



## CENTERTON PLANNING COMMISSION

June 2, 2020 @ 6:00 PM

### AGENDA

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*Public comment period after the introduction of each agenda item*

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES –**
  - A. Planning Minutes – 05/19/2020
4. **OLD BUSINESS**
  - A. **DEV19-02 Centerton Retail Center** – Reapproval of plans, previously approved 4/16/19
5. **NEW BUSINESS**
  - A. **VAC20-01 Sheppard Property** – Forest Park PH1 Lot 68 - 5' vacation of 15' UE in rear yard
  - B. **TS20-07 Petromark Prop** – 1220 E Centerton Blvd (C-2) 1.36 Ac
6. **OTHER BUSINESS**
  - A. **Ty Manning Resignation** effective June 30, 2020.
  - B. **Accepting applications** to fill planning commission vacancy; Send to Mayor until 6/30/2020
7. **ANNOUNCEMENTS**
  - A. **Next PC Meeting:** 06/16/2020 @ 6:00 PM
  - B. **Upcoming/Target Comp Plan Dates:**
    - **06/01** Draft Plan made Public on Project Website ([www.hlplanning.com/portals/centerton/](http://www.hlplanning.com/portals/centerton/))
    - **06/08** Work Session with Steering Committee
    - **06/09 4-5:30 PM** Community Open House + **6-8:00 PM** HL Remote Presentation to Council
    - **06/16 6:00 PM** HL Present Draft Plan to PC (Public Hearing)
    - **07/07 6:00 PM** Staff to Present Final Plan to PC (Public Hearing)
    - **07/14 6:00 PM** Staff to Present Final Plan to Council for Adoption
8. **ADJOURN**

**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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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.



**CITY OF CENTERTON  
PLANNING COMMISSION  
MINUTES OF MEETING  
JUNE 2, 2020**

(1) **CALL TO ORDER** - The Zoom Virtual Meeting of the Centerton Planning Commission was called to order by Planning Commission Chairman Jeff Seyfarth at 7:18 p.m. after closing of the Board of Zoning Adjustment meeting.

(2) **ROLL CALL** - Those Present and answering Roll Call were Jeff Seyfarth, Joey Ingle, Devin Murphy, Amber Beale, Jerry Harris, Tiffany Morris, and Craig Langford. Ty Manning was absent. Others in attendance for the City were Mayor Bill Edwards, City Clerk/Recorder Todd Wright, City Attorney Brian Rabal, Planning Director Lorene Burns, City Planner Dianne Morrison Lloyd, Senior Planner Nicole Gibbs, City Planner Donna Wonsower, and Asst. Fire Chief Paul Higginbotham. Director of Public Works Rick Hudson, Centerton Utilities Director Frank Holzkamper and City Engineer John Wary were not present.

(3) **Approval of the 5/19/2020 Planning Meeting Minutes -**

Chairman Jeff Seyfarth introduced the Minutes of the Planning Commission Meeting from 5/19/2020 and asked the Commissioners if they had any questions or concerns. There were none.

**Jerry Harris made a motion to Approve the May 19, 2020 Planning Commission Meeting Minutes, with a 2<sup>nd</sup> from Tiffany Morris. All Commission Members voted in favor and the motion carried.**

(4) **OLD BUSINESS -**

**A. DEV19-02: Centerton Retail Center – Reapproval of Plans, previously approved 4/16/19 -**

Chairman Jeff Seyfarth introduced the item to the Commission.

Senior Planner Nicole Gibbs addressed the Commission, stating that this project is located just east of the Stoneleigh Apartments on the south side of Centerton Blvd. & Allen Road. She said Plans were originally approved a little over a year ago and expired in April. She said they originally talked about an extension, but because it has already expired and PC has not seen it in a while, we decided to bring it back for a re-approval. She said the main reason for the delay in development was primarily for a Wetlands Delineation Determination and Permit. She said there have been a few changes to the Plan, including the ability for them to meet the 4:1 Detention Slope Requirement (which will remove a previously approved Waiver Request), and they have added some Landscape Screening around the Detention Pond. She said the Future Building Site has also been rotated 90 degrees, to a more north-south orientation.

Adam Lesso, with McClelland Engineering (MCE), was present for any questions. There were none.

Chairman Seyfarth asked if there were any questions or comments from the Commission or City Staff. There were none.

**Joey Ingle made a motion to Approve DEV19-02: Centerton Retail Center, with any Outstanding Comments, with a 2<sup>nd</sup> from Tiffany Morris. All Commission Members voted in favor and the motion carried.**

**(5) NEW BUSINESS-**

**A. VAC20-01: Sheppard Property – Forest Park Phase 1 Lot 68 – 5’ Vacation of Existing 15’ Utility Easement in Rear Yard -**

Chairman Jeff Seyfarth introduced the item to the Commission.

John Sheppard, the Applicant, was present for any questions.

