



CENTERTON PLANNING COMMISSION
NOVEMBER 7, 2023 @ 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 – 10/17/2023
4. **RATIFICATION OF ADMINISTRATIVE APPROVALS**
 - A. **HOP23-31 DATUM AI LABS US, LLC- Online Software Consulting** - 751 Dixon St.; Willow Ridge (Zoned R3-SF) *Applicant: Gopi Kuppaiyandi (Planner: SHartman)*
 - B. **TS23-16 KUHLMAN** – 10049 Noah Rd. (Zoned A-1/ Parent Tract: 24.10 Ac/ Tract 1: 4.51/ Tract 2: 19.58 Ac) Applicant/ Surveyor: *Robert J. Caster; Owner: Jeffrey & Lynette Kuhlman (Planner: ENystrom)*
5. **OLD BUSINESS**
 - A. **MSI23-03 ROLANDOS FOOD TRUCK COURT- Additional Storage for Food Trucks-** 700 W Centerton Blvd (Zoned C-2/ 1 Ac) *Owner: Rolando Enriquez Engr: Odyssey Engineering, Molly Robb (Planner: DMorrisonLloyd)*
 - B. **SUB22-12 KINYON PLACE- Not following the Tree Preservation Plan- Approved on September 19, 2023;** NW/C Kinyon & Keller Rd; Zoned R3-SF; 40 Ac /151 SF; *Owner: Paul Pinkley; Engr: ECE, Jason Ingalls (Planner: DMorrisonLloyd)*
6. **NEW BUSINESS**
 - ORD** A. **{PUBLIC HEARING} REZ23-09 RIVERA – From A-1 to R3-SF –** 8544-8525 Bates Ln. (3.33 Ac) *Owner: Eduardo Rivera; Engr/Repr: Gavin Smith Engineering, Jason Young; (Planner: ENystrom)*
 - ORD** B. **VAC23-04 D3 BUILDERS - Request to vacate 10 ft of side yard UE/DE –** 1400 Le Chesnay Dr.- (Zoned R1/Lot 27/ Versailles) *Owner: D3 Builders, LLC (Planner: KKnight)*
 - C. **DEV22-01 POMEROY PLACE APT EXPANSION- Request for 6-month extension of preliminary approval expired on 10/4/2023 to 4/4/2024;** 589 N. Main Street; Zoned R4-MF; .55 Ac; *Applicant: Blew & Associates (Planner: ENystrom)*
 - D. **DEV22-07 SPLASH CARWASH – Request 8-month extension of preliminary approval to expire on 11/15/2023 to 07/15/2024 -** 250 East Centerton Blvd. (Zoned C-1/ 1.59 Ac) *Engr: Phillip Lewis Engr; Owner: Splash Centerton LLC (Planner: ENystrom)*
 - E. **PUB23-03 ELEVATED WATER TOWER - Preliminary Plans –** 14231 AR HWY 102 (Zoned A-1, 3.5 Ac) *Owner: City of Centerton; Engr: Engineering Services, Inc., Jeffrey Dehnhardt (Planner: DMorrisonLloyd)*
7. **OTHER BUSINESS**
 - A. **Approval of the 2024 Submittal & Meeting Calendar**

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.

8. ANNOUNCEMENTS

- A. APAC Training Course 6: Advance Planning Tools – Wed, 11/8/2023 @ 6:00-9:00 pm (Webinar)
- B. Next Council Meeting: 11/14/2023 @ 6:00 PM
- C. Next PC Meeting: 11/21/2023 @ 6:00 PM
- D. Next Tech Review Meeting: 11/16/2023 @ 2:00 PM (Zoom)

9. ADJOURN

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**PLANNING COMMISSION
MINUTES OF MEETING
November 7, 2023**

1. CALL TO ORDER

The Meeting of the Centerton Planning Commission was called to order by Planning Chairman Jeff Seyfarth at 6:00 P.M.

2. ROLL CALL

Those present and answering Roll Call were Jeff Seyfarth, Tony Davis, Ben Lewis, John Sessoms, Joey Ingle, Craig Langford, Devin Murphy, and Brandon Swoboda. Jerry Harris was not in attendance. Others in attendance for the city were: City Planning Director Lorene Burns, Planner Dianne Morrison Lloyd, Planner Kayla Knight, Planner Erik Nystrom, City Engineer Alan Craighead, Deputy Chief Paul Higginbotham, City Attorney Brian Rabal, Mayor Bill Edwards, and Planning Assistant/ Recorder Samantha Hartman.

