



CENTERTON PLANNING COMMISSION
DECEMBER 05, 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 – 11/21/2023
4. **RATIFICATION OF ADMINISTRATIVE APPROVALS**
5. **OLD BUSINESS**
6. **NEW BUSINESS**
 - A. **VAC23-05 Moran - Request to vacate rear yard UE/DE from 25 Ft to 7 Ft – 901 Maple St. (Lot 55 Laynebridge Subdivision; Zoned R-1) Owner: Jacob & Casee Moran; Repr: Satterfield Land Surveyors (Planner: ENYSTROM)**
 - B. **SUB23-03-#2 FEATHERSTON VILLAGE WEST - Preliminary Plat & Phasing - Kimmel Rd and Daisy Rd (Zoned R3-SF PUD/ 37.68 Ac/ 297 Buildable Lots) Owner and Developer: Kimmel Road Ventures, LLC; Engr: Bates and Associates, Inc; Geoffrey Bates (Planner: KKnight)**
 - **Preliminary Plans**
 - **Adjacent Street Agreement**
7. **OTHER BUSINESS**
 - A. **CENTERTON LAND USE PLAN – Public Comment regarding property outside city limits on Bethlehem Road designated for Industrial use. Guests: Danny and Cindy Norton**
 - B. **ELECTION OF PLANNING COMMISSION OFFICERS**
8. **ANNOUNCEMENTS**
 - A. **Next Council Meeting: 12/12/2023 @ 6:00 PM**
 - B. **Next PC Meeting: 12/19/2023 @ 6:00 PM**
 - C. **Next Tech Review Meeting: 12/21/2023 @ 2:00 PM (Zoom)**
9. **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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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.



**PLANNING COMMISSION
MINUTES OF MEETING
DECEMBER 5, 2023**

1. CALL TO ORDER

The Meeting of the Centerton Planning Commission was called to order by Planning Chair Joey Ingle at 6:01 P.M.

2. ROLL CALL

Those present and answering Roll Call were Joey Ingle, Tony Davis, John Sessoms (Zoom), Ben Lewis, Craig Langford, Devin Murphy, Brandon Swoboda, and Jerry Harris. Jeff Seyfarth was absent. Others in attendance for the city were: Planner Dianne Morrison Lloyd, Planner Kayla Knight, Planner Erik Nystrom, Director of Planning Lorene Burns, Deputy Chief Paul Higginbotham, Mayor Bill Edwards, City Attorney Brian Rabal, and Planning Assistant/Recorder Samantha Hartman.

3. APPROVAL OF MINUTES

A. Planning Minutes – 11/21/2023

With no questions or comments from the commission, Joey Ingle entertained a motion. Ben Lewis motioned to approve the PLANNING COMMISSION MINUTES FROM NOVEMBER 21, 2023, with a second from Craig Langford. No members were opposed, and the motion carried.

4. NEW BUSINESS

A. VAC23-05 MORAN - Request to vacate rear yard UE/DE from 25 Ft to 7 Ft – 901 Maple St. (Lot 55 Laynebridge Subdivision; Zoned R-1) Owner: Jacob & Casee Moran; Repr: Satterfield Land Surveyors (Planner: ENystrom)

- ◆ Dan Rosa from Satterfield Land Surveyors was present via Zoom.
 - Owners of the property would like to put an in- ground pool in the back yard and would need to shrink easement to fit the pool.
- ◆ Planner, Erik Nystrom presented the staff report.
 - The applicant is requesting to vacate 18' of the platted 25' rear UE/ DE for a proposed inground pool located at 901 Maple Street in the Laynebridge Subdivision.
 - Joey Ingle asked what kind of existing infrastructure is there?
 - There is an existing covered porch.

