

**Planning Commission Minutes
November 27, 2017**

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

PRESENT

Howard Carter
Jay Moore
Matt Hutcherson
Robert Mann, Chair
Gerry Harris
Judy Horne
Bobby Wilson

ABSENT

Toni Bahn

City Employees Present: Melissa McCarville, City Business Manager; Rick Brammall, City Inspector; Steve Tennant, City Attorney

2. **Approval of Minutes:** October 23, 2017 Minutes were approved as written.

3. **Comments from Citizens:** No comments by citizens.

PUBLIC HEARING

4A. Rezoning Request from R-2 to MF-2 for Lot 17 on Rainsong Street, Grasslands Subdivision

Property owner is Southwinds Real Estate, Inc. Jason Young of Bates and Associates Engineers was present to discuss the request.

Representatives of the City had no comments.

At the October 2017 meeting, Mr. Jason Young asked to table the rezoning request until further review and study could be completed regarding covenants and restrictions on the property.

He explained that he had discovered there are no covenant restrictions on the property in question, therefore he was present to again ask for the rezoning from R-2 to MF-2. He said the area in question has not been subdivided into separate lots.

Commissioner's statement was incorrect and argument moot.

Nathan Ogden who wishes to develop the property was asked why he had not asked for a higher zoning designation such as MF-1 which would require ~~7,500~~^{6,000} square feet per unit rather than the 6,000 square feet requirement of MF-2. This would reduce the number of units built and would result in less land being covered and less runoff from buildings. Mr. Ogden said he wished to maximize land use as much as possible to get as much out of it as he could. With MF-1 zoning, he said fewer units could be built. The MF-2 zoning classification would allow 14 units to be built.

Comments:

Gaylon Estopy, a property owner in the area (151 – 153 Rainsong) talked about the flooding and lack of good drainage at that location. He brought photos of the flooding which showed the entire street near the creek and property in question under water.

Janet Nordlie, Operating Manager of Peachtree Village, had sent a letter which had been provided to each Commissioner. A copy of the letter is attached to these minutes. She also was present at this meeting and spoke against the zoning request. She reiterated the main points of the letter:

- 1) The Farmington Planning Commission's purpose provides for resident safety and general welfare as well as for adequate public utilities and facilities.
- 2) The existing drainage system on Rainsong Street is inadequate and puts residents at risk during flooding.
- 3) MF-2 zoning allows for more building and parking coverage of the lot than R-2. More land coverage leaves less area for water absorption and causes more water drainage off the lot.

She concluded by noting that in April 2017 many Peachtree residents had to be moved to another area in the building due to flooding of their apartments. They could not be moved out of the building because the flooding blocked Rainsong Street in both directions.

Judy Horne said that e-mail messages from Daniel Kelsey and Cris Bartlett that expressed strong opposition to the rezoning would be attached to these minutes. Each Commissioner had received these e-mails prior to the meeting.

Melissa McCarville, City Business Manager, explained the process for appeal if Commission denies rezoning request. The next step would be to appeal to City Council at their December 11 meeting, which also is a public meeting. However, the City Council is not required to notify the people involved in the surrounding area.

Chairman Robert Mann called for question to rezone Lot 17 on Rainsong from R-2 to MF-2. Upon roll call vote, the vote was six "No" and zero "Aye". Motion failed.

Melissa McCarville told Mr. Young they have 15 days to appeal the decision.

4B. Rezoning Request from R-1 to R-3 for 65 North Double Springs Road – Home Star Rentals, LLC (Tom Sims) property owner

Ferdi Fourie of Civil Design Engineers, Inc. presented the request for the property located between Ridgedale St. and Wolfe Lane.

Melissa McCarville reminded that this property had been considered several months ago for multi-family zoning but they had pulled the request from the agenda to await the approval of new zone R-3.

Public Comment:

Barbara O'Brien, 336 Ridgedale, said increased density, transient renters, and increased traffic on Ridgedale and on the short stub street, Sugar Pine (when opened to the new development), would devalue the Ridgedale homeowners' property. She was also concerned about the drainage runoff onto current property owners, some who have spent considerable money to try and control the water flow. She said that she had seen Mayor Ernie Penn on TV and that he had stated Farmington was not like other communities. She felt that crowded housing would actually make Farmington just like surrounding cities.

Doug Falknor, 324 Ridgedale, also was opposed to the rezoning. He said that their area was zoned R-1; he further noted that with the R-3 zone, even more units could be built on the property than if it had been zoned for multi-family.

