

Planning Commission Meeting Minutes
August 25, 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
Chad Ball
Howard Carter
Judy Horne
Matt Hutcherson – 6:19pm
Norm Toering
Bobby Wilson

ABSENT: Gerry Harris, Vice Chair

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:** August 25, 2025, minutes were unanimously approved.

3. **Comments from Citizens:** None

Public Hearings

1A. Preliminary Plat – Edgewood Subdivision, Property owned by Kent Cox, Location –S. Hunter St., Presented by Cox Development.

Jake Chavis with Cox Development (on Zoom), stated he had spoken with the Planning Commission at the work session. We are proposing a thirty-lot subdivision off Hunter Street with one detention pond. There are a couple of brief issues; 1. There is a sewer capacity issue, there is also a pipe capacity issue under Hwy. 62 and is in the process of being upgraded through the city of Fayetteville. 2. There is a citizen property line dispute going on right now and we are working that out with property owners. The lots on northern boundary where the dispute is, those lots will be conforming to the R-2 zoning.

Chad Ball asked if there is a boundary issue as a city, we are going to have issues with the plat? City Engineer, Chris Brackett stated no, as long as it's resolved, they will need to hire their own surveyor and will have to work it out and it will have to be solved before the final plat, so whatever is filed is accurate.

Judy Horne voiced her concerns about the issues with the property line dispute and the sewer capacity and wanted to know if it will be upgraded. City Engineer Chris Brackett answered if it isn't upgraded then they won't get approval from the health department, and it won't be built.

City Attorney, Jay Moore stated this goes back to what was discussed at the work session. We talked about these issues and must get everyone's approval before they can move forward. Chairman Robert Mann commented that everything we approve must go through sewer approval no matter what it is. If the sewer department doesn't get approval, it won't be built. The dispute is over seven foot. Mr. Chavis was asked to explain the dispute. Mr. Chavis explained the dispute is with the legal description of the property line. The northern property line in the legal description says that we would need to follow the fence line. Back when this was originally platted the fence line was a straight line, survey showed the fence curving from point to corner and the curve is seven foot if you drew a straight line from corner to corner. Mr. Jerry Beard is the property owner to the north; his claim is the property line is the fence line. Our surveyors say may or may not be true not 100% certain. We are trying to get both property owners in the same room so we can fix the problem and come up with a better legal description. This shouldn't have to be worked out until final plat and it's not going to affect anything on our drawing or cities codes; we are still in compliance with the lot size.

City Engineer Chris Brackett read a memo as follows.

The Preliminary Plat for the Edgewood Subdivision has been reviewed, and it is our opinion that the Planning Commission's approval should be conditional on the following comments.

1. Payment in lieu of Park Land Conveyance will be required for this subdivision at \$900 per single family unit. This fee will be \$27,000 for the 30 lots.
2. The fire hydrant locations shown on the plat and the utility plans must be reviewed and approved by the Fire Department.
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 any construction activities.
4. 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.
5. 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.
6. 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.

Comments from Citizens:

Calvin Andrews, 52 Wolfdale, whose property adjoins the development of about 632 feet, expressed concern over the preliminary plat indicating removal of his existing fence. He questioned how the fence could be taken down and raised additional concerns about trash and yard waste ending up on his land, as well as potential flooding that could prevent him from mowing his yard.

Sheila Andrews, 52 Wolfdale, noted that the Edgewood Subdivision on Hwy. 170 has come before the planning commission multiple times since 1999, most recently in 2020. She explained that her family has lived on the land for over fifty years and expressed concerns about the long history of the development process, the removal and replacement of fences, and drainage issues, particularly the slope from southeast to northwest. She also pointed out the property had not been posted for public hearing, City Business Manager, Melissa McCarville stated it does not have to be, rezoning does but this is not a rezoning. Ms. Andrews submitted written notes for the record.