3. APPROVAL OF MINUTES

Commission Chair Jeff Seyfarth introduced the minutes of the Planning Commission meeting from October 17, 2023, and asked Commissions if anyone had questions or concerns.

John Sessoms made a motion to approve the minutes from the October 3, 2023, Planning Commission Meeting, with a second from Joey Ingle. No members were opposed, and the motion carried.

4. RATIFICATION OF ADMINISTRATIVE APPROVALS

- **HOP23-31 DATUM AI LABS US, LLC- Online Software Consulting - 751 Dixon St.;** Willow Ridge (Zoned R3-SF) *Applicant: Gopi Kuppaiyandi (Planner: SHartman)*
- **TS23-16 KUHLMAN – 10049 Noah Rd. (Zoned A-1/ Parent Tract: 24.10 Ac/ Tract 1: 4.51/ Tract 2: 19.58 Ac) Applicant/ Surveyor: Robert J. Caster; Owner: Jeffrey & Lynette Kuhlman (Planner: ENystrom)**
 - Dedicating 40- feet of Right of Way to Noah Road and Rebel Road (Major Collector).
 - Tract 1 will be a “pipe stem” lot that will be serviced by a 30- foot access easement and a 15- foot utility easement aligned with the access easement.

With no questions from the commissioners, Jeff Seyfarth entertained a motion. Tony Davis motioned to approve the Ratifications of Administrative Approvals with a second from Ben Lewis. No members were opposed, and the motion carried.

5. OLD BUSINESS

- **MSI23-03 ROLANDOS FOOD TRUCK- Additional Storage for Food Trucks**
– 700 W. Centerton Blvd. (Zoned C-2/ 1 Ac) *Owner: Rolando Enriguez; Engr: Odyssey Engineering, Molly Robb (Planner: DMorrisonLloyd)*

John Sessoms motioned to bring MSI 23-03 Rolando Food Truck back to the table with a 2nd from Ben Lewis. All members present voted Aye without negative, and Motion carried.

- Dianne Morrison Lloyd gave a staff update.
 - ◆ Photos of what is existing as of today are in the packet.
 - ◆ Rolando is requesting five small storage sheds, metal canopy, and a gazebo.
 - Four Foot by eight Foot storage sheds located behind the trailers.
 - ◆ Per a signed contract between the owner of Rolandos Food Truck and the tenant, an additional white trailer behind the Asian restaurant in addition to a gazebo when you first enter the property is being asked for an approval.
 - ◆ The original Conditional Use was approved on August 17, 2022.
 - ◆ Fire said the sheds cannot be placed within the drainage swale or within ten feet of the food trucks.
 - ◆ Staff recommends for the five-storage building be approved and not the trailer because it looks cluttered.
 - No additional storage should be placed on site.
 - ◆ There are fences, outdoor storage and freezers that aren't supposed to be located on the property, but they are still on site.
 - ◆ The applicant is working on providing protection for the grease traps.
 - Concrete collars around the front grease traps so they don't get disturbed.
 - ◆ Prior to November 7th's Planning Commission Meeting, City Staff has asked the applicant to remove or move the Disc golf away from Centerton Blvd.
 - When pictures were taken on the morning of November 7th, Disc Golf was not on the premises.
 - ◆ The applicant wrote a letter letting City Staff know the additional storage shed was part of a contract and the food truck that had a fire in it will be renovated and opened in a couple months.
- Joey Ingle asked about setbacks.
 - ◆ Dianne Morrison Lloyd said the front setback is a 50-foot setback.

- ◆ Since the sheds are portable, they can be in the setbacks.
- Ben Lewis asked if we could add a condition to add a fence on the Harps side to block the view of the sheds. A possible 4 Foot or 6 Foot gate access to the Harps parking lot.
 - ◆ Dianne questions the impact of the swale.
 - ◆ Alan Craighead said all of Harps Parking run off goes into the swale, so it must maintain drainage.
 - ◆ Alan Craighead said that Harps was going to put up a fence to stop access back and forth so they should work together if anything is done.
 - ◆ Fences aren't allowed in front yards in Centerton and that would be the front of the building of Harps.
 - It may also impact sight triangles, access, and people turning.
 - ◆ The Planning Commission asked Rolando if he was opposed to putting a board fence with a gate along the southern or northern end along the western edge of the property.
 - The fence would need to be to the East or West of the swale on the food truck property.
- The owner of the property, Rolando Enriguez was present.
 - ◆ In the near future, they may apply for a liquor license and will need to fence the property.
 - ◆ Submitting plans in late April, early May of 2024 for the proposal.
 - Push the food truck to the front so the trucks can get out easier.
 - Add an additional four food trucks.
 - Add additional parking.
- The property owner of Harps doesn't want any food truck customers parking on his property.
- A note should be added, if the white trailer disappears, it shouldn't return.
 - ◆ It should be replaced as a shed.
 - ◆ Once the tenants' current contract is over, he will let them know it'll be replaced as a shed if they renew.
- Rolando gave the Venezuelan and the other food trucks a week notice to move the unapproved items. Rolando will now get rid of the items himself this week.
- The red trailer in flood plain was sold.

