



CENTERTON PLANNING COMMISSION
NOVEMBER 15, 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 – 11/01/2022
4. **RATIFICATION OF ADMINISTRATIVE APPROVALS**
 - A. **HOP22-28 CWKL Ventures LLC- CLEANING SERVICES** - 203 Callie Ln (Ridgefield Addition/Zoned R3-SF)
Applicant: Katelyn Lovelace (Planner: KC)
5. **OLD BUSINESS**
6. **NEW BUSINESS**
 - A. **DEV22-07 Splash Carwash – COMMERCIAL LSD** - 250 E Centerton Blvd (Zoned C1 / 1.59 AC)
Applicant: Collier Int, Bradford Gains; Owner: Youth Bridge Properties; Engr: Philip Lewis Eng, Mark Blakeley (Planner: EN)
 - **Preliminary Plans**
 - **Adjacent Street Improvements Agreement**
 - **Landscaping Plan**
 - **Lighting Plan**
 - B. **{PUBLIC HEARING} MOV22-03 Centerton Village, Space #1- USED MFG HOME IN EXISTING MOBILE HOME PARK**; 280 Fair St (Zoned R3-MF/ 1.5 Ac) *Appl/Owner: Centerton Village, LLC, Guy Torelli (Planner: DML)*
 - C. **{Public Hearing} PUD22-04 Morningside South – SF Residential** - NE Corner of Bliss & Keller (Zoned R3-SF/ 13 AC) *Appl: Rausch Coleman Homes NWA, LLC, Jesse Fulcher; Engr: Halff & Associates, John Wary (Planner: DML)*
 - D. **{PUBLIC HEARING} CU22-07 JP Specialty – SELF-STORAGE USE** - 11301 W AR 72 HWY (Zoned C-2/ 22.309 AC) *Applicant: JP Specialty; Owner: AR Conference of the United Methodist Church; Rep: Watkins, Boyer, Gray & Curry PPLC-Will Kellstrom; Engr: Bates & Associates (Planner: DW)*
 - E. **{PUBLIC HEARING} REZ22-27 Robbins Revocable Trust – Rezone from A1 to R3-MF** - 447 Kimmel Rd / 18.477 Ac; *Appl: Baxter Properties, Chris Woodard & Chase Williams; Owner: Robbins Rev Trust.; Rep: Bowman Consulting, Christina McGaharan & Ricky Waters (Planner: DW)*
 - F. **{PUBLIC HEARING} PUD22-05 Robbins Revocable Trust – R3SF, R3D & R3MF RESIDENTIAL DEV** - 447 Kimmel Rd / 18.477 AC; *Appl: Baxter Properties, Chris Woodard & Chase Williams; Owner: Robbins Revocable Trust; Rep: Bowman Consulting, Christina McGaharan & Ricky Waters (Planner: DW)*
 - G. **{PUBLIC HEARING} REZ22-29 Weeks Rezone – Rezone from A1 to R3-D**; 12660 Bush Rd; 5.01 Ac; *Appl: NZZB Properties, Zachary Dixon; Owner: George & Charla Weeks; Rep/Engr: CEI, Chad Caletka (Planner: DW)*

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 Ext 302) to verify if an item of interest remains scheduled to be heard on this date.

- H. **{PUBLIC HEARING} REZ22-28 KHM2S2 Homes - Rezone from A1 to C2** – 5 Ac on Main St between Hwy 72 & Town Vu Rd; *Appl: WM Holdings, LLC; Owner: KHM2S2 Homes; Rep: Watkins, Boyer, Gray & Curry PLLC, Will Kellstrom (Planner: DML)*
- I. **{PUBLIC HEARING} CU22-08 KHM2S2 Homes – Proposed Self Storage**; 5 Ac on Main St between Hwy 72 & Town Vu Rd; *Appl: WM Holdings, LLC; Owner: KHM2S2 Homes; Rep: Watkins, Boyer, Gray & Curry PLLC, Will Kellstrom (Planner: DML)*
- J. **{PUBLIC HEARING} Amendments to Title 14 for Flex-Space and Mobile Vendor Uses**

7. OTHER BUSINESS

- A. **Review Final Draft Amendments - Title 9 Streets & Sidewalks, Title 16 Drainage & Flood, and Stormwater Management & Drainage Manual-Discussion-** Proposed changes by City Engineer (*Alan Craighead*)