Senior Planner Nicole Gibbs addressed the Commission, stating that this is Lot 68 of Forest Park Phase 1. She said the subdivision was originally platted in 2012, with the Lots north of this property platted in Phase 2 in 2017. She said the Lot in question was platted with a 15’ Utility Easement in the front, and a 15’ Utility Easement in the rear yard. She said she understood that it was done this way for Water & Sewer to be in the front and for Franchise Utilities to be in the rear. She said the request is to vacate 5’ of the Utility Easement in the rear yard, leaving 10’. She said the easement in adjacent lots will remain at 15’. She said this is ultimately a City Council decision slated for 6/09/2020, so PC action tonight is a Recommendation to Council. She said the purpose of the request is to reduce the originally platted UE from 15’ to 10’ on Lot 68 only to accommodate the installation of a Pool and Bonding Wire. She said Staff has met with Building Safety and looked at various layouts to try and accommodate the pool. She

said the pool has already been purchased and cannot be returned. She said there is an overview in the PC Packet, and the Vacation Process is defined by State Statute, which requires it to go to City Council to set a Public Hearing, then goes to PC for Recommendation, and then back to City Council for the actual Public Hearing. She said all Utilities have been notified and the Applicant received responses from those Utilities, and that Planning received confirmation from a few of them as to the locations of the existing lines. She said Carroll Electric has a line along the east property line, 2-3 feet west of the existing fence, and has requested that the side setback portion of this easement remain 15', leaving a nurdle on the east side. She said Black Hills has a gas line along the north property line, which appears to be directly on the property line. She said the privacy fence may or may not be on the exact property line, and it is yet to be determined whether there are Utilities outside of this easement on the adjacent lot, or in this Easement itself. She said we are still working to determine that. She said Staff received an exhibit from Cox Communications this afternoon, that shows their Service or Main line swooping in and out of this Easement. She said she has not been able to follow up with them yet. She said AT&T does not have any facilities in this area, and Centerton Utilities and Public Works have no objections. She said CenturyLink had no objection but quoted what it would cost to relocate their line. She said the property owner's exhibit shows Carrol Electric, Black Hills Gas and Cox Communications. She said some of the pieces are still coming together with exact locations. She said future needs for Utilities are an unknown, and this vacation could create a bottleneck for future use. She said Phase 1 was platted with the 15' in front and rear, and Phase 2 was platted with 10' water/sewer easement and 10' franchise utility easement, both in the front. She said hypothetically all Utilities should be on the property in question, but we are finding that they are a little bit north of it.

Mr. Sheppard said the Cox Communications exhibit was new to him this evening. He said ARKUPS has been out twice, and there has never been a marking for them. Gibbs said she would forward the information from Cox to Mr. Sheppard, as they may have been a little confused on their end, and we will get that sorted out. He said they found his property pins when they were marking lines, and the privacy fence is sitting on the line of the pins. He said the Franchise Lines are 3-5' north of his property line, so somebody missed the Utility Easement when they put in the lines. He said that is all brand new, as well, and he wished we could have found that out sooner, allowing for a different process. He also pointed out that he understood the possible issue if he was in the middle of the subdivision, but he is at the end of the subdivision, next to a detention pond. He said the Utilities told him there is no reason for them to add to that area. Joey Ingle said the Utilities could add on there to serve the neighbors to the north. Ingle also pointed out that the detention pond shows to be in the easement.

Gibbs said there is still a Utility Easement there, whether the utilities are in it or not. She said there is also the possibility that there are Private Utility Easements, which we are unaware of.

Joey Ingle said it appears that all of the Franchise Utilities have no objection. Gibbs said that is correct, but some of them have noted contingencies, such as “relocation to be at the expense of the owner”. She said there was some discussion early on about Encroachment versus Vacation, which is a little bit different situation. She said we reiterated that with the Utilities, so that they were aware that through the Vacation Process, they are giving up rights to that easement. She said encroachments can be handled privately, but since this easement has been dedicated to the City, it has to go through this Public Vacation Process, as defined by State Statute. Ingle said if the Utilities are good with it and Mr. Sheppard understands the risk on his end, he has no issue with it.

Gibbs said Staff perspective is to make sure this Vacation is in the Public’s best interest, and we want to be cautious about setting precedence. She said we need to be careful about creating inconsistent Utility Easements throughout town, which could create issues down the road.

Mayor Bill Edwards addressed the Commission, stating that we have all met and looked at other options. He said he spoke with Mr. Sheppard’s Pool Company, and they have not installed many pools in Centerton and were not sure about our permitting process. He said the pool structure only encroaches a foot into the easement, but the bonding wire encroaches further. He said this item is set for a Public Hearing at our City Council Meeting on 6/09/2020. He said we have had previous discussion. He said the City Attorney recommended the Easement Vacation to help protect Mr. Sheppard, and possible future owners of the property. He said the surrounding property owners are in favor and asked that PC recommend this to City Council for approval.

City Council Member Robin Reed addressed the Commission, asking for better understanding of these types of Variances, prior to the City Council Meeting on 6/09/2020. Joey Ingle detailed the request for Mrs. Reed, pointing out the risk for Mr. Sheppard, should there be any need to relocate any Utilities. Mrs. Reed stated that Ingle’s information was helpful.

