



CENTERTON PLANNING COMMISSION

June 21, 2022 @ 6:00 PM

AGENDA

Public comment period after the introduction of each agenda item

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES –

A. Planning Minutes – 06/07/2022 {No minutes available at this time}

4. RATIFICATION OF ADMINISTRATIVE APPROVALS

A. **HOP22-16 Ray's Treasure Shop**-186 N A St- (Zoned R3-MF / Centerton Original Town / on-line sales) *Applicant: Roy Kaiser*

B. **HOP22-17 Dorothy Rain Boutique**-3711 Bitterroot St- (Zoned R2 / Big Sky Ph1 / On-line Boutique) *Applicant: Amy Rochette*

5. OLD BUSINESS

A. **HOP19-04 Tornado Tough and HOP21-28 Mow Joe Lawncare**-105 Cypress St-(Zoned R2 / Oak Ridge Subdivision) *Owner: Frank and Jennifer Lee (Planner: Dianne Morrison Lloyd)*

B. **Model Home Discussion on Allowing to be Built Prior to Final Plat**

6. NEW BUSINESS

A. **{Public Hearing} REZ22-12 Sablar-Hunt**-Vaughn Rd-(A1 to RTH-D / 20.11 Ac) *App: Sablar-Hunt Revocable Trust, Linda Hunt; Rep: Naga GK Achanti (Planner: Erik Nystrom)*

B. **{Public Hearing} REZ22-13 Mercy Health Northwest**-1225 E Centerton Blvd- (C2 to R4-MF / 2.3 Ac) *App: JTB Real Estate, LLC, John Schmelzle; Rep: JS Fenwick Properties, LLC, Isabel Lane (Planner: Erik Nystrom)*

C. **{Public Hearing} REZ22-14 Parise**-1601 Bliss St-(A1 to R3-SF / 4.88 Ac) *App: Perry Butcher; Owner: Sreeni & Aruna Parise (Planner: Donna Wonsower)*

D. **{Public Hearing} REZ22-15 Briggs**-2440 W Centerton Blvd-(A1 to I1 / 14 Ac) *App: Shirley Briggs; Rep: Will A Kellstrom (Planner: Erik Nystrom)*

E. **SUB21-17 West Winds-Preliminary**- NW/C Highway 102 and Kitty Rd (Zoned R3-SF & C2 / 183 total lots / 56.24 Ac / 1 Detention Lot, 3 Commercial Lots. 179 SF Lots)-*App: Tri-Star Contractors, Nick Goedereis / Beth Oaks; Engr: Swope, Phil Swope (Planner: Donna Wonsower)*

- **Preliminary Plat and Plans**
- **Adjacent Street Agreement**

NOTE: Although every effort on the part of the Planning Dept. is made to assure every Agenda is accurate and precise, periodically, for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice. Citizens are encouraged to call City Hall/Planning Dept. (479-795-2750-option 4) to verify if an item of interest remains scheduled to be heard on this date.

7. OTHER BUSINESS

- A. **DEV20-08 Copper Oaks Cottage Homes Ph2-Extension**-100 Copper Oaks Dr- (Zoned R3-SF / .89 Ac / 10 SF homes) *Applicant: Roth Family Homes, Randy Roth; Engr: Bates & Associates, Geoff Bates (Planner: Donna Wonsower)*
 - **Preliminary Plan Approval Extension**

- B. **DEV21-08 Christian Life Center of Centerton-Extension**-W side of Gamble Rd north of Valley Oaks Subdivision-(Zoned R3-SF / 2.80 Ac / CU20-11) *Applicant: Christian Life Center of Centerton, James King ; Engr: HALFF, Dirk Thibodaux (Planner: Donna Wonsower)*
 - **Preliminary Plan Approval Extension**
 - **Adjacent Street Agreement**

8. ANNOUNCEMENTS

- A. **Farewell to Amber Beale**
- B. **Introduction of new Planning Commissioner Brandon Swoboda**
- C. **Next Tech Review Meeting: 06/23/2022 @ 2:00 PM (Zoom)**
- D. **Next PC Meeting: 07/05/2022 @ 6:00 PM**
- E. **Next Council Meeting: 07/12/2022 @ 6:00 PM**
- F. **ARDOT Public Input Meeting on Hwy 102 PH 2 Widening Project 090238 07/14/2022 @ 4:00-7:00 PM @ First Baptist church Worship Center**

9. ADJOURN

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**PLANNING COMMISSION
MINUTES OF MEETING
June 21, 2022**

1. CALL TO ORDER

The Meeting of the Centerton Planning Commission was called to order by Planning Commission Chairman Jeff Seyfarth at 6:03 p.m.

