



CENTERTON PLANNING COMMISSION

May 16, 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 – 05/02/2023
4. **RATIFICATION OF ADMINISTRATIVE APPROVALS**
 - A. **HOP23-13 SATTLER & GRANT – Quality Used Furniture-** 1211 Tullip Ln (Zoned R3-SF/ Briar Rose Subdivision) *Applicant: Derrick Midkiff (SHartman)*
 - B. **HOP23-14 BONNIE & A BROOM LLC- Office/Administrative Use Only-** 530 Spur Ln (Zoned R-2/ Char-Lou Estates Ph 2) *Applicant: Logan Robison (Planner: KKnight)*
 - C. **HOP23-15 SUNSHINE & FLOUR LLC- At-Home Bakery-** 1551 Edinburgh Dr (Zoned R3-SF/ Morningside Subdivision) *Applicant: Megan Ingram (Planner: DMorrisonLloyd)*
 - D. **HOP23-17 ADMIN ALLEGIANT- Online Assisting Services-** 550 Warrick Way (Zoned R-2/ Tamarron) *Applicant: CaSandra Toothaker (Planner: SHartman)*
 - E. **MSI23-02 ACE UR GAME- Additional Parking-** 8703 N Rainbow Farm Rd (Zoned R-1/ 26 proposed parking spaces) *Applicant: Ace Batting, Ramesh Jandhyala; Owner: Gonzalo Acevedo (Planner: ENystrom)*
 - F. **TS23-06 HARTMAN –** 14720 Shipe Rd (County/ Parent Tract: 13.77 Ac/ Tract 1: 11.61 Ac/ Tract 2: 2.16 Ac) *Applicant: Rodney Woods, Engineering Services, Inc.; Owner: Thomas Hartman (Planner: ENystrom)*
5. **OLD BUSINESS**
 - A. **{TABLED ON 04/18} {DISCUSSION ONLY} REZ23-02 VICTORIA PEAK, LLC (MAIN ST MIXED USE)-** Rezone From A-1 to C-3 & RTH-MF12- 974 Main St (9.83 Ac/ 3.53 Ac Proposed C-3/6.29 Ac Proposed RTH-MF12) *Applicant/ Owner: Victoria Peak, LLC, Evan Bergam; Engr/ Repr: CEI, Chad Caletka (Planner:KKnight)*
 - B. **{TABLED ON 04/18} {DISCUSSION ONLY} PUD23-01 MAIN ST MIXED USE- Proposed Mixed Use-** 974 Main St (9.83 Ac/6.29 Ac Proposed RTH-MF12) *Applicant/ Owner: Victoria Peak, LLC, Evan Bergam; Engr/ Repr: CEI, Chad Caletka (Planner: KKnight)*
6. **NEW BUSINESS**
 - A. **{PUBLIC HEARING} REZ23-04 ZUMSTEIN- Rezone from A-1 to C-3-** 1092 Main St (1.07 Ac) *Owner: Joseph & Cindia Zumstein (Planner: DMorrisonLloyd)*
 - B. **{PUBLIC HEARING} REZ23-05 HARBOR MANOR- Rezone from A-1 to R3-SF-** 11897 Holloway Rd (19.94 AC) *Owner: A & J Real Estate Holdings, LLC, Aaron Thornbrugh; Engr: Crafton Tull, Taylor Lindley (Planner: ENystrom)*
 - C. **SUB21-12 DIAMOND ESTATES PH 5- Final Plat-** NW/C of Cullinan St & Wolverine Dr (Zoned R-2/ 16.94 Ac/ 65 lots) *Owner: Can-Ark Diamond Realty Estates, LLC, Nick Jewett; Engr: Crafton Tull, Taylor Lindley (Planner: KKnight)*
 - D. **DEV22-10 BUSH ROAD HOMES-Preliminary Plans-** NW/C of Bush Rd & Nottingham Ln (Zoned R3-SF /

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.

1.84 Ac / 14 SF Homes) Owner: Twelvestone Construction, Eric Roberts; Engr: Swope Engineering, Phil Swope (Planner: ENystrom)

7. OTHER BUSINESS

- A. **PUD CODE AMENDMENT- Open Space Discussion- Code Section 14.04.12**
- B. **Diamond Estates Playground - Update**

8. ANNOUNCEMENTS

- A. **Next Council Meeting: 06/13/2023 @ 6:00 PM**
- B. **Next PC Meeting: 06/06/23 @ 6:00 PM**
- C. **Next Tech Review Meeting: 05/25/23 @ 2:00 PM (Zoom)**

9. ADJOURN

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**PLANNING COMMISSION
MINUTES OF MEETING
May 16, 2023**

1. CALL TO ORDER

The Meeting of the Centerton Planning Commission was called to order by Planning Chairman Jeff Seyfarth at 6:01 p.m.