8. ANNOUNCEMENTS

- A. **Next PC Meeting: 12/06/22 @ 6:00 PM**
- B. **Next Council Meeting: 12/13/22 @ 6:00 PM**
- C. **Next Tech Review Meeting: 12/15/22 @ 2:00 PM (Zoom)**
- D. **Work Session – Council/Planning Dept/Planning Commission – January 24, 2023 @ 6 PM**

9. ADJOURN

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**PLANNING COMMISSION
MINUTES OF MEETING
November 15, 2022**

1. CALL TO ORDER

The Meeting of the Centerton Planning Commission was called to order by Planning Vice Chairman Joey Ingle at 6:00p.m.

2. ROLL CALL

Those Present and answering Roll Call were Joey Ingle, Devin Murphy, Jerry Harris, Tony Davis, Brandon Swoboda, Craig Langford, and Ben Lewis. Chairman Jeff Seyfarth and Commissioner John Sessoms were absent. Others in attendance for the city were: Planning Director Lorene Burns, City Senior Planner Dianne Morrison Lloyd, City Planner Donna Wonsower, City Planner Erik Nystrom, City Engineer Alan Craighead, Fire Marshal Paul Higginbotham, Public Works Director Edgar Barroso (via Zoom), City Mayor Bill Edwards, City Attorney Brian Rabal, Mayor's Assistant Nicola Hoofard, City Council Recorder Todd Wright, and Planning Assistant/ Recorder Kayla Craft.

3. APPROVAL OF MINUTES

Vice Chairman Joey Ingle asked for a motion to approve minutes from the 11/01/2022 Planning Commission Meeting.

Planning Assistant Kayla Craft requested an amendment to the Roll Call for the 11/01/2022 minutes to include Lorene Burns as attended and Craig Langford as absent.

Jerry Harris made a motion to approve the minutes with amendments from the 11/01/2022 Planning Commission Meeting as presented, with a Second from Devin Murphy. No members were opposed, and the motion carried.

4. RATIFICATION OF ADMINISTRATIVE APPROVALS

- A. **HOP22-28 CWKL Ventures LLC- CLEANING SERVICES-** 203 Callie Ln-
(Ridgefield Addition/ Zoned R3-SF) *Applicant/Owner: Katelyn Lovelace (Planner: KC)*

There were no questions from the Planning Commission regarding the Administrative Approvals. Commission Vice Chairman Joey Ingle entertained a motion. Craig Langford motioned to approve the Ratification of Administrative Approvals with Tony Davis as 2nd. No members were opposed, and the motion carried.

5. OLD BUSINESS- NONE

6. NEW BUSINESS

A. DEV22-07 Splash Carwash- COMMERCIAL LSD- 250 E Centerton Blvd (Zoned C1/ 1.59 AC) Applicant: Collier Int, Bradford Gains; Owner: Youth Bridge Properties; Engr: Philip Lewis Eng, Mark Blakeley (Planner: EN)

- A. Tanner Freeman, Phillip Lewis Eng., was present to represent the project. He stated a conditional use permit was previously approved on 10/18.
- B. Erik Nystrom gave the staff report. He summarized the location and explained the adjacent street agreement has been approved with the comment that the location for curb and gutter needs to be changed from the west to east side of Fair Street in the letter. There are 19 trees included in the landscaping plan and the lighting plan and drainage report have been approved by staff. A floodplain application is under review.
- C. Joey Ingle brought up concerns about the lighting going into nearby residences to the north. Lorene Burns stated the developer will have to put shields in place to stop the light.
- D. Alan Craighead requested the plans be approved with contingencies on remaining minor comments.

With no other questions from the commissioners, Joey Ingle entertained a motion. Ben Lewis motioned to approve DEV22-07 Splash Carwash Preliminary Plans, Adjacent Street Agreement, Landscaping Plan, and Lighting Plan with a 2nd from Craig Langford. No members of the commission objected, and the motion passed.

Vice Chairman Joey Ingle summarized the public hearing process.

