

# Minutes for September 2017

## Planning Commission Meeting 09/11/2017

**1. Call Meeting to Order 6:00pm**

The September 11, 2017 Planning Commission meeting for the City of Little Flock was called to order by Chairman, Tracy Englebrecht.

**2. Roll Call**

Roll call was taken by Secretary, Jessica Ferguson.

**Present were:**

**Chairman Tracy Englebrecht**

**Vice Chairman Terry Talbot**

**Commissioner Troy Davis**

**Commissioner Diane Stafford**

**Commissioner Keith Ramsey**

**Commissioner Luke Moffit**

**Commissioner Ray Webb**

(Additional attendees are listed on the sign-in sheet)

**3. Action on Minutes**

A need for correction was noted by Commissioner Ray Webb to change the spelling of Wright's to Wight's.

**-Commissioner Luke Moffit** made a motion to pass the August Planning Commission Minutes with the spelling corrections made to the Wight's last name.

**-Vice Chairman Terry Talbot** seconded the motion.

**-Chairman Tracy Englebrecht** passed the motion.

**4. Unfinished Business**

• **Gary Olsowski- GEO's Firearms; 2211 Andrew Court; Conditional Use Renewal**

**-Gary Olsowski** reported no changes have been made. Out-of-state sales and two local sales were also reported with no complaints.

**-Chairman Tracy Englebrecht** opened the floor for comments. No comments from the community.

**-Chairman Tracy Englebrecht** also asked if the city had received any complaints.

**-Secretary Jessica Ferguson** replied "no, I have checked with Chief Jesse Martinez and Recorder/Treasurer Linda Usrey and both have not received any complaints."

**-Chairman Tracy Englebrecht** said the original Conditional Use Permit was issued for six months and it could be expanded for longer.

**-Commissioner Troy Davis** asked if there had been any increase in traffic violations since the original Conational Use Permit was issued?

**-Secretary Jessica Ferguson** reported that Chief Martinez did not mention any traffic violations when he was if the City had any complaints about GEO's Firearms.

**-Commissioner Luke Moffit** made note of the two local sales in the past six months. He asked what was the increased traffic?

**-Gary Olsowski** responded with "zero increased traffic because all sales have been on the internet except for two local sales that came from the neighborhood."

**-Commissioner Troy Davis** made a motion to renew the Conditional Use Application for a period of one year.

**-Commissioner Luke Moffit** seconded it.

**Motion passed unanimously.**

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### 5. New Business

- **Tom Kennedy- Kennedy Coffee; 3734 N. 13<sup>th</sup> Street; Conditional Use Application**

-**Chairman Tracy Englebrecht** invited Tom Kennedy to speak about his Conditional Use Application.

-**Tom Kennedy** said "there is an existing building (1200 square feet). We're going to move our roastery which is currently located over 2 miles away. It's a coffee roaster, basically the size of a fire place. We have a fire chimney and a small smoke stack but it will virtually be unnoticeable. We will also have an RV cover adjacent to the building. Diesel trucks might come at least once a week. Well more like two times a month. The diesel trucks will come in for about fifteen minutes to drop off coffee beans. The cover will be protection if it rains. If we expand the it, it will be made similar to the neighbor's buildings i.e. metal buildings. There will not be a lot of changes done to the property except for landscaping. On the other side of the property we will most likely build a house there because it is a beautiful piece of property."

-**Commissioner Troy Davis** asked "what time of day will the trucks be coming in and out?"

-**Tom Kennedy** replied, "Normal business hours, the trucks show up around 2 o'clock." He then corrected by saying 12-2.

- **Commissioner Troy Davis** asked, "if the trucks will be delivering in the early mornings or late evenings?"

-**Tom Kennedy** said "no, The trucks come in to do their deliveries and are in and out about twice a week. Sometimes three times with a sprinter van. No additional traffic."

- **Commissioner Troy Davis** asked Tom Kennedy if he will add to the structures at this time, i.e. additional square footage?

-**Tom Kennedy** responded with "We are just beautifying."

-**Chairman Tracy Englebrecht** stated the roaster is the only equipment?

