

Planning Commission Minutes
May 22, 2023 at 6 PM

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

PRESENT

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

ABSENT

Howard Carter

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

2. **Approval of Minutes:** The April 24, 2023 minutes were approved as written.

3. **Comments from Citizens:**

Phyllis Young- 546 Goose Creek: Ms. Young asked at what time does the Planning Commission Agenda go onto the City's website because she had not seen this month's agenda there. She then made a statement regarding the developer's latest proposed expansion of Goose Creek subdivision. She asked for the Commission to reverse the approval decision for Phase 5 which she said is creating additional havoc on her land with increased water flow, erosion, and construction trash. She noted that there may now be whiskey bottles in the drainage area. Broken glass would be deadly to her cows. She asked how commissioners would feel if they had to deal with so much trash. She wishes that someone on this commission would care about her situation, and the citizens of Farmington in general. She said she has talked with people doing the damage, Planning Commission, City Council, and City Engineer, and other City employees with no help. Therefore, she decided her only other option was to file a lawsuit. She closed by saying her invitation to the commissioners to come see the damage to her property still stands.

Jay Moore, City Attorney, stated that due to the lawsuit in progress, commissioners should refrain from going out to see her property, but should not be thought that we do not care. However, the lawsuit is going through the process with a lot of lawyers involved.

Chairman Mann asked when the agenda is posted on the website. It is placed there on the Wednesday before a meeting that will occur the following Monday.

Public Hearings:

4A. Conditional Use - Meramec Specialty Co. dba Fireworks City; property located at 380 W. Main owned by Meramec Specialty Co. as presented by Fireworks City:

Dave Stewart, 4472 Serviceberry Drive, represented this company. All requirements for the Conditional Use had been met. There was no public comment and no questions. Request was approved by unanimous vote.

4B. Rezoning – From R-1 to C-2, Property owned by Nall Living Trust. Location – 102 Cynthia Avenue, Presented by Melton Nall

Marcus Nall, P.O Box 522, Prairie Grove, AR said the location would be used for a small business of some type.

Gerry Harris read from the Protective Covenants for the Brookside Subdivision saying the majority of property owners support the property remaining Single Family R-1 zoning. As C-2, a large number of business types could be there, so she suggested an R-O Residential Office zone.

Chad Ball noted that this property is designated as Highway Commercial on the Land Use Plan.

Norm Toering was concerned about the availability of parking for a business at that location. Entrance to the business would be on Cynthia.

Public comment:

Jeff Howell, 103 Cynthia, had paperwork signed by nine area homeowners who opposed the rezoning. (This petition is included as the last page of these Minutes.) They were concerned about entrance on Cynthia because it is already a dangerous intersection with Main Street because people come and go on the wrong side of the island; no separation from homes by green space, and they feared a future use might be a detrimental use. Further, a Farmington Public School bus has a drop off at the Main Street/Cynthia Avenue entrance. He concluded by recommending that the City take a careful look at that entire intersection which is now very dangerous since it has the split street and an island.

Chad Ball discussed the R-O zone with Mr. Howell who had not known about that zone. Mr. Howell said he was agreeable to R-O because he never intended for a highly commercial property to be at that location.

Judy Horne told the subdivision residents present that the Landscape Ordinance will require a fence and landscaping to provide privacy and noise abatement.

Chad Ball moved to change the zoning request to: From C-2 to R-O for the property located at 102 Cynthia. Bobby Wilson seconded the motion which passed unanimously.

Chairman Mann called for question to rezone property located at 102 Cynthia from R-1 to R-O. Yes votes: Toering, Ball, Wilson, Horne. No votes: Macedo, Harris. Motion passed by 4-2 vote.

4C. Final Plat – Goose Creek Ph. 3, Property owned by DR Horton. Location – South of Goose Creek Ph. 2, Presented by Jorgensen & Associates





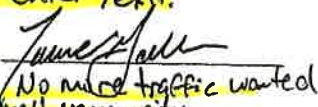
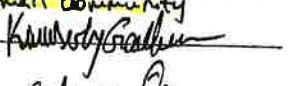



Jared Inman, Jorgensen & Associates was present to represent the company. He said that they would check into Ms. Phyllis Young's concern about the trash situation.

City Engineer Chris Brackett read his memo dated May 22, 2023, which included his suggested conditions for approval:

“The Final Plat for the Goose Creek Village Subdivision Phase III has been reviewed and it is our opinion that the Planning Commission's approval should be conditional on the following comments:

**Petition for 4B. Rezoning from R-1 to C-2, Property owned by Nall Living Trust.
Property Location – 102 Cynthia Avenue, Presented by Melton Nall.**

The following is a list of area homeowners and residents who have various concerns and are against the rezoning of 102 N Cynthia Ave to be a commercial property within a residential area. **BUILT AS BROOKSIDE SUBDIVISION**

Printed Name	Address	Date	Signature
Jaron Huffmaster Traffic to heavy	107 Cynthia Ave. Farmington, AR 72731	5/5/23	
Janice Huffmaster	107 Cynthia Ave. Farmington AR 72730	5/5/23	
Joseph Osborn Small Community / Traffic already dangerous	105 Cynthia Ave	5/5/23	
Shana Tetuan It's already a very busy and dangerous road to enter / exit.	105 Cynthia Ave	5/5/23	
Tanner Gallman within last year road has become dangerous. Do not want commercial next door or in this small community	104 Cynthia Ave	5/20/23	
Kimberly Gallman	104 Cynthia Ave	5/20/23	
Shannon Shannon Greer Exiting to main road is difficult enough. Let us just be a community, not commercial	102 Allen Place	5/20/23	
JEFF HOWELL TRAFFIC + FUTURE LAND USE	103 CYNTHIA	5/22/23	
Margaret Howell Traffic! Traffic! Traffic!	103 Cynthia	5/22/23	

1. The required Payment in Lieu of Park Land Conveyance must be paid prior to the signatures on the Final Plat. This fee will be \$600 per single family unit. The fee will be \$37,200 for 62 single family lots.
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 6 copies of the recorded plat to the City.”

Mr. Inman agreed to the conditions set forth.

Public comment:

Ms. Phyllis Young, 546 Goose Creek, said residents in the area of what had originally been shown as a cul-de-sac note that the cul-de-sac has now been removed and has become a through street and they are upset about that.

Norm Toering asked about the cul-de-sac and Mr. Brackett, City Engineer, said when Phase 2 was developed, the built street would have been too long so they made a temporary cul-de-sac for safety purposes. The through street has been shown on the plat from the beginning.

Chad Ball asked if the water inspections had been done and it was determined they had been done.

Chairman Mann called for question to approve the Final Plat for Goose Creek Ph. 3 conditional upon conditions set by the City Engineer and by the Commission that Mr. Brackett monitor trash cleanup. Motion passed unanimously.

Adjournment: Having no further business, Gerry Harris moved to adjourn, seconded by Chad Ball, motion was approved, and meeting was adjourned.



Judy Horne, Secretary



Robert Mann, Chair