

Planning Commission Minutes October 23, 2023 - 6 PM

1. **ROLL CALL** – The meeting was called to order by Vice Chair Gerry Harris. A quorum was present.

PRESENT

Gerry Harris, Vice Chair
Chad Ball
Howard Carter
Judy Horne
Keith Macedo - Zoom
Norm Toering
Bobby Wilson

ABSENT

Robert Mann, Chair

City Employees Present: Melissa McCarville, City Business Manager; Chris Brackett, City Engineer; Jay Moore, City Attorney; Ernie Penn, Mayor; Bill Hellard, Fire Chief

2. **Approval of Minutes:** The September 25, 2023, minutes were approved with one correction on page seven: “Chad Ball moved to table this agenda item 4C, until next meeting on November 27” with November 27 **changed to October 23, 2023.**

3. **Comments from Citizens:** None.

Public Hearings:

Unfinished Business

4A. Preliminary Plat – Wagon Wheel Ph. II, Property owned by DR Horton-NW Arkansas, LLC, Property Location: Grace Lane & Utah Avenue; Presented by Halff Associates

John Wary, Halff Associates, who represented the applicant said there will be 147 single family homes in this phase. Regarding the storm water originally routed to Twin Falls drainage system, he said he met with City Engineer Chris Brackett and Norm Toering at the site. It was agreed that the water does flow to the south and does not go into Twin Falls. So now they are working with the Wagon Wheel West engineers to re-analyze it and to collect the storm water from Engles Mill to the west side of Wagon Wheel West property.

John Wary also discussed a second item which was to provide a controlled access for buses from the subdivision to the school property to the east and talk with the school Superintendent and the Assistant Superintendent about this. The developer has agreed to provide access to the school’s parking lot from Hammerhead or perhaps one other street. They are working with the City Engineer, Fire Chief and school district to find out which will be the best access point.

Chad Ball had a question about lots 137 & 138 which might be affected by a controlled access. Mr. Wary said they would adjust the lot lines and it would show up in the Final Plat. City Engineer Chris Brackett said that since both parties have agreed to it, it will be reflected on the final plat with any adjustments.

Judy Horne asked if there was any resolution about flooding/drainage issues at the end of Utah, the north end, and the house next door. City Engineer Chris Brackett said he had met with property owners and the issue is actually not from this phase, but rather from the high school detention pond. The plans from the high school showed a ditch to be brought South to where the main channel is, but

the contractor did not construct it as per plan. That is what is causing the flooding. The high school has been made aware of it, Chris has met with the Superintendent and their engineer, and everyone agrees it should have been done and it wasn't, and they are working to remedy it.

Vice Chair Gerry Harris asked who would be doing the work, Chris stated it is really the school's responsibility and it will be done as soon as it can be done. The city does not have any control over it.

City Attorney Jay Moore said the house on Utah is catching a lot of the water from here that shouldn't be, and that once the ditch is cleaned out and the detention pond is created, will that solve the problem. Chris Brackett stated they will have to extend the ditch to the main channel, they know they should do it, and they will have to do it.

Judy Horne had walked that entire area today from the parking lot on 170 to Utah where the flooding occurs. She could see many places where the water washed southward and westward. She emphasized that the flooding seen on Mrs. Russell's photos shows flooding is a problem now even with smaller rains. She wanted assurance by the school or by DR Horton that when we have much larger rains that are becoming more frequent, that the water will be successfully diverted. Chris Brackett said again that the flooding is not from Wagon Wheel Ph. 2, but it is from the High School, and he will see it gets it resolved.

Public Comment

Jeff Bates, the school's engineer, stated that DR Horton is going to fix the drainage. Dr. Laffoon has already worked it out with them and has something to do with regard to where they are putting the access. The school does not want it where the hammerhead is, because that is a terrible spot. It is in the works and DR Horton is supposed to take care of it but we don't know when.