-**Tom Kennedy** said "yes, the roaster and a bagger, no noise equipment. The roaster which is as big as the desk in City Hall (where the judge sits). It is about a 25lb roaster. Bagger is about two feet tall. We will be doing more online sales."

- **Commissioner Luke Moffit** asked Tom Kennedy about the statement he made about minimal odor associated with the roasting.

-**Tom Kennedy** said "no, odor but if you do smell it, it will be similar to a fire place.

When we drop the beans, it will be the only time you'll see smoke come out. The smoke begins like a fire place. No odor, No chemicals, No chickens."

- **Commissioner Ray Webb** asked, "How many employees?"

-**Tom Kennedy** said, "I will have a roaster and a bagger so two employees maybe 3 sometimes. They will park under the awning. We're using the slab as a diesel turn around so the diesel will go up the drive way and will turn into the slab then back right on up to the building."

- **Commissioner Luke Moffit** made mention of the building on the map that Tom Kennedy submitted with his application.

-**Tom Kennedy** showed the Planning Commission, on the map, where things will be placed on the property. He also made mention of using the green house as an actual

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green house. He stated "if we need to expand we will break down the wall. If we need more room.... If you want to get more technical we are going to clean out under the trees and add more grass. I like to do yard work so even before this I've been doing work on the yard."

- **Commissioner Luke Moffit** ask Tom Kennedy if he had been out on the property cleaning it up?

-**Tom Kennedy** said yes.

- **Commissioner Troy Davis** asked "Tom Kennedy if all operations for now will be the one building?"

-**Tom Kennedy** replied "yeah right there (pointing to the map), we will spray the inside of the building to solidify that for dry storage and tools. We will make it look really nice with no signage, we don't want it to look commercialized. All our business presence will be online. No one will know what kind of business it is."

- **Commissioner Troy Davis** asked Tom Kennedy about his description he mentioned about the indoor/outdoor areas that will be utilized as the existing concrete building. Troy said, "if Tom Kennedy wants to expand over to the slab he will need to modify this or come in later when he decides to start using this facility for his roasting business; that is what we are looking at now. If you want to add to it now..."

-**Tom Kennedy** said, "yes, add it now. It won't be any different to what the neighbors have." i.e. big buildings.

- **Commissioner Troy Davis** then stated, "Even though other people may have large buildings, that is for personal use and this is for commercial use. Using the roaster, the existing buildings, and using the building in the back is more of a concern."

-**Tom Kennedy** replied, "no, we won't use that. It will be more gardening. We would build a more barn like building to be utilized for that."

- **Commissioner Troy Davis** informed Tom Kennedy, "at the time you are ready to build you will need to come in for a large-scale development or building permit to modify it with the new square footage. So right now, it is just the lock building with some storage? And you'll clear out over by the cement slab?"

-**Tom Kennedy** pointed to the map and said, "this will be all landscaping eventually."

-**Chairman Tracy Englebrecht** then opened the floor for comments.

-**Pattie Hoofard** spoke of her concerns with the diesel truck traffic. She addressed her questions to Tom Kennedy.

-**Tom Kennedy** responded stating, "the diesel trucks will deliver one time a month because I can order enough to get from three different suppliers. If they come all at the same time that's what would happen. I doubt that you would even catch them like you did delivering chickens in the past."

-**Patti Hoofard** interrupted Tom Kennedy and stated, "with chickens they haul them off in the wee hours of the night."

-**Chairman Tracy Englebrecht** asked Tom Kennedy and Pattie Hoofard to address the Planning Commission when asking or making statements.

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-**Pattie Hoofard** brought up the UPS trucks and mentioned Tom Kennedy's online business. She asked, "if he is going to do online business then is he shipping with FedEx or UPS?" She also asked if there will be a lot of trucks in and out?

-**Chairman Tracy Englebrecht** interrupted and said for them to try to not have this dialogue between each other.