B. {Public Hearing} MOV22-03 Centerton Village, Space #1- USED MFG HOMES IN EXISTING MOBLE HOME PARK; 280 Fair St (Zoned R3-MF/ 1.5 AC) Appl/Owner: Centerton Village, Guy Torelli (Planner: DML)

- A. Guy Torelli told the commission his goal for space one is to put a newer mobile home that fits the required setback to replace the existing older structure as space one is visible from the front of the park.
- B. Dianne Morrison Lloyd gave the staff review. Torelli will need to complete a flood permit for space one. The mobile home has not yet been moved into the space and will be placed inside the setback when installed. Staff has requested a large-scale development plan so new trailers can be approved administratively by staff (including Building and Fire) without individual moving permits

The commissioners had no questions and Joey Ingle entertained a motion. Tony Davis made a motion to open the public hearing with a Second from Ben Lewis. No members were opposed, and the public hearing was opened.

- A. There were no comments from the public.

Jerry Harris made a motion to close the public hearing with a Second from Craig Langford. No members were opposed, and the motion carried.

- A. Craig Langford asked if the staff comment regarding building safety needed to be addressed. Dianne Morrison Lloyd clarified that this home had not been moved in prior to a permit and that the code was included as a reminder.

With no other questions from the commissioners, Joey Ingle entertained a motion. Craig Langford motioned to approve MOV22-03 Centerton Village, Space #1 with a 2nd from Ben Lewis. In a Roll Call, all commission members voted in favor. With a unanimous vote, the motion passed.

C. {Public Hearing} PUD22-04 Morningside South- SF Residential- NE Corner of Bliss & Keller (Zoned R3-SF/ 13 AC) Appl: Rausch Coleman Homes NWA, LLC, Jesse Fulcher; Engr: Halff & Associates, John Wary (Planner: DML)

- A. Will Clark was present to represent Rausch Coleman but deferred their time to Municipal League attorney Justin Eichmann due to the unique nature of the PUD. He gave background to the situation, stating there was previously a lawsuit filed against the City of Centerton from Rausch Coleman with two claims. One claim had to do with the state law called the Private Property Protection Act. The other claim had to do with takings under the 5th Amendment of the United States Constitution. The outcome of the lawsuit ended with a settlement agreement court ordered before the judge with certain agreed on conditions between Rausch Coleman and the City of Centerton in regard to this particular property. The conditions set were as follows:
- The City will approve a PUD with single family uses with higher density than typically required in R3-SF zoning.
 - No greenspace requirement other than drainage and detention.
 - Off-site improvement requirements less than typically required.
 - A subdivision application will be required after PUD approval and further details will be determined at that time.
- B. Commissioner Brandon Swoboda recused himself and left the room for the remainder of the item.
- C. Dianne Morrison Lloyd gave the staff report, summarizing the following:
- a. PUD request for 85 single family lots and associated detention lots, with smaller lot areas, lot widths, and smaller setbacks that allowed in the R3-SF zoning district
 - b. Density of PUD 6.59 units per acre and Morningside Ph 3 is 4.8 and Fox Haven 3.69 units per acre.
 - c. Greenspace and landscaping requirements largely waived as part of the settlement. Some landscaping shall be included at entrances.
 - d. Adjacent street improvements largely waived as part of the settlement. Adjacent sidewalks shall be constructed
 - e. Driveways
 - i. Depth was discussed as it relates to sufficient clearance for utilities and the prevention of vehicles overhanging / blocking sidewalk access
 - ii. Driveway code requirements, particularly distance from intersections
 - iii. Driveways shall provide for two cars parked side by side

- f. Architectural treatment as required by the settlement, up to 3' of brick on the building facades.

The commissioners had several questions on what they can consider and request due to the court requirements and Joey Ingle entertained a motion. Ben Lewis made a motion to open the public hearing with a Second from Jerry Harris. No members were opposed, and the public hearing was opened.

- B. Chase Williams had concerns regarding traffic and how the development would impact Bliss St. Tony Davis explained the development will not connect to Bliss St.

Jerry Harris made a motion to close the public hearing with a Second from Craig Langford. No members were opposed, and the motion carried.

- A. Commissioner Tony Davis voiced he believes the intent behind a PUD is for the developer and City of Centerton to have some give and take, and he did not believe the present PUD gave anything beneficial to the City of Centerton in exchange for the waived requirements. Joey Ingle pointed out the development is still single-family, instead of the previously requested multi-family.

