

**Planning Commission Meeting Minutes**  
**June 23, 2025, at 6 PM**

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

**PRESENT**

Robert Mann, Chair  
Gerry Harris, Vice Chair  
Chad Ball  
Howard Carter  
Judy Horne  
Norm Toering  
Bobby Wilson

**ABSENT:**

**City Employees Present:** Melissa McCarville, City Business Manager; Jay Moore, City Attorney; Chris Brackett, City Engineer; Rick Bramall, Building Official, Bill Hellard, Fire Chief; LeAnn Tolleson, City Administrative Assistant.

- 2. Approval of Minutes:** May 27, 2025, minutes were unanimously approved with the following corrections: "glows" should be "flow" at the bottom of paragraph on page 3.

- 3. Comments from Citizens:** Carol Bruce 110 Bonnie Lane expressed her concern about raw sewage coming out of the ground, not the manhole cover in their backyard. She contacted the City of Fayetteville, and they came out and told them it is a larger stoppage than they can handle. She went on to say Farmington has a major sewage issue, she is not sure if it is caused by all the new housing development being built and the City of Farmington needs to find out what is going on. Ms. Bruce had another concern, Angus Lane is too narrow for the traffic, the edges of the road are crumbling, and it is basically only one lane.

City Business Manager Melissa McCarville stated the city is in the process of taking bids to fix Angus Lane. City Attorney Jay Moore stated the sewage is not us; it will be the City of Fayetteville; they handle all the operations and maintenance. If we continue to have issues, we will discuss with them.

Chairman Robert Mann closed the floor.

**1. Unfinished Business**

**1A. Large Scale Development – Property owned by Derek Winkle, Location – S. Bois D' Arc 7 W. White Street, Presented by Blew & Associates.**

Jorge Duquesne of Blew & Associates explained that they have worked through several adjustments to move the project forward. Originally, a two-foot overhang would have extended into the setback zone, but the building has been shifted to avoid that. They've made necessary changes and are requesting approval to use eight additional parking spaces for the project, which is up for a vote tonight. Although they don't anticipate more than four vehicles parked at one time, they are open to a shared parking agreement between the two properties. All required street improvements, handicapped spaces, and other standards will be met. Since parking on the street is not allowable, they have an agreement between the two partners. We will also create a document that would solidify the spaces are available.

City Attorney Jay Moore stated ownership can change and he would recommend to have an agreement with each owner for approval of the project. Vice Chair Gerry Harris asked Jay Moore if there needed to be a deed restriction. Mr. Moore answered a deed does need to be filed somewhere. Chad Ball asked would it have to be dedicated spots or shared? City Attorney Jay Moore answered it is up to the Planning Commission, but shared is fine. The square footage of the back building is going to limit how many people can work there.

Norm Toering asked if a variance is needed since the project doesn't meet the parking standard, noting that without the eight additional spaces, a variance would be required—but the applicant didn't formally request one. City Attorney Jay Moore explained that while variances are typically required, this situation is different due to shared parking, which allows approval without a variance. Chad Ball asked if approval could be contingent on a shared parking agreement. Mr. Moore confirmed that it would need to be handled that way, noting that while it may not be in City Engineer Chris Brackett's memo, it would be recommended as a contingency for approval.

City Engineer Chris Brackett read a memo as follows.

The Large-Scale Development for the Beacon Ventures Commercial has been reviewed, and it is our opinion that the Planning Commission's approval should be conditional on the following comments.

1. The 100-year Water Surface Elevation (WSE) must be 2' vertically and 20' horizontally for any structure. The WSE is currently shown at 12' horizontally but is 2.5' vertically. A waiver of the 20's setback must be approved by the Planning Commission. I recommend approval of this waiver due to the additional 6" vertical separation shown.
2. The Planning Commission must approve the shared parking with the Heidi Holding Commercial LSD.
3. The fire flow, fire hydrant and fire lane locations must be reviewed and approved by the Farmington Fire Department prior to construction plan approval.
4. 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.
5. 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.
6. A sign permit will be required for the construction of the signage for this project.
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 (2) 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.

Norm Toering voiced his concern and said in the past we've approved of things and people come back and change what was approved. Parking is a premium in this town, and we must have guidelines.

**Comments from Citizens:** NONE

Vice Chair made a motion to table this to the July 28, 2025, meeting, Judy Horne seconded the motion upon roll call vote and the request was approved 7-0.

