

**Planning Commission Minutes**  
**March 27, 2017**

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

**PRESENT**

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

**ABSENT**

Jay Moore  
Toni Bahn

**City Employees Present:** Melissa McCarville, City Business Manager; Rick Bramall, City Inspector; Steve Tennant, City Attorney; Chris Brackett, City Engineer

**2. Approval of Minutes:** February 27, 2017 minutes were approved as written.

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

**4. Public Hearings**

**4A. Replat: Tract 1A Twin Falls Addition, Phase 1 owned by Twin Falls Development, LLC located on Highway 62.**

Keith Marrs, owner asked to divide Lot 1A into 3 lots. No comments from audience or Planning Commissioners.

Chairman Mann called for question with understanding that City Engineer Chris Brackett's conditions be included in the motion. Those conditions are:

1. Installation of Proof of Payment to Washington Water Authority for the water meters must be submitted to the City prior to the City signing the Final Plat.
2. Soil testing results to verify that the soil conditions can support the lots shown must be submitted to the City prior to the City signing the Final Plat.
3. Provide one (1) original and six (6) copies of the recorded plat to the City.

Passed unanimously.

**4B. Rezone Request: Tract 1D and 1E Twin Falls Addition from C-2 Commercial to R-1 Residential, for property located at front of Twin Falls Development.**

Keith Marrs, owner made his request. City had no comments; no public comment. Passed unanimously. This will be on the City Council Agenda in April, 2017.

**4C. Variance Request: Regarding Curb & Gutter for Commercial Lot on Jim Brooks Road in Twin Falls Addition.**

Keith Marrs came back again asking for further variance from the curb and gutter requirement in developments. His arguments were:

1. When he developed the land, he complied to Washington County standards in effect at that time; the City did not have the requirements that are in effect now.

2. Had he known what City would require in future, it would have cost him less to do the work back then when all the other work was done.
3. The City had not made improvements on Clyde Carnes and Jim Brooks when work was done recently therefore why should he be made to do this work which would cost approximately \$56,000.
4. There are no issues of public safety or water drainage problems in that area
5. He did not feel the culvert-type driveways and borrow ditches would be unsightly.
6. Land had originally been zoned commercial and now was residential so curb and gutter was less necessary.

In his original development he did widen the road as requested, but he was allowed to do so without curb and gutter. Also, Highway Department does not allow curb and guttering within their right-of-way so if it is put in now, there will be an unsightly gap from the end of the road to the highway.

After long discussion by Commissioners and based on all the rationale listed above, upon vote, the Commissioners voted unanimously to grant the Variance.

**4D. Rezone Request: Tract 2 Behind 197 E. Main Street (Colliers Drug) from C-2 to MF-2,** property owned by Mel Collier.

Brad Smith was present to answer questions and showed diagram of what is proposed for the land. There is a similar project in Prairie Grove in the old Prairie Grove Telephone Co. storage area. They plan to fit 4-plexes onto the property. He stated there is a great need for multi-family housing.

Chairman Mann reminded that all that is being considered tonight is the rezoning—not the project. They must present exact plans at a later date, if rezoning is approved. City had no initial comments but there were the following public comments:

**Vernon Combs** – 210 Old Farmington Rd. (his property is to the east side of this property.) He has no problem with single-family zoning or commercial but believes multi-family housing will decrease his property value because multi-family is allowed to deteriorate and become unsightly. He was totally opposed.

**Linda Guthrie** – 209 Old Farmington Rd. (across street from property). She has lived in her home 34 years and is very opposed to rezoning because it will lower their property values. At this time, she feels safe because they all know each other but in MF zone people will move in and out. She also would not mind having single-family dwellings there.

**Bill Kilpatrick** – 189 Old Farmington Road – lives across from property. He had same objections plus didn't want the increased traffic coming and going all hours of the night.

**Cy Guthrie** – 209 Old Farmington Rd. (across street from property). Very opposed and concerned that they want to put 8 units in a very small area where only 2 houses should be built.

Melissa McCarville, City Administrator, said it was a logical land use with higher density dwellings nearer the highway and between residential and commercial zones.

Commissioner Harris noted that being Commercial zone as it is now, there could be all types of businesses that could go in there.

Chairman Mann said the Commission always has to consider if the request is a good fit. When discussion ended, he called for question with all Commissioners present voting "Aye." This will go before City Council's April 2017 meeting.

#### **4E. Preliminary Plat for Farmington Heights Subdivision owned by Lots 101, LLC.**

Updated proposal was presented by Ferdinand Fourie of Civil Design Engineers, Inc. He had explained in great detail about the effects of the proposed subdivision development on the water flow in that area at the Planning Commission work session. At this meeting he again explained and showed maps and water calculations that indicate the flooding will be lessened in that area after the work is completed.

City Engineer Chris Brackett recommended Planning Commission approval based upon these conditions:

1. The fire hydrant locations shown on the plat and the utility plans must be reviewed and approved by the Fire Department.
2. 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.
3. Any enforcement due to possible unlawful grading on the site must be completely resolved prior to approval of the construction plans.
4. 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.
5. After a final review set of plans and drainage report has been approved by McGoodwin, Williams & Yates, the applicant should submit to the City three (3) sets of full size final drainage report that have been sealed by the engineer for final approval and distribution.

At the time for public comment there were no people present to comment. The City had sent notice to the people living in the area by regular mail. The Commissioners thought it curious that no one attended because neighbors opposed to the development had been present at previous meeting.

Chairman Mann called for question subject to Engineer Brackett's requirements listed above. Passed unanimously.

#### **4F. Large Scale Development for Everett Law Office – Twin Falls, NE of Intersection of Highway 62 and Twin Falls Drive**

Geoff Bates of Bates and Associates was present to discuss the LSD.

Engineer Chris Brackett presented his conditions for approval of this development as follows:

1. All work within the Arkansas Highway & Transit Department right-of-way must be reviewed and approved by the AHTD.

2. A completed Grading Permit Application and fee must be submitted prior to final acceptance 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.
3. After a final review set of plans and drainage report has been accepted by McGoodwin, Williams, and Yates, the applicant should submit to MWY three (3) sets of full size plans and two (2) sets of half-size plans, and two (2) copies of the final drainage report that have been sealed by the engineer for final approval and distribution.

In addition, the following comment can be addressed in the construction plan submitted:

1. Provide some way for the water to leave the front parking lot and enter the ditch without eroding the ditch.

Judy Horne reminded Mr. Bates that they had agreed to change the parking area to keep the very large tree at the Northeast corner of the back parking area and to protect it during construction. Mr. Bates agreed this will be done.

There were no public comments.

Chairman Mann called for question and motion passed unanimously.

**5. Adjournment:** Having no further business, Gerry Harris moved to adjourn, seconded by Bobby Wilson and passed unanimously.

  
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Judy Horne - Secretary

  
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Robert Mann - Chair