- Staff noticed a tree in the backyard via Aerial pictures. Have they been removed?
 - Owner, Jacob Moran stated that they were removed.
- Black Hills Energy stated there is a 2-inch gas PE distribution main within original 21.38" requested easement reduction. They stated that there must be 36" of separation between the main and the edge of the easement.
- The pool is shown to be approximately 12.5' from the covered porch.
- The size of the pool is approximately 450 square feet.
- They would like to include a Rock Patio with the construction.
- There currently is koi pond where the pool is going.
- Staff recommends the minimum of 10' remain for the UE/ DE.
- A couple of minor comments for the Vacation Plat but none would dramatically alter the layout.
- Cox Communication responded with no objections. Any damage or relocation of any existing Cox facilities will be at the applicant's expense.
- No responses were received from AT&T and Bright Speed.
 - AT&T is not located in the area.
 - A letter from the company is recommended confirming they do not have lines located around the parcel.
 - Bright Speed is located in front of the houses.
 - A letter from the company is recommended confirming all their lines are platted in the front of the parcel.
- ◆ The owner of the property, Jacob Moran, was present.
 - Original plans were made furthest from the house.
 - We would amend plans to make UE/ DE work.
 - 15' x 30' is the standard size of a pool. A few neighbors have this size pool.
 - The Koi Pond that is currently where the pool will be constructed is fiberglass.
 - All electrical lines run to the North of the house.
 - Jacob Moran spoke to Black Hills, and he is allowed to expose the line and dig a new trench at the owners' expense.
- ◆ Brandon Swoboda confirms with the owner of the property, Jacob Moran, that moving the pool 3 feet to the house will make the 10' side setback that is recommended.
 - Jacob Moran said he is willing to do this if necessary.

With no other comments or questions from the commission, Joey Ingle entertained a motion. Craig Langford motioned to recommend to council VAC23-05 at 10 FEET AND COMMENTS JUST MENTIONED with a second from Devin Murphy. No members were opposed, and the motion carried.

B. SUB23-03-#2 FEATHERSTON VILLAGE WEST - Preliminary Plat & Phasing - Kimmel Rd and Daisy Rd (Zoned R3-SF PUD/ 37.68 Ac/ 297 Buildable Lots) *Owner and Developer: Kimmel Road Ventures, LLC; Engr: Bates and Associates, Inc; Geoffrey Bates (Planner: KKnight)*

- **Preliminary Plans**
- **Adjacent Street Agreement**

- ◆ **Jake Chavis from Bates and Associates was present.**
 - Bringing the Preliminary Plans back to the Planning Commission due to changes with new owners.
 - Owners wanted to make modifications to the plans, in return areas of the plans were able to be improved.
 - New detention Pond on the East resulting in 3 less lots.
 - Phasing in 3 phases (Initially all 1 project).
 - Phasing of Roads
 - Widening of Kimmel Road will happen during Phase 1.
 - Womack original
 - Daisy Road
 - Phase 1- From Kimmel Road to the North Entrance.
 - Phase 2- North Entrance to the South Entrance.
 - Phase 3- South Entrance to the South Property Line.
- ◆ **Planner, Kayla Knight presented the staff report.**
 - Minor comments from Centerton Utilities about backfill on lots but Malcolm Attwood was ok for getting PC Approval.
 - PUD requirements for Open Space was not represented correctly at 23 %.
 - Previously included along the street.
 - Currently, the PUD requirements for Open Space are being met at 18% with the addition of the Detention Pond on the East side.
 - Phasing Proposed:
 - Phase 1- 102 Lots
 - Phase 2- 95 Lots
 - Phase 3- 105 Lots
 - Daisy and Womack will be built in phases, as lined out in the phasing plan and Adjacent Street Agreement.
 - 30' of Right of Way was dedicated on Womack Road with Featherston Village Phase 1- 2 in February, and an additional 40' will be dedicated to this development. The improvements will be a 10' sidewalk on the west side of Womack, streetlights, and street trees.
 - Kimmel Road will be all built out with Phase 1.

- Blossom Hill gave a Fee-In-Lieu of \$87,009.21 for street improvements to Kimmel Road.
- Currently the plans show the sidewalk on Daisy Road is 2 feet from the Right of Way. The city staff is going to have the applicant shift the sidewalk towards the road 6 feet to make room for street trees between the sidewalk and the property line of Featherston West.
- Fencing will go around the East Pond but not the West Pond because it has a bench.
- A 10-foot landscape buffer is proposed along all sides of the development per their PUD.
 - Caroll Electric is showing overhead electric in the same easement so they will need to get the trees approved by Caroll Electric.
 - A back-up option is to shift the trees into the Right of Way.
- Fence will be on the southern property line because of the requirement of the PUD.
- Performance Bond was not previously required.
 - With the Phasing being added, a Performance Bond will be added at the Final of Phase 1 for Phase 2 and Phase 3.