2. ROLL CALL

Those Present and answering Roll Call were Jeff Seyfarth, Joey Ingle, Amber Beale, John Sessoms, Craig Langford, Jerry Harris, Ben Lewis, and Tony Davis. Others in attendance for the city were Planning Director Lorene Burns, Sr. Planner Dianne Morrison Lloyd, City Planner Donna Wonsower, City Planner Erik Nystrom, City Engineer Alan Craighead, Fire Marshal Paul Higginbotham, City Mayor Bill Edwards, and Assistant Public Works Director Anthony Martinez..

3. APPROVAL OF MINUTES--NONE

4. RATIFICATION OF ADMINISTRATIVE APPROVALS

A) HOP22-16 Ray's Treasure Shop-186 N A St-(Zoned R3-MF / Centerton Original Town / On-line sales) Applicant: Roy Kaiser

B) HOP22-17 Dorothy Rain Boutique-3711 Bitterroot St- (Zoned R2 / Big Sky Ph1 / On-line Boutique) Applicant: Amy Rochette

John Sessoms made a motion to approve ratification of administrative approvals with Craig Langford as second. No one opposed.

5. OLD BUSINESS

A) HOP19-04 Tornado Tough and HOP21-28 Mow Joe Lawncare-105 Cypress St-(Zoned R2 / Oak Ridge Subdivision) Owner: Frank and Jennifer Lee (Planner: Dianne Morrison Lloyd)

- Applicant Frank Lee was present to give a project overview. Their business is selling storm shelters and they no longer keep their heavy equipment at their home. 8 months ago, there had been a complaint. At that time, the applicant spoke to an inspector and has followed their advice and regulations. They also spoke to the surrounding neighbors for input to which the neighbors responded no. A month ago, a neighbor finally complained to the applicant about the equipment in which the applicant responded by storing the heavy equipment at a new location. A new driveway was added in compliance with the inspector's requirement.
- Dianne Morrison Lloyd gave the staff report. There was nothing new since the previous report on this business other than the change of equipment location. The Municipal code requires the driveway be paved within 5-ft of ROW and staff is unsure if code-enforcement has informed

enforced code for their driveway. In response, Mr. Lee stated that he was willing to have the driveway paved to meet code.

John Easterling, Code Enforcement Officer, had nothing to add.

Mayor Bill Edwards agreed there was no longer equipment there; however there were still trailers full of equipment. If paved, Mr. Lee affirmed he would want to park the trailer in driveway.

- Dianne stated the business licenses are up to date. HOP do not have expiration dates unless something substantial changes.
- Jeff Seyfarth clarified he is not intending to make any changes, as a small trailer does not interrupt the home occupancy of surrounding neighbors and the applicant has made necessary changes already.
- Joey Ingle asked if a permit was needed to pave a driveway. John Easterling said no permit is needed. Joey Ingle then asked to keep an eye on it but approves of keeping the business.
- Jeff Seyfarth laid out conditions of continued approval
 - (1) No heavy equipment stored there,
 - (2) Driveway to be in compliance within 60 days as long as the gravel is maintained. Frank to send photos when complete.

B) Model Home Discussion on Allowing to be Built Prior to Final Plat

- This discussion was only informational. After extensive discussion, the Planning Commission determined that it is not required to put a timeline on a conditional use permit. The Planning Commission approved the conditional use; however, the timeline is dependent on the developer being able to meet all applicable codes for the model home. The process is now between the developer and the building department to get a permit. Jeff Seyfarth noted that he requested the information on the applicable building code but did not receive it.

6. NEW BUSINESS

A) {Public Hearing} REZ22-12 Sablar-Hunt-Vaughn Rd-(A1 to RTH-D / 20.11 Ac) App: Sablar-Hunt Revocable Trust, Linda Hunt; Rep: Naga GK Achanti (Planner: Erik Nystrom)

- Naga GK Achanti was present to give a brief project overview.
- Erik Nystrom gave the staff report. The applicant's intent is to sell the property after rezoning to a buyer intending to develop. The property has direct access to Vaughn Rd and potential access to Mallet Rd. Parcel has access to existing water but no sewage. There is a potential freshwater pond, making a wetland assessment required before construction. Parcel is located in XNA's current traffic pattern zone as well as the future traffic pattern zone of the future runway. XNA has contacted staff to express opposition to the proposed rezoning. While it may be considered compatible with adjacent zoning, it is not consistent with the current land use plan's designation of industrial.
- Clarification was made on the runway and outer safety zone designation. The apartments are inside the safety zone designation for the future runway. XNA is currently acquiring land needed for the proposed new runway and the applicant's property will fall under the flight path of the new runway per Alex English, a representative from XNA.