2. ROLL CALL

Those Present and answering Roll Call were Jeff Seyfarth, Joey Ingle, Jerry Harris, Tony Davis, John Sessoms, Ben Lewis, and Brandon Swoboda. Devin Murphy and Craig Langford were absent. Others in attendance for the city were: City Senior Planner Dianne Morrison Lloyd, City Planner 1 Erik Nystrom, City Planning Director Lorene Burns, Planning Assistant Samantha Hartman, City Engineer Alan Craighead, City Fire Marshal Paul Higginbotham, City Mayor Bill Edwards, City Attorney Brian Rabal, City Recorder Todd Wright, and City Planner 1 / Recorder Kayla Knight.

3. APPROVAL OF MINUTES

Jeff Seyfarth asked for a motion to approve minutes from the 05/02/2023 Planning Commission Meeting.

John Sessoms made a motion to approve the minutes from 05/02/2023 Planning Commission Meeting, with a Second from Joey Ingle. No members were opposed, and the motion was carried.

4. RATIFICATION OF ADMINISTRATIVE APPROVALS

- A. HOP23-13 SATTLER & GRANT – Quality Used Furniture-** 1211 Tullip Ln (Zoned R3-SF/ Briar Rose Subdivision) *Applicant: Derrick Midkiff (Planner: SHartman)*
- B. HOP23-14 BONNIE & A BROOM LLC- Office/Administrative Use Only-** 530 Spur Ln (Zoned R-2/ Char- Lou Estates Ph 2) *Applicant: Logan Robison (Planner: KKnight)*
- C. HOP23-15 SUNSHINE & FLOUR LLC- At-Home Bakery-** 1551 Edinburgh Dr (Zoned R3-SF/ Morningside Subdivision) *Applicant: Megan Ingram (Planner: DMorrisonLloyd)*
- D. HOP23-17 ADMIN ALLEGIANT- Online Assisting Services-** 550 Warrick Way (Zoned R-2/ Tamarron) *Applicant: CaSandra Toothaker (Planner: SHartman)*
- E. MSI23-02 ACE UR GAME- Additional Parking-** 8703 N Rainbow Farm Rd (Zoned R-1/ 26 proposed parking spaces) *Applicant: Ace Batting, Ramesh Jandhyala; Owner: Gonzalo Acevedo (Planner: ENystrom)*
 - a. City Planners Erik Nystrom & Kayla Knight gave a brief overview of this request. The owner of Ace Batting, Ramesh Jandhyala has come to an agreement with property owner Gonzalo Acevedo to have additional temporary parking on his property (8703 N Rainbow Farm Rd). The lease agreement is for 3 years. Staff has approved the request.
 - b. Chairman Jeff Seyfarth stated that a precedent has been set to require paved parking lot after a year of use, along with a reevaluation of the drainage with a hard surface.

The applicant was not present to speak on their request, so approval is contingent on the applicant meeting the set conditions.

- F. **TS23-06 HARTMAN** – 14720 Shipe Rd (County/ Parent Tract: 13.77 Ac/ Tract 1: 11.61 Ac/ Tract 2: 2.16 Ac) *Applicant: Rodney Woods, Engineering Services, Inc.; Owner: Thomas Hartman (Planner: ENystrom)*

Ben Lewis made a motion to approve the ratifications of administrative approvals with a Second from Jerry Harris. No members were opposed, and the motion was carried.

5. OLD BUSINESS

- A. **{TABLED ON 04/18} {DISCUSSION ONLY} REZ23-02 VICTORIA PEAK, LLC (MAIN ST MIXED USE)-Rezone From A-1 to C-3 & RTH-MF12-** 974 Main St (9.83 Ac/ 3.53 Ac Proposed C-3/6.29 Ac Proposed RTH-MF12) *Applicant/ Owner: Victoria Peak, LLC, Evan Bergam; Engr/ Repr: CEI, Chad Caletka (Planner: KKnight)*

Jeff Seyfarth entertained a motion to bring REZ23-02 Victoria Peak, LLC back to the table. John Sessoms motioned to bring REZ23-02 Victoria Peak, LLC back to the table with a 2nd from Ben Lewis. No members were opposed, and the motion carried.