With no questions from the commissioners, Jeff Seyfarth entertained a motion. John Sessoms motioned to approve MSI23-03 Rolando Food Truck Court- Additional Storage with a stipulation of fencing being added to the western side of the property and with future contract of a shed instead of a trailer with a second from Craig Langford. No members were opposed, and the motion carried.

- **SUB22-12 KINYON PLACE- Not following the Tree Preservation Plan- Approved on September 19, 2023;** NW/C Kinyon & Keller Rd; Zoned R3-SF; 40 Ac /151 SF; *Owner: Paul Pinkley; Engr: ECE, Jason Ingalls (Planner: DMorrisonLloyd)*
 - Jason Ingalls with ECE Engineering was present.
 - ◆ There was miscommunication between Jason Ingalls and the contractor
 - ◆ It was proposed to add in the covenants to add one tree per lot.
 - The city **can't** enforce the Covenants because they are a private agreement.
 - The Public Works Director, Anthony Martinez issued a grubbing permit with the condition that the developer follow the approved plans and tree protection plan.
 - Dianne Morrison Lloyd updated the Planning Commission with what city staff is proposing for PC consideration.
 - ◆ Plant a minimum ratio of 2:1 or 3:1 3+ caliper hardwood trees in addition to the required 66 street trees.
 - 2:1= 74 trees
 - 3:1= 111 trees
 - ◆ Plant one hardwood tree per lot of 2" caliper (146 trees)
 - ◆ Per Chapter 12.08.10 Tree Board penalty, \$500.00 fine per offense. (\$18,500.00)
 - Joey Ingle asked if the trees were sold for lumber or burned.
 - ◆ Jason Ingalls said they were burned.
 - Discussion for PC for consideration.
 - ◆ How to enforce?
 - Ask for a bond that is longer than typical due to the time it takes to build 146 houses.
 - Wes Pinkley (son of owner) was present.
 - ◆ Advocate for a Tree Ordinance
 - ◆ Willing to plant two (2) Hardwood trees per lot (3-inch Caliber tree)
 - ◆ Wes Pinkley is the POA and will be responsible for making sure the trees are planted.
 - Brandon Swoboda asked to have the trees replaced by mature trees.
 - Code Enforcement should look into how to enforce the Tree Board Ordinance.
 - Thoughts on Penalty.
 - ◆ Code Enforcement should issue citations and deal with it at District Court per Brian Rabal, City Attorney.
 - Jeff Seyfarth recommends having the following added to ensure the trees are added:
 - ◆ Estimated locations of the trees on the Final Plat.
 - ◆ A note added on the Final Plat.

- ◆ The Tree details listed in Covenants as an additional reference.

With no questions from the commissioners, Jeff Seyfarth entertained a motion. John Sessoms motioned to approve SUB22-12 Kinyon Place Plat Revision with an addition of 292, 3-inch Caliber Hardwood Trees added with notes as discussed and a second from Joey Ingle. Brandon Swoboda was opposed, and the motion carried.

6. NEW BUSINESS

- **{PUBLIC HEARING} REZ23-09 RIVERA – From A-1 to R3-SF – 8544-8525 Bates Ln. (3.33 Ac) Owner: Eduardo Rivera; Engr/Repr: Gavin Smith Engineering, Jason Young; (Planner: ENystrom)**
 - Jason Young from Gavin Smith Engineering was present.
 - ◆ Due to a large gas easement going through the property, an R-2 density unit per acre is all that can be achieved.
 - Erik Nystrom gave a Staff Overview.
 - ◆ The applicant is requesting to rezone 3.33- acres from A-1 to R3-SF for developing a subdivision.
 - ◆ Currently gravel road for about a 1/3 mile
 - ◆ Sewer line connections will be required per the R3-SF requirements. The existing line is 1/3 of a mile north of the property.
 - ◆ Centerton Water is available along Bates Lane.
 - ◆ Adopted Land Use Property.
 - In the area Medium- High Density (7-11 Units per acre) is being noted.
 - R3-SF is up to 6 units per acre.
 - ◆ Abutting the subject property to the south is R-1.
 - ◆ 800- feet to the south is a 37- acre parcel zoned R3-D connecting to Richwood Subdivision, zoned R3-SF.
 - ◆ Northwest of the subject property is Huber Place, zoned R3-SF and C-2.