**1B. Variance- Setback – Property owned by Tim & Kenna Lee, Location –73 E. Main, Presented by Bates & Associates.**

Braden Wise, representative with Bates and Associates, stated asking for a reduction from twenty-three feet to seventeen feet on the west side of property line. Vice Chair, Gerry Harris asked what the existing side setbacks are. Mr. Wise answered twenty-three feet on the west right now with a six-foot reduction. Vice Chair Harris commented it says on the plat twenty-three on the west and sixteen feet on the east.

**Comments from Citizens: NONE**

Vice Chair Gerry Harris voiced her concern and said she had a problem going from twenty-three feet to seventeen feet. City Business Manager Melissa McCarville stated the Planning Commission already approved variance earlier at twenty-three feet.

Chairman Robert Mann called to question to approve the variance, property owned by Tim & Kenna Lee, property located at 73 E. Main presented by Bates & Associates. upon roll call vote and the request failed 7-0.

**1C. Large Scale Development; property located at 73 E. Main Street; owned by Tim & Kenna Lee; presented by Bates & Associates:**

Branden Wise, representative with Bates and Associates, asked for contingency upon building size updating. City Engineer Chris Brackett asked if they had originally submitted with the right setback being correct. City Business Manager Melissa McCarville stated they had got the first variance before they submitted for Large-Scale Development. City Attorney Jay Moore asked if they had submitted it to the city. Mr. Wise answered he would have to go back and check.

Bobby Wilson made a motion to table this to the July 28, 2025, meeting, Chad Ball seconded the motion upon roll call vote and the request was approved 7-0.

**Public Hearings**

**2A. Large-Scale Development; property located at W. Main owned by Derek Winkle; presented by Blew & Associates**

Jorge Duquesne of Blew & Associates stated this is a commercial retail center, the variance was brought to Planning Commission and was denied, we redid the numbers and resubmitted it. City Attorney Jay Moore made a statement to the Planning Commission saying he learned some stuff at the Municipal League conference that when we have something that meets all the qualifications and not asking for a variance, we can ask for conditions but can't make them have conditions if it meets all the standards and codes you, the commission has to approve it unless one of the six reasons exists.

City Engineer Chris Brackett read a memo as follows.

The Large-Scale Development for the Seven Brew - 7 West Main has been reviewed, and it is our 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. All work within ArDOT right-of-way will have to be permitted by ArDOT and this permit will be required 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 the 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 two (2) 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.
8. 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.

**Comments from Citizens: NONE**

Chairman Robert Mann called to question to approve the Heidi Holdings, LLC, property owned by Derek Winkle, property located at W. Main presented by Blew & Associates subject to Chris Bracketts memo dated June 23, 2025, with correction from 7 brew to Heidi Holdings, LLC. upon roll call vote and the request was approved 7-0.

**2B. Large Scale Development; property located at 12838 Ruby Road; owned by Brand New Church; presented by Bates & Associates:**

Addie Manzi representing Bates and Associates stated she had no opening comments.

City Engineer Chris Brackett read a memo as follows.

The Large-Scale Development for the Brand New Church Parking Lot has been reviewed, and it is our opinion that the Planning Commission's approval should be conditional on the following comments.

1. Access to the adjacent properties will have to be maintained during the construction of the parking lot.
2. 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.
3. 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 (2) 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.
4. 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.

### **Comments from Citizens:**

Jennifer Whitney 12881 Tyler Road expressed concerns about ongoing issues related to the church's development. She noted that the certified letter they received repeated previous information about private road improvements, with no clear direction. She suggested adding speed bumps due to increased traffic. Whitney also raised concerns about changes in land elevation from gravel on the easement road, which has led to more water runoff this year. She questioned drainage plans shown on the plat, particularly how water from the southern parking lot would be managed and presented photos of her property to the Planning Commission to illustrate her concerns before asphalt is laid.

Hannah Gloria 12847 Ruby Road stated this was the third time residents had brought unresolved concerns to the commission regarding Brand New Church's development. Despite a revised plat, she said the core issue remains—the church is expanding on land not suited for its scale, resulting in heavy traffic on a private easement road never intended for such use. She cited safety risks, including delayed emergency response, and questioned whether the easement was properly included in the church's plat. Gloria emphasized the impact on residents' safety, quality of life, and property values, and urged the commission to prioritize community interests over retroactive approval of poor planning. Additionally, the runoff efficiency on her property is expected to nearly double, raising environmental concerns. She urged the Planning Commission to prioritize residents' interests over retroactive approvals of inadequate planning. She proposed that Brand New Church halt all future development until it secures sufficient property and emphasized that residents should not feel pressured or forced out of their homes.