- Sewage would be acquired from lands being developed in the West.

Craig Langford motioned to open the public hearing with Ben as second. No one opposed.

- Alex English with the XNA airport, objected to the rezone, citing concerns with residential being so close to the airport and runways. There were concerns with safety and noise for future residents. If the zoning is approved, Alex strongly encouraged a navigation easement to protect the city and airport. They also recommend sound attenuation efforts and plat notification to future purchasers of property.
- Brian Burk with the XNA airport stated industrial use is the most compatible with land and urged the commission to deny this rezone request.

Joey Ingle made a motion to close the public hearing with John Sessoms as second. With no opposed, motion carried.

- **Consistent with Comprehensive Plan:**
 - (1) Commission stated residential is not consistent with the plan, as it is marked as industrial.
- **Rezone Compatible with Surrounding Area**
 - (1) Responses were mixed. The rezone would be compatible with other rezoning to residential but would not be compatible with the airport and other industrial lands.
- **Permitted Use Compatible with Surrounding Area**
 - (1) The responses were mixed. The proposed use would be compatible with the adjacent residential land including the apartments to the east but would not be compatible with the industrial land and airport.
- **Rezone Provides benefits to one landowner, but not considered for other similar properties in the area**
 - (1) No, other land in the area has previously been rezoned to residential in the past few years.
- **If the Public is opposed, why?**
 - (1) Yes, XNA is opposed due to proximity to the airport. It would raise concerns for safety and noise for future residents. The airport concerns are based in fact.

Ben Lewis made motion to approve REZ22-17 Sablar Hunt with Joey as second. Roll Call vote was requested. Joey Ingle, Devin Murphy, Craig Langford, Jerry Harris, Amber Beale, Ben Lewis, and Tony Davis voted yes. John Sessoms and Jeff Seyfarth voted no. Motion approved with a 7-2 vote.

B) {Public Hearing} REZ22-13 Mercy Health Northwest-1225 E Centerton Blvd- (C2 to R4-MF / 2.3 Ac) App: JTB Real Estate, LLC, John Schmelzle; Rep: JS Fenwick Properties, LLC, Isabel Lane (Planner: Erik Nystrom)

- Isabel Lane was present to give a project overview. She added that there is a companion application for track split to be heard next meeting.
- Erik Nystrom gave the staff report. He summarized the tract split. The area has access to the

Marigold/Cedar St and no proposed trails. There is direct access to water and sewer. There are no wetlands per a recent wetlands assessment. The property is adjacent to commercial and R4-MF property and is intended to act as an addition to the existing R4-MF. The rezone is not consistent with the land use designation of commercial.

John Sessoms made motion to open the Public Hearing with Tony Davis as second. With no opposed, motion carried. The Public had no comment. Joey Ingle made motion to close the Public Hearing with Ben Lewis as second. No opposed, motion carried.

- **Consistent with Comprehensive Plan:**

- (1) No, the land use plan has this land used for commercial; however, this land will have no direct frontage once the tract split is completed

- **Rezone Compatible with Surrounding Area**

- (1) It is compatible with residential to the East and West of the property.

- **Permitted Use Compatible with Surrounding Area**

- (1) It is compatible with residential to the East and West of the property.

- **Rezone Provides benefits to one landowner, but not considered for other similar properties in the area**

- (1) No, it would not benefit just the one landowner.

- **If Public is Opposed, why?**

- (1) There was no public comment.

Tony Davis made motion to approve REZ22-13 Mercy Health Northwest with Jerry Harris as second. Roll Call vote was requested. All Commission members voted yes with none opposed. Motion carried.

C) {Public Hearing} REZ22-14 Parise-1601 Bliss St-(A1 to R3-SF / 4.88 Ac) App: Perry Butcher; Owner: Sreeni & Aruna Parise (Planner: Donna Wonsower)

- Perry Butcher was present to give a project overview. He stated the intent is to match the surrounding property zoning.
- Donna Wonsower gave the staff review. Staff has received 2 emails in opposition to this rezone, noting contention with the property lines. Staff does find the rezone to be compatible with surrounding area, providing opportunity for infill that matches the surrounding zoning. The proposed rezoning is consistent with the land-use plan designation of low/medium density.

John Sessoms made motion to open the Public Hearing with Ben Lewis as second. None opposed, motion carried.

- JD Elder of 421 Timber Ridge Street raised concerns about property value. They stated when the neighborhood was built, there were woods behind the property that increased the property value but now there are not many trees left. There were covenants in place, but they were not enforced.
- Bobby Solis of 401 Timber Ridge Street raised concern about lot size and how difficult the land would be to develop.