The commissioners were asked to consider the following:

- 1. The development's land use is permitted in the presented zoning district, and/or is compatible with the City's Land Use Plan, and/or is substantially similar to adjacent property. Yes**
 - a. Jerry Harris was of the opinion that the permitted land use was not similar to the adjacent properties due to the density; however, with discussion regarding the surrounding areas being single-family, the commission decided it is compatible.
- 2. The development is likely to be compatible with development and land use permitted as of right by the zoning ordinance on substantially all and in the vicinity of the proposed PUD. No.**
 - a. Joey Ingle did not agree that the development would be compatible with the surrounding area due to the density and the variances from a typical single-family development. The other commissioners, namely Craig Langford and Jerry Harris voiced their agreement.
- 3. Provides public benefits that would not be achievable through the normal zoning regulations. No.**
 - a. Joey Ingle stated he did not believe the presented PUD provided a public benefit that would not be achievable through the normal zoning regulations. Devin Murphy and Jerry Harris agreed.
 - b. Tony Davis agreed the currently presented PUD did not offer any benefits but could be improved to offer benefits not otherwise available.

4. **Adequate public utilities are already in place to service the property, or the developer has sufficient plans and private financial commitment in place to ensure adequate public utilities will be available to service the property. Yes.**
 - a. The Commissioners agreed, based on the staff report, adequate public utilities are in place.
5. **The development will not impose substantial negative external impacts on or prevent the orderly development of adjacent property. Yes.**
 - a. Joey Ingle asked for what off-site improvements are proposed. Staff informed him there will be 6-ft sidewalks on Bliss St & Keller, and a left turn lanes on both Bliss and Keller.
 - b. All the Commissioners agreed the development will not impose substantial negative external impacts on the adjacent property.
6. **The development does not endanger the public health, safety, or welfare. Yes.**
 - a. The Commissioners all agreed the development does not endanger the public health, safety, or welfare.
7. Ben Lewis asked Justin Eichmann if the PUD would have to comply with other codes such as Streets code, specifically for driveways. Justin explained that discussion would be better suited for the Subdivision plans.
8. Tony Davis asked if the project would have to come back to the Planning Commission. Staff confirmed they will have to come back with a Preliminary Subdivision Plan.

With no other questions from the commissioners, Joey Ingle entertained a motion. Ben Lewis motioned to approve PUD22-04 Morningside South with a 2nd from Craig Langford. In a Roll Call, Ben Lewis, Devin Murphy, Craig Langford, Tony Davis, and Joey Ingle voted in favor while Jerry Harris voted against. With a 5-1 vote, the motion passed.

D. {Public Hearing} CU22-07 JP Specialty- SELF-STORAGE USE- 11301 W AR 72 HWY (Zoned C-2/ 22.309 AC) Appl: JP Specialty; Owner: AR Conference of the United Methodist Church; Rep: Watkins, Boyer, Gray & Curry PPLC, Will Kellstrom; Engr: Bates & Associates (Planner: DW)

- A. Brandon Swoboda rejoined the commission.
- B. Will Kellstrom was present to give an overview of their request. He clarified that the original request was for mini storage and flex space, but because Centerton's proposed flex space use would be by right if adopted, this use has been removed. The developer is aware they will need to build out the major collector extension aligning with Talamore. All requirements listed by staff have been looked over and are agreeable to the applicant.
- C. Donna Wonsower gave the staff review. This parcel was part of a previously approved tract-split south of Talamore subdivision. There are potential wetlands present so the development will require a wetland assessment with the Large-Scale Development. There is access to water & sewer. She highlighted the proposed hours for the business are 24/7. The developers have stated they would like to include shared parking which the staff is amendable to. Right-of-

Way will be figured out during the Large-Scale Development. Conditions include screening, and the requirement that 80% of the site be permeable. Staff recommends photometric and lighting plans. The City Engineer, Alan Craighead is working on access management requirements with the proposed changes to Title 9.

The commissioners had no questions and Joey Ingle entertained a motion. Craig Langford made a motion to open the public hearing with a Second from Ben Lewis. No members were opposed, and the public hearing was opened.

- A. Amy Rochette had a few questions regarding the layout, specifically the RV storage. Joey Ingle explained the current request is for the use only, and the layout would be flushed out with the Large-Scale Development. He noted screening was a condition listed for the Conditional Use.

Ben Lewis made a motion to close the public hearing with a Second from Devin Murphy. No members were opposed, and the motion carried.