Kyle Hunt, 12842 Ruby Road, expressed concerns to the Planning Commission about increased flooding on his property since the gravel road was raised to handle post-service traffic. He also raised issues with ingress and egress, stating it recently took him 25 minutes to exit his driveway due to the new design, which forces him to use a narrow lane connected to the church's parking lot. He mentioned a 60-foot easement from his property line and questioned whether parking is permitted within that easement. Hunt emphasized ongoing concerns about traffic, parking, and the need to separate private roads from parking areas. He also showed utility-related issues on a map and requested that Brand New Church cover the cost of relocating utilities.

Joey Chrisley, 1281 Tyler Road, asked the City Business Manager to display his address and topography on PowerPoint, noting the highest elevation is 1212. He presented photos of his house to the Planning Commission and questioned why the road must be asphalt, suggesting gravel as a temporary solution until future development plans for surrounding properties are determined.

Jason McDonald, 12839 Ruby Road, provided the Planning Commission with an email from his attorney and photos showing flooding issues that occur after rain—problems that did not exist before recent construction. He addressed concerns from the Technical Plat Review, specifically noting that although Item No. 6 calls for a 12-foot detention pond, the plat shows no drainage directed to it. McDonald expressed concern that the parking lot will drain north into the creek bed, impacting his property. He also stated the gravel bridge will continually wash out and inquired about the status of traffic study.

Eleanor McDonald, 12839 Ruby Road, showed the Planning Commission a corner of her property on the map, stating that Brand New Church wants to use that area as an exit but has not received permission to use the easement. She expressed concern that if permission is granted, traffic will worsen—she already waits up to 30 minutes to exit her home. She added that the church has not communicated with them, and per their attorney, Brand New Church would need a formal agreement to use the easement.

Chairman Mann closed the floor for public comment.

City Attorney Jay Moore stated as a commission you need to look at it the same way you look at any other issue. Does it meet our code, if it does you look at any other reason outside of code. As far as legalities between property owners that will be civil. As far as the city is concerned, we look at it any other project and take into consideration some of the other aspects. Don't make decisions based on two property owners fighting about something.

Norm Toering asked if the city could be in trouble if we say yes to something and they use property that's not theirs to build this parking lot. City Attorney Jay Moore answered we would not be in trouble legally unless developed over property line.

Jerry Coyle representing Brand New Church stated that Brand New Church additionally bought 2.3 acres and they were approached to buy it. The drainage ditch does run on the new property. Mr. Coyle then read his comments.

Brand New Church is growing at a faster rate than we expected, and with that comes some growing pains, we have areas that we need to address with this growth, one being the parking. We approached the neighbor next door that owned approx. 1.7 acres, buying that would take care of two issues, parking spaces and ingress/egress, I knew when we was looking at the lot that we would face opposition, I have been to planning meeting all over NWA and have yet to see where people have not came out to voice concerns on an item on the planning, but in this case I knew they would because they have always had flooding issues and now they would have someone to blame it on, there have been plenty of pictures presented of flooding and we haven't even started, we hate this so much but we did expect it, and I'm sure you weren't surprised as well. Bates and your city engineer met and went over the project - Bates has designed a plan to make sure water does not run off any faster than it did before, there has been a lot of talk about this .4 to a .9 flow, this is just how fast it will flow on our property, but it will leave at the current rate or better. We have tried to address items that would help with the flow once it left our property and at our expense, the main one is the ditch that passes through the McDonald's property, they said no so we will stay off their property.

We have had meetings with city staff and engineers, we have met all the items questioned and feel we have their agreement and have checked every box and will not be creating any new issues for the neighbors. I feel the planning commission last time denied not on the merits of the engineering but on the complaints of the neighbors, so I feel I need to address those.

Jennifer Whitney 12281 Tyler Road, she was worried we would get off the easement, we had a surveyor put stakes showing the line, we won't get off that area, there is a 20' easement on her property that is known as ruby road, we have provided those docs to you from a real estate Law firm, Ms. Whitney 's drive is off Tyler Road along with her water meter, hers is not one of the meters on the corner of Ruby Road.