Carol Dickinson-Russell - 542 Utah – She stated that she owns the house at the north end of Utah. She said does not want this dragging along for five to six months when more and larger flooding could occur. She found it troublesome that the detention pond on what is now school land hadn't been created long ago. The east side ditch is supposed to handle the water but it is totally filled with weeds and brush shrubs. This needs to be cleared now.

She was concerned with future runoff from Ph II which is straight up hill from her house. She believes the Phase II water will seek the lowest point, which will be her home. She emphasized again that this must be fixed, and soon. She thanked Chris Brackett who came out and viewed her property and saw the issue. However, she said people are saying it is going to be fixed, but are not sure when or who will fix it. We have already had flooding twice with a 4" rain. The flooding will be much worse when we have 5" or 6" rains. She emphasized that the corrections must be expedited quickly.

Jill Toering - 306 Claybrook - Thanked everyone who came out to Twin Falls property, looked at the problem, and made adjustments to the future water flow from Wagon Wheel property.

Tommy Russell - 542 Utah – He asked for a clear answer on who will be responsible for getting the drainage corrections done: DR Horton or the school? Chris Brackett said that they are working it out.

Chad Ball said that all parties know there is an issue, there are three parties involved—the city, the school, and DR Horton and Mr. Russell should document any damage that occurs.

Jay Moore said if you have problems, legally you will lean on DR Horton first, then the school or vice versa. The city doesn't really have a "dog in the fight" except for making sure the residents are taken care of.

Chris Brackett read his recommended conditions for approval as follows:

"The Preliminary Plat for the Wagon Wheel Crossing Phase II has been reviewed and it is my opinion that the Planning Commission's approval should be conditional on the following comments.

1. The fire hydrant locations shown on the plat 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, the Washington Water Authority, and the Arkansas Department of Health prior to construction plan approval.
3. Parkland Dedication or Payment in lieu of Park Land Conveyance will be required for this subdivision at 0.02 Acres or \$600 per single family unit. This will be 1.04 Acres or \$31,200 for the 52 lots. This developer has 1.5 Acres of Parkland banked from the dedication of Wagon Wheel Park (3.18 Acres total minus 84 lots in Phase I).
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 KMS, the applicant should submit to the City one (1) set of full-size plans and three (3) sets of half size plans, and one (1) copy of the final drainage report that have been sealed by the engineer of record for final approval and distribution.
6. This approval of this preliminary plan is effective for a period of one year and thereafter as long as work is actively progressing on the installation of the required improvements.

Judy Horne still had concerns about water running downhill from the new part up north, and she hoped they would plan the drainage carefully to protect the people that are already living there.

Mr. Wary with Halff and Associates stated that almost everything in Wagon Wheel Ph. 2 is going to be collected into a closed storm system and directed to Wagon Wheel Ph. 1 retention pond off Clyde Carnes. The main concerns will all be addressed and corrected on the east side.

Vice Chair Harris called for question to approve the Preliminary Plat, contingent upon the conditions in the memo from Chris Brackett dated Oct. 23. Upon roll call vote, the Preliminary Plat was approved unanimously.

4B. Large Scale Development – Rainsong Townhomes; Property owned by Srinivasa Bandaru & Pavathi Neeramachaneni; Location – West Rainsong Street; Presented by Bates & Associates

Addie Manzi of Bates & Associates was present to discuss the Large-Scale Development which she said met all conditions when reviewed at the work session.

Norm Toering said the plan is for a 100-year flood plain but what if it is built for the 50-year flood plain? There is a difference between 50-year, 100-year and 500-year flood plain. Addie Manzi said they are showing the development using the new flood plain development map that should be finalized

in 2024. They do not believe there will be flooding problems. Norm stated that if the new map comes out in January and it's a 50-year flood plain that is not what we agreed upon. Chris Brackett said the final flood plain plans are in the process of being approved and any changes will be minor.

