F & LOU ANN  
201 W PINE MEADOW DR  
FARMINGTON, AR 72730-8624  
PARCEL 760-02170-000  
ZONED: R-1

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Extra Services & Fees (check box, add fee as appropriate)

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<input type="checkbox"/> Return Receipt (electronic)	\$	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	\$0.00
<input type="checkbox"/> Adult Signature Required	\$	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	\$0.00

Postage \$0.55

Postmark Here

SCSA PROPERTIES LLC 217 W  
 3417 W SUNSET STE B  
 SPRINGDALE, AR 72762

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$	\$0.00
<input type="checkbox"/> Adult Signature Required	\$	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	\$0.00

Postage \$0.55

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CEDAR MOUNTAIN PROPERTIES LLC  
 PO BOX 1194  
 FAYETTEVILLE, AR 72702

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Adult Signature Required	\$	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	\$0.00

Postage \$0.55

Postmark Here

GUNN PROPERTIES LLC  
 Po Box 1703  
 FAYETTEVILLE, AR 72703

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<input type="checkbox"/> Adult Signature Required	\$	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	\$0.00

Postage \$0.55

Postmark Here

132 KILLDEER PLACE LLC  
 3249 W MT COMFORT RD  
 FAYETTEVILLE, AR 72703

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$	\$0.00

Postage \$0.55

Postmark Here

NAGLE, KATARINA LIVING TRUST  
 1561 E HOPE ST  
 FAYETTEVILLE, AR 72701

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Extra Services & Fees (check box, add fee as appropriate)

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<input type="checkbox"/> Adult Signature Required	\$	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	\$0.00

Postage \$0.55

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SMITH, STANLEY W REVOCABLE  
 LIVING TRUST  
 16977 HOLCOMBE SCHOOL RD  
 WEST FORK, AR 72774

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$	\$0.00

Postage \$0.55

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11/27/2019

HAMPTON, SARA J  
 170 COUNTRYSIDE  
 FARMINGTON, AR 72730

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$	\$0.00

Postage \$0.55

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11/27/2019

GRUMMER, ROBERT F & LOU ANN  
 201 W PINE MEADOW DR  
 FARMINGTON, AR 72730-8624

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<input type="checkbox"/> Return Receipt (electronic)	\$	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	\$0.00
<input type="checkbox"/> Adult Signature Required	\$	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	\$0.00

Postage \$0.55

Postmark Here

11/27/2019

RINCON, MARIO BURCIAGA  
 187 W CEDARBROOK PL  
 FARMINGTON, AR 72730

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Return Receipt (electronic)	\$	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	\$0.00
<input type="checkbox"/> Adult Signature Required	\$	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	\$0.00

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11/27/2019

ASHLEY, BOBBY & THERESA  
 190 W CEDARBROOK PL  
 FARMINGTON, AR 72730

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

# Agenda Item 4. B



# Conditional Use on Appeal Initial Application

Please fill out this form completely, supply all necessary information to support your request. Your application will not be placed on the agenda for Planning Commission until all information is furnished.

Applicant: Cedar Mountain Property Day Phone: 479-879-6444  
 Address: PO Box 1194, Fayetteville, AR 72702 Fax: 479-846-4524  
 Representative: Jerry Coyle Day Phone: 479-879-6444  
 Address: PO Box 565, PG, AR 72753 Fax: 479-846-4524  
 Property Owner: Cedar Mountain Property Day Phone: 479-601-1757  
 Address: PO Box 1194, Fay, AR 72702 Fax: N/A

Indicate where correspondence should be sent (circle one): Applicant – Representative -- Owner

Describe Proposed Property In Detail (Attach additional pages if necessary)

Property Description  
 Site Address -- Parcel # 760 - 01601 - 000 Southwinds Rd  
 Current Zoning -- R0

Attach a site plan (a scaled drawing of the property, showing accurate lot lines, surrounding zoning, adjacent owners and a north arrow is required.)

Type of conditional use requested:

C-1 Mixed Commercial Use / Daycare / Church

Responsibilities of the Applicant:

1. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit (see attached), that notice has been given to all adjacent property owners by certified

mail, return receipt requested, will be submitted. Notification should be sent after the City of Farmington has accepted the application and the date of the public hearing has been confirmed. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the City of Farmington no later than seven (7) days prior to the meeting date. A sample notice is attached.