-**Pattie Hoofard** continued to state her concerns about the traffic stating "Because right now we've got UPS trucks up and down Roller Lane like crazy. I mean it is like every single day and once in a while it is fine but every single day.... that is why we're moving further out than we are. There is lots of traffic and we're trying to get further out in the country. You guys know that's why we bought so we can get away from it. You've got Stratton and all the traffic that's moved in. My main concern is the extra traffic." She asked if Tom Kennedy will be using chemicals? She also wanted to know if they are coming from the bean or the fruit? Are there chemicals when he does the roasting? Can the chemicals be harmful? How will he dispose of the waste?

-**Chairman Tracy Englebrecht** asked if anyone else wanted to speak?

-**Gene Webb** stood up to speak. "I live at 3295 N. 13<sup>th</sup> Street. I live here locally but also, I have a business in Rogers which is two doors down from Tom Kennedy's current roastery. From my home, I can smell his roaster and that is a quarter mile away. At certain times of the day the smell is strong. Even at my house and office I can smell it. It's a burnt smell not a clean easy smell. Not like chicken smell but it is strong and long lasting. I do have a Vapor shop next to me and that is even worse. I'm concerned about traffic flow on 13<sup>th</sup> street. The smell is prevalent and if his online presence grows so will the roasting, the traffic, and the employees."

-**Chairman Tracy Englebrecht** asked if anyone else would like to speak.

-**Dale Hoofard** stood up stating "I've spent all summer next door cleaning the property and we will be building a house extremely close to the property. They are nice people but I don't want to step out on my backyard and smell something like that all the time. I've smelled Glad factory for many years. You can smell it by my house on 13<sup>th</sup>. I don't want to smell roasting coffee 24/7. I need assurance we won't have the odor. It is within 50 yards so that is my concern. I need answers."

-**Chairman Tracy Englebrecht** asks Tom Kennedy to speak to the concerns mentioned.

-**Tom Kennedy** stated "I completely agree with everything that has been said. I would have the same concerns if I didn't know. On the chemical issue, everything is organic so no chemicals are used. We have chemicals to wash the floors. The cherries we get from the trees, we receive them in a bag, and then we roast it. The roaster was at the coffee house location for 13 years. It is right by an apartment complex and we have not had one complaint.

-**Tom Kennedy** addressed Gene Webb and then asked him where his office is located? Tom Kennedy mentioned that it couldn't be his roasting that he is smelling.

-**Gene Webb** then replied with "for sure it is."

-**Tom Kennedy** said "we roast on Monday and Tuesday for about 4-6 hrs.

-**Gene Webb** stated he smelled it today.

-**Tom Kennedy** said he was at the roastery today and there was no smell.

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- Gene Webb** responded, "We did, that is ok, no problem."
- Tom Kennedy** mentioned he wants to build a house on the property so he has the same concerns against the commercialized issue. He stated, "I've thought about it too."
- **Commissioner Luke Moffit** asked Tom Kennedy if he wanted to address the UPS issue?
- Tom Kennedy** said, "there would be no UPS." He continued to say, "Worst case scenario, it is once a month for now. For shipping to the coffee houses, we will use our sprinter vans. All deliveries and shipments would go once a week. We make all orders and deliveries...no additional traffic. Occasionally a van, like a car, no loud sound. We currently have same traffic issue with our home. If I was doing a chicken farm...."
- Patti Hoofard** interrupted saying "We're Agricultural so it is expected out here."
- Tom Kennedy** said "If I had chicken Houses we would have smell, trucks, etc. The smell is burnt toast but not for long. Anyone can come smell."
- Dale Hoofard** asked if there would roasting in the evening?
- Tom Kennedy** replied stating, "I am done by two."
- **Commissioner Troy Davis** asked if Tom Kennedy is roasting on site now?
- Tom Kennedy** said, "no, only at the building on Highway 102 in Rogers."
- Chairman Tracy Englebrecht** asked about the after burn.
- Tom Kennedy** replied "It comes out of the roast before the smoke comes. It burns the smoke and is required in some areas but it's not a bad smell it is burnt toast and it isn't chemical."
- Patti Hoofard** asked about people who might have issues with asthma.
- Tom Kennedy** said, "it is natural."
- Pattie Hoofard** replied "When Spring and Fall come my daughter gets sick and it is natural."
- Tom Kennedy** said, "it isn't pollen."
- Pattie Hoofard** asked if Tom Kennedy had a way to vent it out?
- Tom Kennedy** said, "the after burn blows it out."
- Pattie Hoofard** said she can't say she has smelled it and she lives closer than the other folks.
- Tom Kennedy** restated, "that he has been by the apartments for 13 years with no complaints." He then mentioned he doesn't see an issue.
- Chairman Tracy Englebrecht** asked the audience if they had any more questions for Tom Kennedy?
- Gene Webb** said "I respectfully disagree with him because I'm two doors down from where the roaster is now. Numerous times I've smelled it, it's very strong but I live on 13<sup>th</sup> street and if the wind blows southeast I'll smell it. I would have to respectfully disagree."
- Tom Kennedy** asked Gene Webb if he worked in the storage unit?
- Gene Webb** replied, "Yes I do, again it was strong today when I was outside."
- Wendy Kennedy** asked if Gene Webb was smelling the Vapor shop?
- Gene Webb** "No."
- Tom Kennedy** added that it isn't a sweet smell like the Vapor shop is.