Joey Chrisley same address as Ms. Whitney - He stated ongoing water line issues, this has nothing to do with BNC to date, we have not started work, there was a meter damaged by a concrete truck, that company took care of addressing that issue, he stated concerns about traffic, there drive is off tyler road and has the right of way for any traffic entering tyler. This should be a non-issue for them.

Eleanor McDonald and Jason McDonald 12839 /ruby Road - passed out pictures of flooding on their property - Ms. McDonald asked if the runoff is changing on her property, she also made a comment when does a small ditch that I made on my property become a drainage easement for a parking lot, they bought the property in 2013, google maps from 2011 shows that ditch was there long before then, Jason made the comment about unresolved drainage issues and chemical runoff,

drainage is part of the engineering report and chemical run off is just a talking point. Jason at the last planning meeting made the comment I was trying to buy a drainage easement for \$5000.00, I did catch Eleanor at home and discussed cleaning up the ditch, it is overgrown and that cause the water to have restrictions, we wanted to clean up at our cost so the water would drain like it should, we would pay for all that and give them \$5000.00 for the inconvenience, Trying to be a good neighbor, we do not need to do this but it just made since, so we will leave like it is and stay off their property, I would note the McDonalds have permanent sandbags in all the door openings.

Hanna Gloria at 12847 Ruby Road had concerns about flooding that are causing the septic back up - we have not started work so that is pre-BNC, she stated that no one has contacted her about water and gas lines, that is because we are not redoing them, she is located one property to the west of the McDonalds property.

Lilly Kersh and Kyle Hunt at 18240 ruby road - Made comments about things that has nothing to do with our large scale plans, There property is a rental and we had no contact with them during construction next door, they do have water and gas lines that are somewhere on the property we bought, if we find them or damage them we will take care of those, she mentioned flooding, she is uphill from the drainage ditch by 5 feet.

Robert Phelps 750 W main - Pastor at the Apostolic Church, I had a lot to say about his past comments, but since he did not make them tonight, I feel I don't want to talk about his past comments.

TRAFFIC - We will add more traffic on Ruby Lane, but literally one day a week and for two 30-minute spurts. Please, we have total right to use it just like the church up front.

I ask you to approve this large scale based on its merits only, all the other items have nothing to do with this parking lot. It is zone correctly and just needs your blessing on engineering.

Chairman Robert Mann stated regarding speed bumps, it's a private road and it's up to the homeowners to put in speed bumps, we can't do that as a city.

City Engineer Chris Brackett explained that a detention pond is being added to manage on-site water runoff, with water flowing upstream into the pond. He noted the corner drainage issue was addressed during the Technical Plat Review. No additional water will be directed southwest, and drainage from the southern pavement is not allowed. He added that, if necessary, some pavement may need to be removed and replaced with gravel.

Vice Chair Gerry Harris read Brand New Church's deed.

Chairman Robert Mann, it was mentioned earlier about sewer/water lines being broken, traveling over area has there been issues in the past. Mr. Coyle stated that before Brand New Church brought the property, the Kirche's and Mr. Hunt replaced water line because it got broken. We are willing to relocate those lines. Chairman Mann then asked is the current detention pond large enough. City Engineer Chris Brackett answered yes, it meets the ordinance. It's flooding now and will flood in the future, not going to be worse than what it is now.

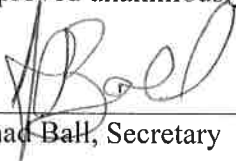
Bobby Wilson stated that in the previous meetings, asked about having a traffic study done and wanted to know what the outcome of study was. Mr. Coyle answered saying no, he did not recall the conversation about that but would have one done.

Vice Chair Gerry Harris asked City Attorney if any member of the Planning Commission are members

of Brand New Church do they need to recuse themselves? Mr. Moore answered legally no, ethically yes.

Chairman Robert Mann called to question Large-Scale Development Brand New Church Parking Lot Expansion, property owned by Brand New Church, located at 12838 Ruby Road, presented by Bates & Associates subject to Chris Brackett's memo dated June 23, 2025, failed 4-2 with Norm Toering, Judy Horne, Gerry Harris and Bobby Wilson voting no.

**Adjournment:** Having no further business, motion was made and seconded to adjourn; it was approved unanimously, and meeting was adjourned.



Chad Ball, Secretary



Robert Mann, Chair