Judy Horne wanted verification the drainage will be taken care of and won't add more water to the drainage ditch that the city created on the west side of the property which pours down onto the property on Christy Lane. She had walked the ditch and said it takes a sharp turn to the southwest and runoff is eroding those owners' property. Chris Brackett said it won't be any worse than what it is doing now. City Business Manager Melissa McCarville said they are not bound to fix existing problems and it's not their job to fix someone else's problems. Judy asked why that ditch had been built in such a way that it turned water directly toward Christy Lane properties.

Chad Ball said since this development will have a private drive, several years later could the owner add more impervious parking area when they see more parking space is needed? He asked if the City has any code restrictions regarding expanding driveways beyond what had been approved. He felt more paving would then mess up the water flow and drainage calculations.

Melissa McCarville stated no, that if someone wanted to pave their entire yard, they could.

Chris Brackett said one owner will own it all; it's not subdivided so that's why they can have a private drive. Chad Ball was concerned with additional land coverage because this is a sensitive area. He wondered about putting a restriction on this approval that the owner could not add more impervious paving.

City Attorney Jay Moore said he didn't know the answer to that, and City Business Manager said you can put conditions on the approval. City Attorney Jay Moore asked what his concerns were? Chad Ball said if you put more concrete down it would mess up the water flow numbers and he believes they will do that because there will be more need for parking than what they show now. City Attorney Jay Moore said if they add more parking and that causes an issue downstream, then they will be liable for the damage.

Judy Horne liked the idea of a condition to limit further paving which would prevent a problem down the line. City Attorney Jay Moore, wondered if the renters are going to give enough push back for more parking so that the owners will comply? Norm Toering said when they can't park in the street and some units will own four cars—then they are going to park in the grass and the owners will let them do that. That is not going to work. Gerry Harris said that on Sundowner what they are doing now is paving their front yards. City Attorney Jay Moore said he agreed with what Norm said but the owner would have to agree to do that with each individual person.

Public Comment

Kaylin Clark, 141 Whitney Lane - She said her neighbor at 142 Whitney Lane wrote an e-mail letter last month. She is a wise person and the Commission should take her comments seriously. Ms. Clark's concern regarded putting six town homes on a small lot that is close to other homes. She felt the noise would be very annoying to them and to Peachtree Village, too. She has been proud to live in Farmington and is not opposed to growth. However, she had big concerns with what the concentration of six townhomes will bring and how they will change things negatively.

Keith Macedo thought Chief Hellard had wanted the hammerhead turned and also additional signage and marking. He didn't see that on the updated plat. Addie Manzi said they updated the plans to

include fire striping as well as the signage. Keith then asked about reversing the units labels from B-A to A-B (left to right). That will be changed in the final plat.

Chris Brackett read his recommended conditions for approval as follows:

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

1. The fire flow, fire hydrant and fire lane locations must be reviewed and approved by the Farmington Fire Department prior to construction plan approval.
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 construction plan approval.
3. 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.
4. A sign permit will be required for the construction of any signage for this project.
5. Payment in lieu of Park Land Conveyance will be required for this subdivision at \$300 per multi-family unit. This fee will be \$3,600 for the 12 multi-family units.
6. A Flood Plain Development permit will be required for this project prior to construction plan approval. All structures must be a minimum of two (2) feet above the 100-year water surface elevation from the pending detailed flood study.
7. 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.
8. 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 two (3) sets of the half-size plans, and one (1) copy of the final drainage report that have been sealed by the engineer of record for final approval and distribution.
9. This approval of this large-scale development is effective for a period of one year and thereafter as long as work is actively progressing on the installation of the required improvements.”

Chad Ball noted on item 5 to change “subdivision” to “development”.

Vice Chair Harris called for question to approve the Large-Scale development, with the memo dated Oct. 23 from Chris Brackett. Upon roll call vote, the Large-Scale Development was approved 6-1 with Judy Horne voting No.