- Perry Butcher stepped in again to inform everyone that the developers do own the property adjacent to this property and are developing it as well.
- Brian Miller of 441 Timber Ridge Street also raised concerns about lot size and the kind of homes being built. They were concerned about property lines being moved. They did not want the homes to be duplex or multiplexes. They were concerned the new additions would not fit with the existing subdivisions. Wants the Commission to guarantee the houses being added are equivalent in size to what is already existing.
- Joey Ingle stated they cannot guarantee the houses will be equivalent, but the zoning requirements will be the same. Donna Wonsower also clarified the zoning is for single-family additions. If the developers wanted to build duplexes or multi-family homes that would be a different zoning district.
- JD Elder brought up the covenants and asked that they be enforced, and Jeff Seyfarth explained they cannot enforce the covenants.

Jerry Harris made a motion to close the Public Hearing with John Sessoms as second. No one opposed, motion carried.

- **Consistent with Comprehensive Plan:**
 - (1) Yes, the zoning does match the comprehensive plan. The plan shows medium density, and the rezone would be medium-to-high density, both of which have a maximum density of 7 units per acre.
- **Rezone Compatible with Surrounding Area**
 - (1) It is compatible with residential surrounding this property.
- **Permitted Use Compatible with Surrounding Area**
 - (1) It is compatible with residential surrounding this property.
- **Rezone Provides benefits to one landowner, but not considered for other similar properties in the area**
 - (1) No, it would not benefit just the one landowner.
- **If Public is Opposed, why?**
 - (1) Public was opposed due to property value and lot size concerns. The proposed district is consistent with the adjacent properties, and Planning Commission cannot enforce building minimum sizes or other concerns.

John Sessoms made a motion to approve REZ22-14 Parise with Joey Ingle as second. Roll Call Vote was called. All Commission members voted yes except Craig Langford, who voted no.

D) {Public Hearing} REZ22-15 Briggs-2440 W Centerton Blvd-(A1 to I1 / 14 Ac) App: Shirley Briggs; Rep: Will A Kellstrom (Planner: Erik Nystrom)

- Will Kellstrom was present via Zoom to give project overview. Application is requesting I-1 zoning with the intent to use space as a warehouse flex space. He stated the surrounding areas are zoned for rural, undeveloped, commercial, or industrial so the use fits surrounding areas. The

property is not intended for heavy industrial use, and instead fits the commercial designation. The property is not near substantial residential. It is near industrial, and the intent is for a commercial purpose.

- Erik Nystrom gave the staff report. He stated while the lot is above the maximum industrial lot size, staff has determined this maximum to be outdated and will be revises this requirement with the next revision of the municipal code. No sewer is currently available, but there is a water connection available. There will need to be a wetland assessment. The rezoning is compatible with adjacent C-2 and industrial uses, and consistent with the land use plan's designation of commercial. Further, staff notes that a flex space promotes growth and commercial use.
- Dianne Morrison Lloyd explained an area to the NW near this property that is being annexed by the city.
- Tony Davis asked the difference between I1 and I2. Planning staff explained I2 has some emissions that may need to be regulated and is considered heavy industrial.

John Sessoms made a motion to open the Public Hearing with Devin Murphy as second. The Public had no comment., motion was carried. There were no comments from the public. Jerry Harris made a motion to close the Public Hearing with Tony Davis as second. With no opposition, motion was carried.

- Joey asked Will what he plans to use the flex spaces for. Will explained he would like to use it for small startups, small manufacturers, and warehouse spaces.
- **Consistent with Comprehensive Plan:**
 - (1) Yes, the zoning does match the comprehensive plan with the intent to use for business. There would need to be conditions for heavier industrial use.
- **Rezone Compatible with Surrounding Area**
 - (1) It is compatible with other areas, with conditional use for heavier industrial uses. It is near other industrial zones and commercial zones.
- **Permitted Use Compatible with Surrounding Area**
 - (1) It is compatible with other industrial and commercial uses with conditional use for heavier industrial.
- **Rezone Provides benefits to one landowner, but not considered for other similar properties in the area**
 - (1) No, it would not benefit just the one landowner.
- **If Public is Opposed, why?**
 - (1) There was no public comment.

Jerry Harris made a motion to approve REZ22-15 Briggs-2440 W Centerton Blvd with John Sessoms as second. Roll Call Vote was requested. All Commission members votes yes, with no opposition. Motion carried.

