

Planning Commission Minutes
November 27, 2023 at 6 PM

1. **ROLL CALL** – The 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
Howard Carter

ABSENT

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

2. **Approval of Minutes:** The October 23, 2023, minutes were approved as written.

Chairman Robert Mann stated that agenda item 4 B, the Large-Scale Development for Brand New Church had been removed from the agenda, but will be on the December agenda. He offered those present the chance to speak about this item, but they preferred to return in December.

3. **Comments from Citizens:**

Phyllis Young - 546 Goose Creek: Ms. Young said that two meetings ago she had made some statements about some people that work for the city. She said if she said something detrimental, she had proof of it; she would like to have had some consideration from the city.

She mentioned again that the new subdivision to the east side of her land is flooding, causing damage and erosion with drainage pipes directed right at her property. She noted that Chapter 4 in the EMP, (Erosion Control Manual) page 82, that the City is supposed to go by, states that the detention pond should be used in locations where discharge from it will not exacerbate any erosion downstream. However, the flow downstream is eroding her land tremendously. Ms. Young said she had all the rocks in the valley picked up, but now because of the flooding, rocks are everywhere. She can't brush hog because the rocks tear up her equipment. The water flow is of a much greater quantity and velocity than it ever was before. The water carries trash, debris and chemicals downstream to the creek on her property and to the Illinois River and it is not good for the cattle or the environment. She further noted that the water flow from the subdivision is washing away all the topsoil from the roots of the trees, which will cause them to die due to lack of nutrients. Ms. Young stated that if she heard correctly, the City Attorney had said commissioners could come look at her situation, without making any comments about it. She said she would greatly appreciate it if they would come and look at it.

Having no further comments, Chairman Robert Mann closed the floor for public comments.

Public Hearings:

4A. Rezoning – From R-1 to C-2, Property owned by Eagle Holdings, LLC. Location –141 & 149 White Street, Presented by Keith Marrs

Keith Marrs said he owns properties just behind Hwy 62 on White Street. They are a church, a parsonage and one other property. They join property he owns on Highway 62 Main Street. His request is to re-zone his White Street properties to C-2. He has had one franchise business look at it and thinks it will be a good business location right in the middle of town. The gentleman who owns the property to the east of his property also wishes to rezone but didn't get his materials turned in on time for this meeting. The owner had bought a renovated house which once was the old Masonic Lodge.

City Business Manager Melissa McCarville stated that the new Land Use Plan indicates commercial zoning for White Street.

City Attorney Jay Moore said the requested rezoning fits City legal requirements and Land Use Plan.

Mr. Marrs was asked if anyone in the area had contacted him, and he said they had not. Melissa McCarville said one person had contacted her and they just didn't want it to be a parking lot and she said she felt strongly it would not be.

There was no public comment and no questions. Request to rezone the properties was approved by unanimous vote.

4B. Large Scale Development - Request for re-scheduling to December, 2023 for The Brand New Church.

Removed from Agenda by owners, as previously noted.

4C. Request for time extension of the approved Large-Scale Development for Splash Carwash.

Tanner Freeman of Collier Development said they were simply asking for an extension of the approved plans for Splash Carwash. They had some other projects going on at the same time and needed more time to get this one started. He said their plan is to get started the first quarter of next year.

Chris Brackett read his recommended conditions for approval as follows:

“The Large-Scale Development for the Splash Car Wash has been reviewed and it is my opinion that the Planning Commission’s approval should be conditional on the following comments.

1. Both drives onto Highway 62 will have right turn only exits. A physical barrier acceptable to ArDOT will be required at these exits.
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 any 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 three (3) sets of the half size plans, and one (1) copy of the final drainage report that have all been sealed by the engineer of record for final approval and distribution.”

Mr. Freeman stated that the memo dated November 27, 2023, is the exact memo that was given to them originally and they agree with all comments. Philip Lewis of Philip Lewis Engineering said they are closing out two projects in Bentonville and therefore are ready to begin this one.

Howard Carter verified that this car wash sales tax would add to the City’s sales tax. City Attorney Jay Moore said yes. Chairman Robert Mann said that they are asking for an extension; the carwash itself has already been approved.

After lengthy discussion about how long the extension should be and whether it could be extended again at a later date, Chad Ball moved to limit extension of this proposed Large Scale Development to six months. Keith Macedo seconded the motion which was approved by unanimous vote.

Bobby Wilson asked if there was any way at this stage to make an opening between Arvest and the carwash. Jay Moore said that at the original hearing, Arvest was very much against this out of concern for their customer traffic. So, legally Mr. Moore did not think the Commission could require that change.

Keith Macedo said he remembers a conversation about drive approaches and that Arkansas Department of Transportation was in control, and we made plans and said that ARDOT had to approve it. Phillip Lewis said that ARDOT did approve it as Commission requested.

Melissa McCarville said that at this point we are only hearing about is the extension of the existing project that we have already approved.

Chad Ball said a lot has happened since it was approved a year ago and wasn’t sure he was supportive of letting the extension go forward. He wanted to bring it back before the group and have public comments.

Bobby Wilson asked if the City does not have a connectivity requirement in one of our ordinances? Melissa McCarville said the City does not.

Chairman Mann mentioned that this proposed extension is to build what has already been approved. He had heard that they had changed their mind and thought about putting something else there. He said this is only for the car wash and nothing else. Mr. Freeman agreed that this is for the extension of the approved plans for car wash for the City of Farmington.

City Attorney Jay Moore said that if the commission was ready to make a motion to extend it to six months the next step is to get the construction plans and grading permit approved by the City Engineer and that should be in the motion to extend six months.

Chairman Mann called for question to extend the time limit to six months from this date for Splash Car Wash, also remaining subject to the recommended conditions of Chris Brackett’s memo dated November 27, 2023.

There was no public comment and no questions from citizens.

Upon roll call vote, the motion passed 6 Yes and 1 No vote. Chad Ball voted No.

Bobby Wilson moved to change the December meeting from December 26th to December 18th, Keith Macedo seconded the motion which passed unanimously.

Keith Macedo asked Chairman Mann for a list of items that the Commission had not accomplished this past year 2023. Chairman Mann said he would send the list by email to all commissioners.

Adjournment: Having no further business, Gerry Harris moved to adjourn, seconded by Bobby Wilson. Motion was approved, and meeting was adjourned.



Judy Horne, Secretary



Robert Mann, Chair