Public Hearing:

4C. Preliminary Plat – The Grove at Engles Mill Ph. 4 (Revised); Owner: Riverwood Homes; Location Grace Lane; Presented by Crafton Tull

Allie Karr with Crafton Tull was present to discuss the Preliminary Plat. She said the original Phase 4 was more centralized to the location Riverwood Homes owns, but due to site restraints and costs of construction, it is more economical to them to move Ph. 4 to the east side of the site. This revised Ph. 4 (Revised) will have 61 buildable lots in the southeast corner of Riverwood Homes land, with a lift station lot and a pond lot. She said they will do all the drainage necessary to support these phases. She said it now looks a little different, but that they are still meeting all the requirements to cover all Ph. 4, 5 and 6 buildout in the subdivision with this phase. It will have water and sewer improvements as well as stormwater management with curb and gutter.

Chad Ball asked if this was part of the PUD, and is there anything to change legally due to revision. City Attorney Jay Moore didn't think there would be anything to restrict voting now and if something is needed, he could take care of it after the fact.

Judy Horne asked if runoff would all be directed to the L-shaped pond for this phase. Allie Karr said the detention pond is sized for Phases 4, 5 and 6. So, they won't have to come back and make any amendments. Judy asked if the water would all move westward and go into the pond and Allie said yes.

Public Comments: None

Chad Ball reminded that the previously agreement with Riverwood Homes was walkable access to the small park, green space, and the trail. He noted that this revised plat shows a house where the green space was supposed to be. After long discussion, Chad Ball insisted green space should remain and the additional house lot should go.

Mark Marquess with Riverwood Homes said when they first put the walkable access in, it showed as a stub. Then after meeting with Chris Brackett and the commissioners, the stub was taken out, and a sidewalk was put in. He didn't remember greenspace. However, he agreed to take out Lot 1 which will become a greenspace common area.

Chris Brackett read a memo with conditions for approval as follows:

"The Preliminary Plat for the Grove at Engles Mill Phase IV has been reviewed and it is our opinion that the Planning Commission's approval should be conditional on the following comments.

1. The approval of this revised plat for Phase 4 of The Grove at Engles Mill Subdivision will void the previously approved plat for Phase 4 from April 4, 2023.
2. Street C will have to be extended to the western boundary of Lot 47 so that the detention pond can be plated with this phase of the development.
3. The fire hydrant locations shown on the plat must be reviewed and approved by the Fire Department.
4. The water and sewer improvements must be reviewed and approved by the City of Fayetteville, the Washington Water Authority and the Arkansas Department of Health prior to construction plan approval.
5. Payment in lieu of Park Land Conveyance will be required for this subdivision at \$600 per single family unit. This fee will be \$36,000 for the 60 lots.
6. The wet detention pond will be required to be fenced around the entire perimeter with a chain-link fence no less than six feet tall. A decorative iron fence can be installed with City Staff approval.
7. 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.
8. After a final review set of plans and drainage report has been approved by KMS, the applicant should submit to the City two (2) sets of full-size plans and three (3) sets of half size plans, and one (1) copy of the final drainage report that have been sealed by the engineer of record for final approval and distribution.
9. This approval of this preliminary plat is effective for a period of one year and thereafter as long as work is actively progressing on the installation of the required improvements.

The following comment can be addressed in the construction plan submittal.

1. Number the Pond and Lift Station lots.

2. The Detention Pond lot will have to be dedicated as a drainage easement.”

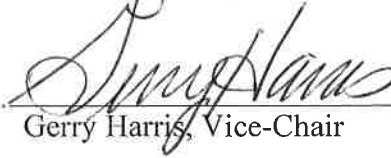
Judy Horne said unless the code regarding landscaping has changed, detention ponds must have a small amount of landscaping. However, there are no shrubs or grasses in the detention pond in the far northeast corner of the subdivision. Chris Brackett stated that the ordinance suggests landscaping but doesn't require it but it will be further checked.

Vice Chair Harris called for question to approve the Preliminary Plat pursuant to City Engineer's memo with the change of one set to two sets and adding that Lot 1 will be green space as an entrance to the city park. Upon roll call vote, the preliminary plat was approved 7 - 0.

Chad Ball moved to adjourn, seconded by Norm Toering and meeting was adjourned.



Judy Horne, Secretary



Gerry Harris, Vice-Chair