With no other comments or questions from the commission, Joey Ingle entertained a motion. Craig Langford motioned to approve SUB23-03-#2 FEATHERSTON VILLAGE WEST PRELIMINARY PLAT WITH OUTSTANDING COMMENTS, 100% PERFORMANCE BOND FOR DAISY ROAD IMPROVEMENTS, AND UPDATED ADJACENT STREET AGREEMENT with a second from Tony Davis. No members were opposed, and the motion carried.

5. OTHER

A. CENTERTON LAND USE PLAN – Public Comment regarding property outside city limits/ inside Centerton Planning area on Bethlehem Road designated for Industrial use. *Guests: Danny and Cindy Norton*

- ◆ Danny and Cindy Norton owners of 14570 Bethlehem Road, Gravette AR.
 - Wanted to voice their concern for Centerton's future Land Use Plan showing their area as Industrial.
 - They found out during a County Planning Board Meeting on November 17th about the Johnston site proposed 200-Megawatt Lithium Battery facility.
 - They live 30 feet from the proposed site.
 - The County put the Johnston Site plans on hold until they found out the following information:
 - The County wanted to speak to the fire department about their concerns.
 - Their schematics were wrong.
 - The County wanted to clarify with Centerton what we wanted to

- do with the future area.
- ◆ Joey Ingle spoke about the Future Planning Map
 - We worked on this map for several years before the map was coordinated.
 - The City of Centerton had many public hearings.
 - Many public outreaches have been held.
 - It is a guide for the Planning Commission when residents come to Rezone their properties.
 - It was adopted by the council.
- ◆ Tim Whitaker, owner of 14860 Bethlehem Road in Gravette, AR.
 - He has been currently residing at the address for a couple of years.
 - Around the future Industrial area.
 - Stables
 - Children's Shelter to the South
 - Polo Fields to the Northwest.
 - Across from the Polo Fields are multi- million-dollar homes and dirt roads.
 - Down 102 there is a massive neighborhood that will be in the line of fire if the Battery facility is approved.
 - Tim Whitaker spoke with the EPA lawyers at Walmart and some people about the proposed site and the Land Use Plan and it does not make sense for location.
 - They agree it is interesting technology but when sites like this catch on fire, you cannot put them out. It takes special gear and people to manage fires located on sites like this.
 - The proposed site comes from a nine-person group out of Colorado and sub-contracts with a company out of North Carolina that buys the batteries.
 - They are partners with a company called Covenant located in New York who just had one catch on fire.
 - They issued a statement saying, we pay battery companies to put these in and it is not our responsibility.
 - They are investor groups, not an energy company.
 - Tim Whitaker has a website, nobess.org, which has all the red flags.
 - Who SMT is.
 - The dangers of the system based on the experts.
 - The proposed site will hold:
 - 144 shipping containers size (150 batteries per container)
- ◆ The City of Centerton does Courtesy Review of projects located within the Planning Area.
- ◆ The City of Centerton's Fire Department is responsible for the area.
- ◆ Lorene Burns said one reason this area was designated Industrial was due ARDOT's plans for a future connection from I-49 to the airport.
 - The Highway Department gave the City of Centerton three different scenarios of how it can be built in the future.