2. Pay a \$50.00 application fee
3. Provide a copy of the deed of the property.
4. Written authorization (by a signature below) from the property owner that the use presented is agreeable to them.
5. Complete the conditional use checklist.
6. Publish the following notice of public hearing in a newspaper serving the City (*Northwest Times, the Morning News, Arkansas Democrat-Gazette or The Farmington Post*). **THE NOTICE MUST APPEAR IN THE PAPER A MINIMUM OF 15 DAYS BEFORE THE PUBLIC HEARING DATE.**

### NOTICE OF PUBLIC HEARING

A petition for a conditional use at the property as described below has been filed with the City of Farmington on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.

*PLACE LEGAL DESCRIPTION OF PROPERTY HERE*

A public hearing to consider this request for conditional use at the above described property from \_\_\_\_\_ to \_\_\_\_\_ will be held on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, at 6:00 p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All interested persons are invited to attend.

A copy of the proof of publication from the newspaper must be provided to the City 10 days before the meeting.

The City will post a sign on the property at a location visible to the public, notifying the public of the intent to request a conditional use on the property.

*Applicant/Representative: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incomplete, incorrect or false information is grounds for invalidation of the application. I understand that the City of Farmington may not approve my application or may set conditions on approval.*

\_\_\_\_\_  
Applicant Signature Date 11-26-19

*Property Owner/Authorized Agent: I certify under penalty of perjury that I am the owner of the property that is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his behalf.)*

\_\_\_\_\_  
Owner/Agent Signature Date 11-26-19



# Conditional Use on Appeal Checklist

Initial Application

Renewal Application

**CONDITIONAL USE ON APPEAL MUST BE RENEWED EACH YEAR.**

Applicant's Name \_\_\_\_\_ Date \_\_\_\_\_  
Address \_\_\_\_\_ Zoning \_\_\_\_\_  
Phone # \_\_\_\_\_ Email \_\_\_\_\_  
Description of proposed use: \_\_\_\_\_

The following criteria must be answered with a "yes" finding before the Farmington Planning Commission will hold a public meeting on the Conditional Use on Appeal application. For #3 through #10, provide a brief explanation on the back of this form.

- Yes    1.    A written application has been filed with the City and the \$50.00 permit application fee or renewal application fee has been paid.
- Yes    2.    Does applicant reside at the address that this conditional use was applied for?
- No
- Yes    3.    The applicant has provided proof that each adjacent property owner has been notified by Return Receipt mail (initial applicants) or personal contact (for renewal only). If personal contact is used, a signed affidavit by the owner must be submitted. The affidavit must contain information notifying of the proposed intent and the date of the public hearing, at a minimum.
- No
- Yes    4.    Are public services and utilities available and adequate?
- No
- Yes    5.    Is fire protection adequate? Farmington Fire Chief must inspect and sign-off below.
- No
- \_\_\_\_\_
- Farmington Fire Chief
- Yes    6.    Is the proposed use compatible with the surrounding area and the planned use for the area?
- No
- Yes    7.    Is screening and egress safe and convenient?
- No
- Yes    8.    Are off-street parking and loading areas adequate?
- No
- Yes    9.    Will refuse and service areas **not** cause adverse effects on adjacent property?
- No
- Yes    10.    Will off street parking and loading areas **not** cause adverse effects on adjacent property?
- No
- Yes    11.    Will signs be in compliance with the City's sign ordinance? (In some zoning classifications signs are not permitted.)
- No
- Yes    12.    Do the subdivision covenants\* allow this use (if applicable)?
- No

**APPLICANT MUST BE PRESENT AT THE PLANNING COMMISSION MEETING FOR THIS CONDITIONAL USE PUBLIC HEARING.**

\*The City of Farmington does not enforce covenants however; property owners and renters need to be aware of the requirements of their subdivision.

**RECEIPT**

DATE 11/26/19

No. 217145

RECEIVED FROM

Coyle Enterprises

\$ 50.00

fifty dollars and no/100

DOLLARS

FOR RENT

FOR

Conditional use parcel - 760-06101-000

ACCOUNT

PAYMENT

BAL. DUE

50.00

CASH

CHECK

MONEY ORDER

CREDIT CARD

FROM

TO

BY

Shasta