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- Gene Webb** replied, "I know the difference, I just don't want this area to be commercialized."
  - Chairman Tracy Englebrecht** closed the public hearing.
  - Chairman Tracy Englebrecht** made note that we have a noise ordinance but we don't have an odor ordinance. He stated, "We would need to get it addressed correctly."
  - **Commissioner Luke Moffit** stated "We smell fireplaces all winter long. There is a place for chicken houses on the property and I don't want to smell chicken houses. The smell is a concern. I don't feel like it is enough to stop the Planning Commission from approving a Conditional Use Permit."
  - **Commissioner Troy Davis** stated, "It is hard to regulate smell."
  - Tom Kennedy** mentioned "this isn't a small investment. It is a competition between chicken smell and roasting smell."
  - **Commissioner Troy Davis** replied with "Chicken houses are Agricultural and the property is zoned Agricultural. It is a use by right. Tom Kennedy's application is not a use by right. We can put Conditional uses on his application because it is a Conditional Use application."
  - Tom Kennedy** stated "I could put up chicken houses to coverup the smell of the roaster. Would that solve the problem?"
  - **Commissioner Troy Davis** said that "it would be within Tom Kennedy's right to put up chicken houses because the property is zoned Agricultural."
  - Patti Hoofard** stated that anyone on that road could put up chicken houses.
  - Dale Hoofard** said "I had a business for years and it was invisible to the surrounding neighbors and that the area isn't zoned commercial."
  - **Commissioner Ray Webb** pointed out that the conditional use means that if there are any problems the permit could be pulled.
  - **Commissioner Troy Davis** mentioned some of the equipment not written in the Conditional Use application i.e. an espresso machine, the hours of operation would be 8a-5p, 1-3 employees onsite, no signage, and it would be used 1-2 times a week.
  - Tom Kennedy** stated, "I want the property to be as residential as possible."
  - Chairman Tracy Englebrecht** asked "is it was 6 hours of roasting as day."
- The Planning Commission asked about the growth of the business.
- Tom Kennedy** said "there would be growth but not noticeable traffic or noticeable smell. My orders may increase but they will only have longer delivery times i.e. instead of the delivery truck being there for 10 minutes the truck will be there for 15 minutes." He also mentioned he may increase to 2 possible roasters at a later time.
  - **Commissioner Ray Webb** repeated his concern that Tom Kennedy could lose his permit if there are problems.
  - **Commissioner Luke Moffit** motioned to approve Tom Kennedy's Conditional Use Permit at 3734 North 13<sup>th</sup> Street for the use of coffee roasting as applied for one roaster, one bagger, one grinder, the hours of 8a-5p, Monday thru Friday, good for one year with the need to review after one year.
  - Vice Chairman Terry Talbot** seconded the motion.