The Commissioners had no questions and Jeff Seyfarth entertained a motion. Joey Ingle made a motion to open the public hearing with a Second from Devin Murphy. No members were opposed, and the public hearing was opened.

- Andrew Bower (13115 Huber Rd) represented himself and Mrs. Hall (13045 Huber) who is unable to attend due to a death of a parent.
 - They have three concerns:
 - Prefer a privacy fence to be built.
 - Safety of any children that may wonder on to Mrs. Hall's property.
 - The area currently has little to no infrastructure.
 - When Huber Road was expanded two years ago, traffic quadrupled, using excessive speed.

Craig Langford made a motion to close the public hearing with a second from John Sessoms. No members were opposed, and the motion carried.

The planning commissioners were asked to consider the following:

Is the rezoning consistent with the adopted Comprehensive Plan (including the adopted Land Use Plan)? If not, why?

It is consistent with the Land Use Plan

Is the proposed rezoning compatible with the surrounding area and zones?

Yes

Would all the permitted uses in the new zone be compatible with this location and surrounding areas?

Yes

Would the rezoning provide a benefit to this landowner, but not be considered for other similar properties in this area?

We would consider it for all property owners.

If the public is opposed, why? Are the objections based upon factual information relating directly to this request or opinion based? Does any factual information presented apply to this rezoning situation?

The two neighbors are concerned about safety, existing infrastructure and would like a fence to help buffering and screening.

- Joey Ingle asked about a proposed road that splits the R3-D and R-3SF.
 - ◆ Alan Craighead said there's a proposed road to the east that splits two (2) zones, R3-D and R-3SF.

With no other questions from commissioners, Jeff Seyfarth entertained a motion. Craig Langford made a motion to Approve REZ23-09 RIVERA with 3.33 Ac from A-1 to R3-SF with a second from Joey Ingle. In a Roll Call, Joey Ingle, Ben Lewis, John Sessoms, Brandon Swoboda, Craig Langford, Tony Davis, and Jeff Seyfarth voted YES. With a 8-0, the motion was approved.

- **VAC23-04 D3 BUILDERS - Request to vacate 10 ft of side yard UE/DE – 1400 Le Chesnay Dr.- (Zoned R1/Lot 27/ Versailles) Owner: D3 Builders, LLC (Planner: KKnight)**
 - Dan Cole from Sand Creek Engineering was present.
 - ◆ Requesting a 10- foot vacation of the 15- foot side yard Drainage and Utility Easement to install a driveway and retaining wall.

- Kayla Knight gave a staff overview.
 - ◆ After vacating the 10- feet it leaves 5- feet on the property
 - ◆ The biggest concern is the drainage because of the drop-off in the backyard.
 - Alan Craighead said as long as the remaining 5- feet on Lot 27 and the 5- feet on Lot 26 is graded as a 10- foot swale the water would be carried appropriately and shouldn't be an issue.
 - ◆ Carroll Electric said their transformer is in the front setback, so it's far enough away that they're ok.
 - ◆ Bright Speed has lines close to the road, but they don't have issues with the Vacation. If the lines get damaged, the owners of the property, D3 Builders, are responsible for repairs
 - ◆ Centerton Utilities didn't have an issue if the driveway remains 8- feet from the existing hydrant.
 - ◆ Abutting property owners, Riethmaier and Taylor didn't have any objection.

With no questions from the commissioners, Jeff Seyfarth entertained a motion. John Sessoms motioned to recommend approval for VAC23-04 D3 Builders a second from Tony Davis. No members were opposed, and the motion was carried.

- **DEV22-01 POMEROY PLACE APT EXPANSION- Request for 6-month extension of preliminary approval expired on 10/4/2023 to 4/4/2024; 589 N. Main Street; Zoned R4-MF; .55 Ac; Applicant: Blew & Associates (Planner: ENystrom)**
 - Jorge Du Quesne from Blew & Associates was present via Zoom.
 - ◆ They just received ADH approval.
 - ◆ Large scale development plan needs to be submitted to the Planning Department and owner needs to get financing on the project.
 - Erik Nystrom gave a Staff overview.
 - ◆ Adding nine (9) additional units to the .55 Ac tract
 - ◆ Access to Sadie Lane egresses onto North Main Street and Bliss Street.
 - Joey Ingle asked if there are any plans to replace the burnt Pomroy Sign?
 - ◆ The engineer wasn't sure if that was in the plans but would ask the owner.
 - Plans to continue the fence along the southside?
 - ◆ Ask for the additional fence contingent of the Extension?
 - ◆ Jorge Du Quesne said it was unfair to ask for additions since they are here because of the lack of Centerton Water Capacity.
 - They decided to not ask for any additions since city owned property was adjacent to the property.