Pat Page, 315 Ridgedale, was concerned about a potential fire hazard due to the layout and close arrangement of the housing units. Also, she believed that rentals would deteriorate and cause a decline in the Ridgedale property values; she said the traffic on Double Springs would become very hazardous because the Middle School caused big traffic back-ups morning and afternoon; she was concerned about the increased water flow off of roofs and driveways that would flood the Ridgedale homes; and she was concerned about personal disagreement issues that might occur among renters in the proposed development.

Jay Moore asked about size of the proposed homes and Tom Sims of Trademark Homes said they would range from 1,400 to 1,800 square feet with room for 5 cars to be parked in back of each home. Jay Moore was concerned about traffic problems on Double Springs. Tom Sims said it was only a problem at the two peak times each weekday (morning and afternoon.)

Mr. Sims said that with R-3 zero-lot line designation, some of the single-family homes would be sold and would be in the \$155,000 to \$225,000 range. He felt this development would actually increase property value of homes in the area.

Chairman Mann called for question. Upon roll call, "Ayes" were Howard Carter, Judy Horne, and Bobby Wilson. "No" votes were Jay Moore, Matt Hutcherson, and Gerry Harris. With a tie vote of 3 – 3, Chairman Mann voted "Aye" to make the vote 4 "Aye" and 3 "No" and motion passed. This will go to City Council for their December 11, 2017 meeting.

4C. Request to reconsider rezoning prior to 12 months for Farmington Heights-Phase 2 S. 54th Street

Ferdi Fourie of Civil Design Engineers, Inc. was present to answer questions. He had presented a proposal recently, but Planning Commission had denied the rezoning request. The rule states that another request can't be made for one year. However, at that time, the R-3 zone was not available to be included in the rezoning proposal. That is why this request was being made prior to the one-year waiting period.

The City had no comments regarding the request.

Jay Moore questioned if it was possible to ask for two different zones (R-2 and R-3) in one tract of land. The answer was "Yes." Gerry Harris asked if the areas shown as R-2 could later be changed by the developer to R-3. The answer was "No. The developer would have to use the plan as presented."

There was no public comment.

Chairman Mann called for question and motion passed 6-0 in favor of allowing the request for rezoning prior to the one-year waiting period.

4D. Rezoning Request from A-1 to R-2 and R-3 for Farmington Heights-Phase 2 – S. 54th Street Property owned by Indian Territory, LLC

Ferdi Fourie of Civil Design Engineers, Inc. stated the first phase had been the property on West Sellers Road. The rezoning request now is for Phase 2 - land south of Phase 1 - and located on South 54th Street. The R-3 (zero-lot-line) area will include 9 acres and R-2 will include 21 acres.

Jay Moore asked who would maintain the lawn areas for the R-3 zero-lot-line homes.

Mr. Fourie thought a POA would determine that. The homes in R-3 would range from 1,400 – 1,800 square feet.

Public Comment:

Ashley Swaffer, 558 Sellers Road (located just north of proposed Phase 2) said she was opposed to this rezoning. She said it does not fit in with the area nor specifically with the recently approved Phase 1 subdivision which is zoned R-1. She said she could support an R-1 zone for the entire area, but not this current proposal. She felt it was going to greatly increase traffic

Mr. Fourie said there were 125 lots (approximately 3 lots per acre) in Phase 1 that was approved previously.

Several Commissioners questioned the proposed rezoning request.

Chairman Mann called for question to rezone the property on S. 54th Street from A-1 to R-2 and R-3 however, due to the discussion, Mr. Fourie asked that this request be tabled until the December meeting. Request was granted.

4E. Variance Request - Lot Split – 814 Gibson Hill Road, Property owned by Barbara J. Mashburn Revocable Trust

The request was presented by Leonard Gabbard, surveyor for James Layout Services.

Melissa McCarville said the city had previously given three lot-splits for a total of four lots. That is why they now had to come to the Planning Commission for one additional lot split. After that, they would have to wait 10 years for any further lot splits OR they could submit subdivision plan prior to ten years.

The area in question is 75 acres with all lots greatly exceeding the R-E (Residential Estate) 2 acre minimum. These are small farms.

Public Comment:

Lance Poole, 910 Gibson Road said he was building a home on 12 acres there. He said he would have a well and a septic system; West Washington Water Authority is not allowing additional taps at this time. He was concerned about the impact on his land and also wanted clarification about the lot splitting.

Chairman Mann called for question to waive subdivision requirements and allow a lot-split into 4 lots. Motion passed unanimously, 6-0.

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



Judy Horne - Secretary



Robert Mann - Chair