- A. Joey Ingle proposed access for the site be off the proposed collector, in concerns for safety. Will Kellstrom stated they could make that condition work if necessary. The layout of the project may change, but Joey Ingle proposed the access be part of the conditional use.
- B. Brandon Swoboda had concerns regarding the hours proposed. He understood the necessity of having 24/7 access; but was concerned with the proximity to residential. After some discussion, the commission decided the proposed hours were not an issue, given the proximity of the highway.

With no other questions from the commissioners, Joey Ingle entertained a motion. Jerry Harris motioned to approve CU22-07 JP Specialty with the addition of the access management requirement, with a 2nd from Ben Lewis. In a Roll Call, Jerry Harris, Ben Lewis, Devin Murphy, Craig Langford, Tony Davis, and Joey Ingle voted in favor and Brandon Swoboda voted against. With a 6-1 vote the motion was passed.

E. {Public Hearing} REZ22-27 Robbins Revocable Trust – Rezone from A1 to R3-MF (447 Kimmel Rd / 18.477 Ac) Appl: Baxter Properties, Chris Woodard & Chase Williams; Owner: Robbins Rev Trust.; Rep: Bowman Consulting, Christina McGaharan & Ricky Waters (Planner: DW)

- A. Chris Woodard was present with Baxter Properties, and Christina McGaharan & Jim Bowman were present via Zoom to answer any questions. They are requesting a zoning to accommodate a 179 unit built-to-rent community. It will be gated with numerous amenities.
- B. Donna Wonsower gave the staff report. She highlighted that for the PUD they are requesting to a mixed zoning with single-family and multi-family. Because of the way the PUD is mixed, the developers are requesting to zone the whole property as R3-MF. The property is surrounded by A-1. She noted that apartments are not allowed in the R3-MF zoning. The development will be a part of the proposed McKissic Trail. It has access to water and sewer and could be considered consistent with the comprehensive plan due to its

proximity to the proposed Downtown Center, which encourages higher density near the Downtown Center. The parcel is designated medium-high density on the comprehensive plan, which is 7-11 units per acre. R3-MF has a maximum density of 8 units per acre.

- C. Joey Ingle asked what would be considered high density. Dianne Morrison Lloyd stated it is 18 units per acre. Chris Woodard came to the podium to explain with the PUD they are proposing 9.8 units per acre. Joey Ingle explained they have to only consider the rezone for this item.

The commissioners had no questions and Joey Ingle entertained a motion. Ben Lewis made a motion to open the public hearing with a Second from Tony Davis. No members were opposed, and the public hearing was opened.

- C. Staff let the commission know they did receive one email from the public regarding concerns about traffic due to this development.
- D. Steven Ohnsat brought up concerns regarding having multifamily developments, the possible rise in crime due to the high density, and privacy.

Jerry Harris made a motion to close the public hearing with a Second from Craig Langford. No members were opposed, and the motion carried.

- E. The planning commissioners were asked to consider the following:
- A. **Is the rezoning consistent with the adopted Comprehensive Plan (including the adopted Land Use Plan)? If not, why?**
- Yes, the Comprehensive plan calls for a density of 7-11 units per acre and R3-MF has a limit of 8 units per acre.
- B. **Is the proposed rezoning compatible with the surrounding area and zones?**
- Yes, as the property is surrounded by agriculture, single-family and duplexes.
- C. **Would all the permitted uses in the new zone be compatible in this location and surrounding areas?**
- Yes, multi-family would be compatible.
- D. **Would the rezoning provide a benefit to this landowner, but not be considered for other similar properties in this area?**
- There is no specific benefit to this landowner that would not be considered for other similar properties in the area.
- E. **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 public is opposed due to the multi-family aspect.

With no other questions from the commissioners, Joey Ingle entertained a motion. Jerry Harris motioned to approve REZ22-27 Robbins Revocable Trust with a 2nd from Ben Lewis. In a Roll Call, all commission members voted in favor, and the motion was passed.