- Mayor Bill recommended giving them a 1- year extension due to Centerton Utility just starting the projects for the Sewer Capacity.

With no questions from the commissioners, Jeff Seyfarth entertained a motion. Ben Lewis motioned to approve DEV22-01 POMEROY PALCE APT EXTENTION for 1-Year and a second from Tony Davis. No members were opposed, and the motion carried.

- **DEV22-07 SPLASH CARWASH – Request 8-month extension of preliminary approval to expire on 11/15/2023 to 07/15/2024 - 250 East Centerton Blvd. (Zoned C-1/ 1.59 Ac) Engr: Phillip Lewis Engr; Owner: Splash Centerton LLC (Planner: ENystrom)**
 - Philip Lewis from Phillip Lewis Engineering was present via Zoom.
 - ◆ The project was paused because the owner had multiple carwashes under construction.
 - ◆ The economy has changed so the owners are going to re-value some of the building components and try to save some money.
 - ◆ They own and maintain all their facilities and they got overwhelmed with their projects here and in Central Arkansas.

With no questions from the commissioners, Jeff Seyfarth entertained a motion. Tony Davis motioned to approve DEV22-07 SPLASH CARWASH for 1-Year and a second from Ben Lewis. No members were opposed, and the motion carried.

- **PUB23-03 ELEVATED WATER TOWER - Preliminary Plans – 14231 AR HWY 102 (Zoned A-1, 3.5 Ac) Owner: City of Centerton; Engr: Engineering Services, Inc., Jeffrey Dehnhardt (Planner: DMorrisonLloyd)**
 - Jeffrey Dehnhardt from Engineering Services was present.
 - ◆ Conditional Use Permit was previously approved on August 15, 2023.
 - Stipulation upon landscaping being added.
 - Screening was added along the northern or western area.
 - ◆ The tank will be sitting on a deep foundation pier that are going into the Bedrock and they've been doing drilling for testing.
 - Alan Craighead said to not put trees along the northside by the fire department because they will be removed due to being a fire hazard because of training.
 - Joey Ingle is more interested in street trees than screening.
 - A chain link with 3- strands of barb wire was allowed in the Conditional Use.
 - All associated equipment will be within the column.
 - A back- up generator will be outside of the tower.
 - The Planning Commission requested the following changes to the landscape plan:
 - ◆ Bulking up the street tree with Evergreens

- ◆ Redistribute the northern screening on the plan to the Right of Way.
- ◆ Trees need to be 10- feet away from the waterline on the eastern side.
- Add a note having the City of Centerton plant the trees on the development plan to save money.

With no questions from the commissioners, Jeff Seyfarth entertained a motion. Joey Ingle motioned to approve PUB23-03 ELEVATED WATER TOWER keeping the Evergreens along the western side and redistributing the eastern White Pines along the East and the west Right of Way with a second from Ben Lewis. No members were opposed, and the motion carried.

7. OTHER BUSINESS

- **Approval of the 2024 Submittal & Meeting Calendar**
 - Jeff Seyfarth wanted to make the Planning Department and the Planning Commissioners aware that a Planning Commission meeting is scheduled for July 2nd and the day after Labor Day, September 3rd, 2023.
 - July 4, 2023 meeting was canceled due to not having projects on that agenda
 - Everyone was aware and approved of those dates.

With no questions from the commissioners, Jeff Seyfarth entertained a motion. Brandon Swoboda motioned to approve the 2024 Submittal & Meeting Calendar with a second from Joey Ingle. No members were opposed, and the motion carried.

8. ANNOUNCEMENTS

- Next Council Meeting: 11/14/2023 @ 6:00 PM
- Next PC Meeting: 11/07/2023 @ 6:00 PM
- Next Tech Review Meeting: 10/26/23 @ 2:00 PM (Zoom)

9. ADJOURN

Devin Murphy made a motion to adjourn the meeting at 7:15 PM, with a 2nd from Tony Davis. No commissioners were opposed, and the meeting was adjourned.



Jeff Seyfarth- Planning Chair
Centerton Planning Commission

Minutes Prepared By: Samantha Hartman