Chris Bryson, 324 S. Hunter, thanked the planning commission for their work and expressed concern that his house, shop, and yard could flood due to the proposed development. He noted existing drainage problems during storms, with water flowing onto his property from multiple directions. He urged the commission to carefully consider the drainage ditch dimensions and the long-term impact of added fill dirt near property lines. He also raised concerns about managing drainage during construction, noting he doubts work can proceed effectively year-round.

Greg Schader, 389 S. Hunter, confirmed his neighbors' concerns, noting that drainage issues are visible during rainfall. While not opposed to change and recognizing its benefits, he emphasized that consistency and preserving what does not change can also be valuable.

Keith Lipford, 280 S. Hunter, owns the property surrounding the proposed development. His home's lateral sewer lines run into the development property. When the land was originally sold, a contract required that any future developer connect his property to the sewer at their expense. About fifteen years ago, when Kent first proposed a plat, Mr. Lipford worked with attorney Bob Estes and had it drawn up and offered him the original plat at the fence line. Mr. Lipford stated they had given him it for free and in return, Kent agreed to build a picket fence and connect his property to the sewer. Mr. Lipford requests that this agreement be honored in the current development plan.

Chairman Mann closed the floor for public comment.

Chairman Mann asked City Attorney Jay Moore about an agreement requiring connection to the sewer. Mr. Moore responded this was the first he had heard of it and considered it a private matter between property owners. City Engineer Chris Brackett also stated he had not seen the contract. When asked, Mr. Chavis said he was unaware of the agreement but did not foresee a problem since sewer service is being extended, pending confirmation with his client. Mr. Lipford confirmed the agreement exists in writing and is filed with the county. Mr. Moore advised the commission this is a civil issue outside the city's authority and should not affect their decision.

Chairman Mann asked City Engineer Chris Brackett to explain the waterflow. Mr. Brackett stated the property is the low point where surrounding properties drain, ultimately flowing to a culvert at the road project. A ditch is planned along the south property line to collect and carry water off-site. He noted he has not yet reviewed the construction design but will ensure the ditch is properly sized based on drainage area and flow calculations.

Chairman Mann asked Mr. Chavis about taking down fences. Mr. Chavis answered we are not going to take down any fences along the property line until we talk to the neighbors, if we don't come to an agreement, we will leave them up.

Judy Horne asked if the developer would replace a fence if it is removed and found to be on the developer's property. Mr. Chavis said he expected fences would be installed once homes are built, as most homeowners want them. City Attorney Jay Moore clarified that if the fence belongs to the developer, they may remove it, but adjacent homeowners would be responsible for replacing it themselves if they do not own it. Mr. Chavis added that his clients intend to communicate with property owners before finalizing plans, as they only recently became aware of the issue.

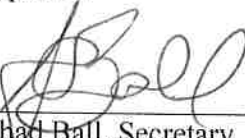
Chad Ball commented that on the plat, there is a 20 ft drainage easement on the southside, and it is colored like it's going to be concrete. City Engineer Chris Brackett said when they do grass swells in a subdivision, we make them put concrete on the bottom so in 10-15 years that swell is silted in and they have something to dig into.

Judy Horne noted that the proposed development shows an elevation of 1247 ft. at the high southeast corner, while a house near the highway is 1221 ft., about six feet lower. City Engineer Chris Brackett responded that all houses will be built at least one foot above the 100-year flood elevation for that swell.

City Attorney Jay Moore stated if everything meets all requirements, if you vote no you will have to state one of the six reasons (zoning, infrastructure, environmental, traffic, neighborhood character, inadequate public amenities) that has been discussed stating why you voted no because of legal reasons for voting no.

Chairman Mann called the question to approve the Preliminary Plat Edgewood Subdivision, property owned by Kent Cox, property located at S. Hunter St., presented by Cox Development subject to Chris Brackett's memo dated August 25, 2025, passed 5-1 with Judy Horne voting no because of flooding issues.

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