- F. **{Public Hearing} PUD22-05 Robbins Revocable Trust – R3-SF, R3-D & R3-MF RESIDENTIAL DEV (447 Kimmel Rd / 18.477 Ac) Appl: Baxter Properties, Chris**

Woodard & Chase Williams; Owner: Robbins Rev Trust.; Rep: Bowman Consulting, Christina McGaharan & Ricky Waters (Planner: DW)

- A. Chris Woodard was present with Baxter Properties, and Christina McGaharan & Jim Bowman were present via Zoom to answer any questions. They are requesting a zoning to accommodate a 179 unit built-to-rent community. It will be gated with numerous amenities.
- B. Joey Ingle asked what the public benefit would be for this PUD. Chris Woodard explained they are building a 12-ft trail and providing a variety of housing types and options our area is currently lacking. It will have at least the required 25% green space, which will include pocket parks, and dog parks. The development will have rear loading garages.
- C. Joey Ingle asked for a buffer along the east edge of the property adjacent to the multifamily structures.
- D. Brandon Swoboda asked for additional information on the roads. Alan Craighead explained there is one proposed entry off of Kimmel Rd, with other stub outs included for fire and future development. Paul also explained the development will be gated, sprinkled, and will have stub outs, which will meet fire code.
- E. Tony Davis asked what the units will be made of, and Chris Woodard informed him they will be craftsman style plank or brick.
- F. Donna Wonsower went through the staff report, highlighting the development is currently on two parcels but they may do a potential lot combination, which would include right-of-way and easement dedication. The uses are consistent with the rezone previously approved. The development will consist of all rental units owned by a single owner. The rear setbacks will be 20ft instead of 25 along the south property line. Amenities proposed will include a clubhouse, pool, dog park and three pocket parks. With 179 proposed units the density will be 9.7 units per acre.

The commissioners had no questions and Joey Ingle entertained a motion. Ben Lewis made a motion to open the public hearing with a Second from Craig Langford. No members were opposed, and the public hearing was opened.

- A. Amy Rochette asked for clarification regarding ownership. It was explained the development will be owned by one entity and rented out to tenants. Amy then also brought up concerns about traffic for Kimmel Rd. Joey Ingle explained they will improve the road to the master-street plan for their frontage; and it was agreed a traffic study will be required with the Large-Scale Development.
- B. Steven Ohnsat also spoke about traffic concerns and voiced they did not believe the development did not fit with the area. Tony Davis let them know Greenhouse Rd will be improved within the next 2-5 years.

Ben Lewis made a motion to close the public hearing with a Second from Jerry Harris. No members were opposed, and the motion carried.

The commissioners were asked to consider the following:

- A. **The development's land use is permitted in the presented zoning district, and/or is compatible with the City's Land Use Plan, and/or is substantially similar to adjacent property.**
 - Yes, based on the previously approved rezone.
- B. **The development is likely to be compatible with development and land use permitted as of right by the zoning ordinance on substantially all and in the vicinity of the proposed PUD.**
 - Yes, as none of the proposed uses are outside of the allowed by right uses for R3-MF.
- C. **Provides public benefits that would not be achievable through the normal zoning regulations.**
 - After discussion, the commission agreed that the PUD provided a marginal public benefit that would not otherwise be achievable due to its gated nature. It was discussed that the layout would not be achievable through normal zoning regulations.
- D. **Adequate public utilities are already in place to service the property, or the developer has sufficient plans and private financial commitment in place to ensure adequate public utilities will be available to service the property.**
 - Yes.
- E. **The development will not impose substantial negative external impacts on or prevent the orderly development of adjacent property.**
 - No; however, the Commission agreed that a traffic study would be warranted as a requirement with the Large-Scale Development to determine potential external impacts.
- F. **The development does not endanger the public health, safety, or welfare.**
 - Yes, pending the traffic study.
- G. There was a brief discussion regarding parking spaces. It was determined the PUD proposes at least the required amount of parking, and any uneven distribution of parking between residents and visitors is an internal issue for the developers to handle.

With no other questions from the commissioners, Joey Ingle entertained a motion. Tony Davis motioned to approve PUD22-05 Robbins Revocable Trust with a 2nd from Craig Langford. In a Roll Call, all commission members voted in favor, and the motion passed.

G. {Public Hearing} REZ22-29 Weeks Rezone – Rezone from A1 to R3-D; 12660 Bush Rd; 5.01 Ac; Appl: NZZB Properties, Zachary Dixon; Owner: George & Charla Weeks; Rep/Engr: CEI, Chad Caletka (Planner: DW)

- A. Chad Caletka with CEI was present and explained the intent is to rezone the property to R3-D then sell to a developer who will then present a Large-Scale Development plan.