Chairman Seyfarth stated that he would still like to see clarification in regard to the location of the Cox Communications line.

City Council Member Misty Elam addressed the Commission, expressing frustration with the back and forth communication and misinformation regarding this request. She said the City has had this for a month, and we just find out today that there is another Utility possibly in the easement. She said she feels the Sheppards have put a lot of work into this, and we should do more than we have done. She said she understands not wanting to set precedence.

Nicole Gibbs respectfully addressed Mrs. Elam, stating that she feels that is a mischaracterization of the situation, as Staff was also just informed today of the Utility placements. She said the homeowner has done a great job of research and legwork and

should be commended. She said when Staff received the Vacation Application, they sent out a packet to all of the Franchise Utilities, in addition to the legwork the Mr. Sheppard had done. She said these are the things that we are receiving, in response to the new packet, in regard to the Vacation of the Easement. She said we are working diligently with Mr. Sheppard. She again stated that the Vacation Process is designed by State Statute to be a laborious process, to allow for surety, and a month is not a long time in that process. Joey Ingle pointed out how difficult it can be to work with Franchise Utilities. He said at the end of the day, Mr. Sheppard will be responsible for any relocation.

**Joey Ingle made a motion to Recommend to City Council for Approval VAC20-01: Sheppard Property – Forest Park Phase 1 Lot 68 – 5’ Vacation of 15’ Utility Easement in Rear Yard, with a 2<sup>nd</sup> from Craig Langford. All Commission Members voted in favor and the motion carried.**

**B. TS20-07: Petromark Property Split – 1220 E. Centerton Blvd. (C-2) 1.36 Acres -**

Chairman Jeff Seyfarth introduced the item to the Commission.

Dustin Riley of CEI Engineering, representing the Applicant, was present for any questions.

City Planner Dianne Morrison Lloyd addressed the Commission, stating that this is Tract C of the Kensington Hills Subdivision, at 1220 E. Centerton Blvd. She said it is currently Zoned C-2 and is already developed. She said C-2 typically has 50’ Front Setback, 10’ Side Setback, 10’ Side Street Setback, and 25’ Rear Setback. She said ROW has been dedicated previously on Brighton Drive in 2004 and on Centerton Blvd. in 2011. She said they are showing a 25’ Access Easement. She said both tracts will have access to Brighton Drive and Centerton Blvd. She said they have asked for a Waiver from the required 2.5 Acre Lot Size, and the Zero Lot Line Variance Request was heard and approved by the BZA earlier this evening. She said there are just a few Staff Comments.

Chairman Seyfarth asked if there were any questions or comments from the Commission or City Staff. There were none.

**Joey Ingle made a motion to Approve the Waiver Request for the 2.5 Acre Minimum Lot Size for TS20-07: Petromark Property Split – 1220 E. Centerton Blvd. (C-2) 1.36 Acres, with a 2<sup>nd</sup> from Devin Murphy. All Commission Members voted in favor and the motion carried.**

**Amber Beale made a motion to Approve TS20-07: Petromark Property Split – 1220 E. Centerton Blvd. (C-2) 1.36 Acres, with a 2<sup>nd</sup> from Tiffany Morris. All Commission Members voted in favor and the motion carried.**



**(6) OTHER BUSINESS-**

**A. Ty Manning Resignation – Effective June 30, 2020 -**

Chairman Jeff Seyfarth addressed the Commission, stating that Ty Manning is allowing his term on the Planning Commission to expire, effective 6/30/2020.

**B. Planning Commission Vacancy – Accepting Applications until 6/30/2020 -**

Chairman Jeff Seyfarth addressed the Commission, stating that we will be accepting applications for the vacant Planning Commission Position through 6/30/2020. He explained the likely Appointment Process.

**(7) ANNOUNCEMENTS-**


**A. 6/16/20 - Planning Commission & BZA Meetings @ 6:00 PM**

**B. Upcoming/Target Comprehensive Plan Dates –**

- 6/03 – Draft Plan Public on Project Website  
[www.hlplanning.com/portals/centerton/](http://www.hlplanning.com/portals/centerton/)
- 6/08 – Work Session with Steering Committee
- 6/09 – 4-5:30 PM – Community Open House + 6-8:00 PM Houseal Lavigne Presentation to City Council
- 6/16 – 6:00 PM Houseal Lavigne Present Draft Plan to Planning Commission (Public Hearing)
- 7/07 – 6:00 PM Staff to Present Final Plan to Planning Commission (Public Hearing)
- 7/14 – 6:00 PM Staff to Present Final Plan to City Council for Adoption

**(8) ADJOURN-**

Joey Ingle made a motion to adjourn the meeting at 8:01 p.m., with a 2<sup>nd</sup> from Tiffany Morris. All Commission members voted in favor and the motion carried.

  
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**Jeff Seyfarth – Chairman**  
**Centerton Planning Commission**

Minutes prepared by:  
Todd Wright