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### Roll Call-

Vice Chairman Terry Talbot- Yes

Commissioner Ray Webb- No

Commissioner Diane Stafford- Yes

Commissioner Keith Ramsey- No

Commissioner Troy Davis- No

Commissioner Luke Moffitt- Yes

Vice Chairman Tracy Englebrecht- No

**Motion did not pass. Three for and Four against.**

- **Noren Trust Estate; 1210 Little Flock Drive; Incidental Subdivision**

John and Julie (Noren) Butler were present to discuss their plans for an Incidental Subdivision. The property is 13.77 acres off Little Flock Dr. They are wanting to adjust the acres to make a total of 4 parcel. Commissioner Troy Davis mentioned that three of the four tracks meet the requirements for the A1- 3acre lot size for zoning. They would need to be rezoned to R1 which allows 1acre or more sized lots. Track 4 in the south section of the property has no public street frontage for access to the public roadway. Julie Butler informed the Planning Commission her brother Michael Noren owns the land next to the south portion of the connecting property and his driveway would be used for public street access. Commissioner Troy Davis informed her that Michael Noren's Property would then need to be added to the survey and done as one track. The Butler's were under the impression that the property was already zoned R1 but the Planning Commission informed them the hard zone for the property was currently A1. Chairman Tracy Englebrecht mentioned an email he received from the Butler's containing their original plans to rearrange the size of the two parcels on the north side. It would then have been a lot line adjustment. The Butler's asked if they could wait and have their surveyor look at the plans again. They want to submit a lot line adjustment to the Planning Commission at a later date.

**-Commissioner Troy Davis** motioned to have the Noren Trust Estate application tabled till next month.

**-Commissioner Luke Moffitt** seconded it.

**-Chairman Tracy Englebrecht** tabled the application till the next month (October2017).

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### **6. BOARD OF ADJUSTMENTS**

- **Ryan Peterson- 3121 North Woods Lane; Variance**

Ryan Peterson requested a variance on the rear side of his 2.5acre property setback from 25' to 15'. The request will allow him to place a 35'x 60' garage with 13' sidewalls on the property. The variance will allow the garage to help direct the water flow, from his south neighbor's yard, around both sides of the building. According to Ryan Peterson the topography of the land has an elevation around the cabana and pool. The design was made to make sure the water flow was not disrupted. Also, the driveway will not inhibit the low water crossing waterflow. It was stated by Ryan Peterson that it is not a low water swale. Mr. Peterson already has an iron fence surrounding his property at ten feet. Commissioner Troy Davis and Commissioner Luke Moffitt expressed concerns for hardships that the Variance could create i.e. drainage. The Planning Commission discussed different placement options on the property for the garage. Ryan Peterson said, "any other placement would disrupt where the already existing drive way is, the view from my property (why we bought the land), where the batting cage is, and it would also cover up the septic tank." He asked why the City set his variance at 25' instead of 15'. Commissioner Troy Davis responded, "It's a general setback for R1 zoning and Little Flock is unique. When you get down to an acre, you have more than an acre, with smaller subdivisions you need at least 25' setback because you put houses back to back. Are there any easements on this property?" Ryan Peterson replied, "There are no utility easements that have been indicated to me. Just the golf course behind my property." Commissioner Troy Davis asked, "Have there been any public notices sent out?" Secretary Jessica Ferguson said "no, I was not aware they were required. If they are needed please let me know. The checklist that comes with the Variance application doesn't have public notices/certified mail receipts listed as a requirement."

**Chairman Tracy Englebrecht** called it to a vote.

**Roll Call-**

**Vice Chairman Terry Talbot- Yes**

**Commissioner Ray Webb- No**

**Commissioner Diane Stafford- Yes**

**Commissioner Keith Ramsey- No**

**Commissioner Troy Davis- Yes**

**Commissioner Luke Moffit-No**

**Chairman Tracy Englebrecht-Yes**

**Motion passed. Four for and Three against.**



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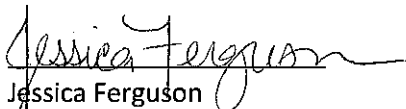
-**Commissioner Luke Moffitt** motioned to adjourn.

-**Commissioner Diane Stafford** seconded the motion.

-**Chairman Tracy Englebrecht** adjourned.

7. **Adjourn** at 7:05p.m.

Respectfully Submitted By:

  
Jessica Ferguson  
Planning Commission Secretary

Approved By:

  
Tracy Englebrecht  
Planning Commission Chairman