- B. Donna Wonsower gave the staff review. The parcel is around three other subdivisions: Silverleaf, West Ridge, and Tamaron. The parcel to the east was rezoned to R3-SF in December, and the property is also near a previously approved PUD that allowed 7 units per acre. The density of the R3-D zoning is higher than surrounding parcels except for the PUD. It is along a major collector, Bush Rd, and the rezone would be consistent with the Land Use's goal of infill.
- C. Joey Ingle asked for clarification on density in different zonings. They are as follows: R3-SF- 6 units per acre/ R-2- 3-5 units per acre/ R3-D- 7 units per acre. The previously approved PUD in the area was approved for 7 units per acre.

The commissioners had no questions and Joey Ingle entertained a motion. Craig Langford made a motion to open the public hearing with a Second from Ben Lewis. No members were opposed, and the public hearing was opened.

- A. Staff informed the Commission there were a total of 15 emails received from the public before the meeting began, most of which has concerns regarding traffic, crime, privacy, and property value.
- B. Matt Tumier and Richard Warwel brought up concerns regarding a lack of infrastructure in the area, safety, and property value. It was also clarified that on the Land Use plan, low/medium density is designated as 3-7 units per acre. Ben Lewis also clarified that duplexes are considered "attached single-family."
- C. Staff addressed a few concerns, explaining surrounding subdivisions are adding sidewalks with bike paths, as well as completing road improvements.

Ben Lewis made a motion to close the public hearing with a Second from Devin Murphy. No members were opposed, and the motion carried.

- A. The planning commissioners were asked to consider the following:
 - A. **Is the rezoning consistent with the adopted Comprehensive Plan (including the adopted Land Use Plan)? If not, why?**
 - Joey Ingle agreed it is consistent with the Land Use Plan, as the Land Use Plan calls for low/medium density, which is up to 7 units per acre.
 - B. **Is the proposed rezoning compatible with the surrounding area and zones?**
 - Brandon Swoboda disagreed, pointing out the surrounding areas are all detached single family homes. Devin Murphy, Jerry Harris, and Ben Lewis agreed with Brandon.
 - Tony Davis stated he believed it is compatible because there is R3-D on the other side of the R-2 Developments. Craig Langford and Joey Ingle agreed with Tony.
 - With 4 Commissioners voting no, and 3 voting yes, the majority voted the rezoning is not compatible.
 - C. **Would all the permitted uses in the new zone be compatible in this location and surrounding areas?**

- Based on the previous discussion, Brandon Swoboda, Devin Murphy, Jerry Harris, and Ben Lewis voted no, and Tony Davis, Craig Langford, and Joey Ingle voted yes.
- With 4 Commissioners voting no, and 3 voting yes, the majority voted the permitted uses would not be compatible.

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

- Everyone agreed it does not provide a benefit to this landowner but would not be considered for similar properties in the area.

E. 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 public was opposed due to traffic, property value, privacy, crime, and density concerns.

With no other questions from the commissioners, Joey Ingle entertained a motion. Tony Davis motioned to approve REZ22-29 Weeks Rezone with a 2nd from Ben Lewis. In a Roll Call, Craig Langford, Tony Davis, and Joey Ingle voted in favor, while Brandon Swoboda, Jerry Harris, Ben Lewis, and Devin Murphy voted against. With a 3-4 vote, the motion was denied.

H. {Public Hearing} REZ22-28 KHM2S2 Homes - Rezone from A1 to C2 – 5 Ac on Main St between Hwy 72 & Town Vu Rd; Appl: WM Holdings, LLC; Owner: KHM2S2 Homes; Rep: Watkins, Boyer, Gray & Curry PLLC, Will Kellstrom (Planner: DML)

- A. Will Kellstrom was present to represent the project. He explained in the past it was made clear the city would like to see commercial in the area proposed for the rezone, and the Land-Use Plan calls for commercial as well.
- B. Dianne Morrison Lloyd went through the staff report. She stated that while the land use plan does designate this area as commercial, staff believes that highway commercial is too intensive for Main St and that one of the other commercial districts would be more suitable. She did remind the commission that a storage facility was approved as part of a Neighborhood Commercial PUD on the Terra Rose property; however, that facility is entirely indoors and has extensive conditions as part of the PUD.
- C. Joey Ingle reminded the Commission and applicant that a highway commercial request had previously been heard and denied on the south side of Seba Rd. The difference between the function of Hwy 72 and Main St was discussed (travel between cities versus downtown street).