E) SUB21-17 West Winds-Preliminary- NW/C Highway 102 and Kitty Rd (Zoned R3-SF & C2 / 183 total lots / 56.24 Ac / 1 Detention Lot, 3 Commercial Lots. 179 SF Lots)-App: Tri-Star Contractors, Nick Goedereis / Beth Oaks; Engr: Swope, Phil Swope (Planner: Donna Wonsower)

- **Preliminary Plat and Plans**
- **Adjacent Street Agreement**
 - Phil Swope was present to give the project overview. Working with Alan, the developers were able to work out previous concerns. They plan to make improvements to Kitty Rd including curbs and sidewalks.
 - Donna Wonsower gave the staff overview. There are some remaining comments on the Adjacent Street Agreement and Drainage report that are close to being resolved. Right of Way dedications are higher than the typical half requirements due to Kitty Rd. being entirely inside the parcel. Water and sewage are available. Because of the alignment, trail improvement will not be required at this time.
 - Street requirements include 53-ft of ROW dedication on Kitty Rd and 50' of ROW on Hwy102. Kitty Rd is being built with Limited Full Improvements (25-ft pavement with no curb or storm pipe, ditches. 5-ft sidewalks. Fee-in-lieu proposed for streetlights). 102 AR DOT does not want to expand at this time. Street trees will be installed along internal streets with the houses.
 - Joey asked why we are not requiring storm and curb improvements on Kitty Rd. Phil explained in the code there is an option to only pave and ditch both sides and then the next developer will finish extending the road and add the storm pipe and curb and gutter.
 - Joey Ingle requested an extension of the Utility Easements to Kitty Rd on pond.

John Sessoms made a motion to approve SUB21-17 West Winds-Preliminary with Tony Davis as second. No opposition, motion carried.

7. OTHER BUSINESS

A) DEV20-08 Copper Oaks Cottage Homes Ph2-Extension-100 Copper Oaks Dr- (Zoned R3-SF / .89 Ac / 10 SF homes) *Applicant: Roth Family Homes, Randy Roth; Engr: Bates & Associates, Geoff Bates (Planner: Donna Wonsower)*

- **Preliminary Plan Approval Extension**
 - Geoff Bates was present to give a plan overview.
 - Donna Wonsower gave staff overview. There were no changes from previously approved plans, but an extension was needed in order to begin construction.

Jerry Harris made motion to approve DEV20-08 Copper Oaks Cottage Homes Ph2-Extension-100 Copper Oaks Dr with Devin Murphy as second. No opposition, motion was carried.

B) DEV21-08 Christian Life Center of Centerton-Extension-W side of Gamble Rd north of Valley Oaks Subdivision-(Zoned R3-SF / 2.80 Ac / CU20-11) *Applicant: Christian Life Center of Centerton, James King ; Engr: HALFF, Dirk Thibodaux (Planner: Donna Wonsower)*

- **Preliminary Plan Approval Extension**
- **Adjacent Street Agreement**
 - Dirk Thibodaux was present to give project overview.
 - Donna Wonsower gave staff review. She explained the applicants are asking for

a re-review of the Adjacent Street Agreement, specifically the fee-in-lieu that included curb inlets and storm pipe. Valley Oaks did not include the same requirements, so they request it also be removed. Staff recommends the change be made. Dirk explained the hold up on this project was in part to funding, so removing this fee is very impactful.

- Joey asked for more specific justification for removing the storm pipe and curb inlet requirement. Donna explained the subdivision directly to the south was not required to install them. Joey Ingle said it sounds like a mistake. Dirk explained the storm pipe is not required based on grading. Joey stated he were okay with a reduction if that was the only change.
- It was decided to grant extension and table the Adjacent Street Agreement for future discussion.

Joey Ingle made motion to approve DEV21-08 Christian Life Center of Centerton-Extension without the Adjacent Street Agreement change with a second from Ben Lewis. No opposition, motion carried.

8. ANNOUNCEMENTS

C) Farewell to Amber Beale

D) Introduction of new Planning Commissioner Brandon Swoboda

E) Next Tech Review Meeting: 06/23/2022 @ 2:00 PM (Zoom)

F) Next PC Meeting: 07/05/2022 @ 6:00 PM

G) Next Council Meeting: 07/12/2022 @ 6:00 PM

H) ARDOT Public Input Meeting on Hwy 102 PH 2 Widening Project 090238
07/14/2022

@ 4:00-7:00 PM @ First Baptist church Worship Center

9. ADJOURN

Craig Langford made a motion to adjourn the meeting at 7:47 pm, with a Second from Jerry Harris. All Commission members voted in favor the meeting was adjourned.



Jeff Seyfarth – Planning Chair
Centerton Planning Commission

Minutes Prepared By: Kayla Craft