- The concern for the Battery-Operated facility is a concern for the City of Centerton because it can easily be within our city limits one day.
- ◆ Herbert Karales owner of 14475 Bethlehem Road in Gravette, AR.
 - Resides there for the last 5 years.
 - Asked when the original Land Use Plan was made.
 - The City Staff answered in 2020.
 - He thought if you looked at the Building Permits since the Land Use was issued, you can see that it is not an Industrial area.
 - He mentioned residents around the Future Industrial area are worried about the future of property.
- ◆ Joey Ingle says if this Industrial area gets modified, there potentially is no Industrial Zoning in Centerton.
- ◆ Bonnie Nelson, Owner of 14498 Bethlehem Road in Gravette, AR.
 - Lives on 5 acres for the last 20 years.
 - Those that live in the County live there because we do not want the control of others telling us what we can and cannot do.
- ◆ Deputy Fire Chief /Fire Marshal Paul Higginbotham
 - Heavily involved with regional meetings.
 - Bentonville
 - Siloam Springs
 - Benton County
 - Met with Siloam Springs and Benton County Fire Marshal on Thursday.
- ◆ Director of Planning, Lorene Burns, would like to follow up with the county and explain what the requirements for the City of Centerton's I-2 (Heavy Industrial) would be.
- ◆ Danny Norton of 14570 Bethlehem Road asked if the city takes the area, will they make it Industrial.
 - Joey Ingle clarifies that the city will not take property in the planned area, you have to ask to be annexed in and it comes in as your current use.
 - The property must be connected with the city limits to be annexed.
 - The changes of the city Land- Use map is on our radar, but we have not gone in and changed the area.
- ◆ Joey Ingle asked Dianne Morrison Lloyd what the County was waiting on from the City of Centerton?
 - They wanted to see what the City of Centerton's Future Land Use plan looked like. Dianne has provided this to them.
 - The County wanted more information about the site plans and project from the applicant of the Johnston Battery Facility.
 - City Engineer, Alan Craighead mentioned that significant information was missing from their plans and the County needed more before any action could be made.
- ◆ The City of Centerton Planning staff has not updated the information to the County for the upcoming meeting on December 20th.
- ◆ The City Engineer, Alan Craighead, has sent an e-mail asking for status and updated information.

- ◆ Director of Planning, Lorene Burns, wants to send the County Centerton's Schedule of Uses and Zoning information.
- ◆ The City of Centerton would at minimum request a Conditional Use.
- ◆ Kevin Pilgrim Owner of 4532 Bethlehem Road spoke that only four residents within 500 feet of the proposed property got notice of the plans.
 - If it were not for those neighbors spreading the word, others would not know.
- ◆ Director of Planning, Lorene Burns and Planner, Dianne Morrison Lloyd, and City of Centerton Engineer will attend the County Planning Meeting on December 20, 2023.

B. ELECTION OF PLANNING COMMISSION OFFICERS

- ◆ Craig Langford asked if he could move to keep the same Chair, Vice- Chair, and Secretary.
- ◆ Director of Planning Lorene Burns asked if anyone else would like to be an officer.
- ◆ Vice Chair, Joey Ingle had previously asked the current Chair, Jeff Seyfarth if he was ok with it and he was ok with remaining the Chair of the Planning Commission.
- ◆ Current Officers
 - Chair- Jeff Seyfarth
 - Vice- Chair- Joey Ingle
 - Secretary- Devin Murphy
- ◆ What does the Secretary do?
 - They have to make sure the Minutes are done by the Planning Staff, and they are correct.
 - Bi- Laws are being followed.

With no other questions from the commissions, Joey Ingle entertained a motion. Craig Langford nominated the existing Board as is with a second from Tony Davis. No members were opposed, and the motion carried.

6. ANNOUNCEMENTS

A. Next Council Meeting: 12/12/2023 @ 6:00 PM

B. Next PC Meeting: 12/19/2023 @ 6:00 PM

C. Next Tech Review Meeting: 12/21/2023 @ 2:00 PM (Zoom)

D. Ribbon Cutting for Walgreens: Tomorrow at 10 AM

E. Salvation Army Bell Ringer Mayors Challenge at Walmart Neighborhood Market: Friday from 4 PM- 7 PM

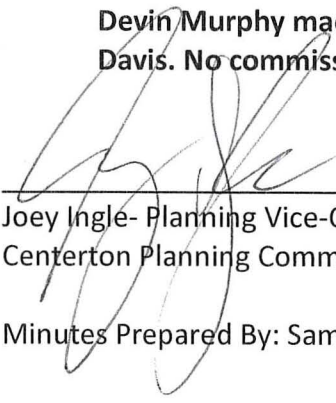
F. Christmas Parade: Saturday at 3 PM

G. Santa around Centerton: Next Saturday morning

- ◆ TJ Wells, resident of 640 Hawthorne Way thanks the Commission for their hard work with the Plans and is excited to be a resident here.

7. ADJOURN-

Devin Murphy made a motion to adjourn the meeting at 7:31 PM, with a 2nd from Tony Davis. No commissioners were opposed, and the meeting was adjourned.



Joey Ingle- Planning Vice-Chair
Centeron Planning Commission

Minutes Prepared By: Samantha Hartman