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

- A. Bill Edwards spoke, pointing out previous requests for the same kind of development were denied, and set a precedent for this property.
- B. Chris Mooney spoke about concerns with lighting, property value, and believed the development would not enhance the surrounding areas.

Ben Lewis made a motion to close the public hearing with a Second from Tony Davis. No members were opposed, and the motion carried.

- A. Will Kellstrom asked if it was possible to request a rezone with the same designation in the future if denied. Joey Ingle and City Attorney Brian Rabal explained the owner can propose a new rezone with a different designation, but the request must be substantially different.
- B. Will Kellstrom requested the item be tabled until the next Planning Commission meeting on 12/06/2022 to discuss with the owner other possibilities.

With no other questions from the commissioners, Joey Ingle entertained a motion. Tony Davis motioned to table REZ22-28 KHM2S2 Homes to the 12/06/2022 meeting with a 2nd from Devin Murphy. No Commission members were opposed, and the item was tabled.

I. **{Public Hearing} CU22-08 KHM2S2 Homes- Proposed Self Storage- 5 Ac on Main St between Hwy 72 & Town Vu Rd- Appl: WM Holdings, LLC; Owner: KHM2S2 Homes; Rep: Watkins, Boyer, Gray & Curry PLLC, Will Kellstrom (Planner: DML)**

- A. **Based on the previous item being tabled, the applicant requested this item be tabled until 12/06/2022 after the public hearing has been had.**

The commissioners had no questions and Joey Ingle entertained a motion. Ben Lewis made a motion to open the public hearing with a Second from Brandon Swoboda. No members were opposed, and the public hearing was opened.

- A. Chris Mooney has questions and concerns regarding the layout presented, as well as the current drainage issues. Joey Ingle let them know those details would be worked out in the Large-Scale Development phase.

Jerry Harris made a motion to close the public hearing with a Second from Craig Langford. No members were opposed, and the motion carried.

With no other questions from the commissioners, Joey Ingle entertained a motion. Ben Lewis motioned to table CU22-08 KHM2S2 Homes to the 12/06/2022 meeting with a 2nd from Brandon Swoboda. No members of the commission were opposed, and the item was tabled.

J. **{Public Hearing} Amendments to Title 14 for Flex-Space & Mobile Vendors**

- A. Donna Wonsower let the Commission know she did add a section that prohibits uses not allowed in the underlying zoning as requested previously by the Commission.
- B. Will Kellstrom spoke about the value of having a Flex-Space use written into the code.
- C. Joey Ingle agreed the proposed use is a clear starting point and can be adjusted if needed.

The commissioners had no questions and Joey Ingle entertained a motion. Craig Langford made a motion to open the public hearing with a Second from Ben Lewis. No members were opposed, and the public hearing was opened.

- A. There were no comments from the public.

Craig Langford made a motion to close the public hearing with a Second from Ben Lewis. No members were opposed, and the motion carried.

With no other questions from the commissioners, Joey Ingle entertained a motion. Craig Langford motioned to approve Amendments to Tile 14 for Flex-Space & Mobile Vendors with a 2nd from Ben Lewis. In a Roll Call, all commission members voted in favor. With a unanimous vote, the motion passed.

7. OTHER BUSINESS

A. Title 9 Streets & Sidewalks, Title 16 Drainage & Flood, and Stormwater Management & Drainage Manual- Discussion- Proposed changes by City Engineer *(Alan Craighead)* Review Final Changes- Public Hearing- 12/06/2022

A. City Engineer Alan Craighead let the commission know he did reach out to several engineers in the area for their input on the revisions and did not receive any feedback. He made the changes discussed in the previous meeting and did not have any new information to add. The public hearing for these revisions will be on 12/06/2022.

8. ANNOUNCEMENTS

A.) Next Council Meeting: 12/13/2022 @ 6:00 PM

B.) Next PC Meeting: 12/06/2022 @ 6:00 PM

C.) Next Tech Review Meeting: 12/15/2022 @ 2:00 PM (Zoom)

D.) Work Session- Council/ Planning Dept/ Planning Commission- January 24,2023 @ 6 PM

9. ADJOURN

Devin Murphy made a motion to adjourn the meeting at 9:28 pm, with a 2nd from Craig Langford. No commissioners were opposed, and the meeting was adjourned.



**Jeff Seyfarth – Planning Chair
Centerton Planning Commission**

Minutes Prepared By: Kayla Craft