- Chad Caletka with CEI was present and explained they would like to discuss amending their rezone request to include commercial along the entire frontage of Main St, with RTH-MF12 behind it. They request that the public hearing be set for 06/06/2023.
 - Jeff Seyfarth stated that the Planning Commission is more in favor of the presented rezone exhibit. John Sessoms asked about the feasibility of having commercial along the front of the property when there is currently a house being advertised as a duplex for rent onsite. City Planner Kayla Knight informed the Planning Commission that staff has been in contact with the owner regarding the existing building, in which the owner stated that the building has two addresses. Per the Planning Director, Lorene Burns, duplexes are not allowed in the A-1 zoning and the property owner will need to request a variance. In the future, when this property is ready to develop as commercial, the owner has stated they would like to tear down the existing structure to have a mixed-use development with commercial on bottom and residential on top. The owner will also need to get with the building and fire department for additional required permit to allow that building to be used as a duplex.
 - Kayla Knight informed the Planning Commission that she and the city engineer, Alan Craighead, did research regarding the maximum density feasible on this parcel with the constraints of the electrical easement, and came out to 7 units per acre, in a perfect world, and without variances. Although the RTH-MF12 zoning allows up to 12 units per acre, only up to 7 units per acre could mathematically fit.
- B. **{TABLED ON 04/18} {DISCUSSION ONLY} PUD23-01 MAIN ST MIXED USE-Proposed Mixed Use-** 974 Main St (9.83 Ac/6.29 Ac Proposed RTH-MF12) *Applicant/ Owner: Victoria Peak, LLC, Evan Bergam; Engr/ Repr: CEI, Chad Caletka (Planner: KKnight)*

Jeff Seyfarth entertained a motion to bring PUD23-01 Main St Mixed Use back to the table. John Sessoms motioned to bring PUD23-01 Main St Mixed Use back to the table with a 2nd from Ben Lewis. No members were opposed and the motion carried.

- Chad Caletka with CEI was present and gave a rundown of the amendments to the PUD previously seen. He went through Carroll Electric's explanation of what is allowed in their electric easements. Essentially, no trees are allowed in the easement, chain length fence below a certain height would be allowed, and no permanent structures will be allowed. Chad explained that they have revised the concept to have the pond and trails in a different location, added a pickleball court, and moved the dog park to a different lot. 44% of the required open space is located within the easement. The Planning Commission asked for a more specific breakdown of acreage. Staff explained that the concept provides 28% greenspace, with 44% of the percentage being located under the easement. It was explained that the commercial frontage is no longer included in the PUD.
- There was lengthy discussion regarding the open space, the electrical easement, and the pond. The Planning Commission did not feel that the proposed design, while better than previous iterations, would give any benefit to the city.
- Kayla Knight brought up the concern of the development only having one entrance with the other entrance to be designed with the development of the commercial lots.
- There will be a 6-ft fence along the north and east side of the development.
- Ultimately, the Planning Commission still had concerns about a few details, but were more in favor of this rendition.

6. NEW BUSINESS

A. {PUBLIC HEARING} REZ23-04 ZUMSTEIN- Rezone from A-1 to C-3- 1092 Main St (1.07 Ac) Owner: Joseph & Cindia Zumstein (Planner: DMorrisonLloyd)

- Cindia Zumstein was present to give a brief overview. Their intent is to sell the property and are looking to rezone to match the Land Use Plan.
- Dianne Morrison Lloyd gave the staff overview. The parcel is located on the southeast corner of Main St & Town Vu. There is an existing home on the parcel that will remain until future development. There are no current plans to develop. Public notice requirements were met. The property is adjacent to Casa Castillo development on the northwest corner, and the proposed Kum & Go across Main St. The 974 Main St Mixed Use proposed rezone and PUD is south of this property. The Comprehensive plan does call for commercial on this parcel. To the North is Tuscany subdivision, and a subdivision to the East.
- John Sessoms asked if the selling of this land is contingent on the rezone. Zumstein said it is not.

The commissioners had no questions and Jeff Seyfarth 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.

- Steven Parker (151 Verona Way) voiced concerns regarding the existing residential directly south of this property being sandwiched by all the commercial development and traffic concerns that come along with commercial development.

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

- The planning commissioners were asked to consider the following:
 - **Is the rezoning consistent with the adopted Comprehensive Plan (including the adopted Land Use Plan)? If not, why?**
 - a. Yes.
 - **Is the proposed rezoning compatible with the surrounding area and zones?**
 - a. Yes.
 - **Would all the permitted uses in the new zone be compatible in this location and surrounding areas?**
 - a. Yes.
 - **Would the rezoning provide a benefit to this landowner, but not be considered for other similar properties in this area?**
 - a. This rezone would not benefit only this landowner, and similar properties in the area have the same considerations.
 - **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?**
 - a. The public voiced concerns about traffic and property value.

With no other questions from the commissioners, Jeff Seyfarth entertained a motion. John Sessoms motioned to approve REZ23-04 Zumstein with a 2nd from Tony Davis. In a Roll Call, all commissioners voted in favor, and the motion carried.

B. {PUBLIC HEARING} REZ23-05 HARBOR MANOR- Rezone from A-1 to R3-SF-11897 Holloway Rd (19.94 AC) Owner: A & J Real Estate Holdings, LLC, Aaron Thornbrugh; Engr: Crafton Tull, Taylor Lindley (Planner: ENystrom)

- Taylor Lindley with Crafton Tull was present and gave a brief overview. He stated that there is a preliminary plat approved for Harbor Manor subdivision already, and the rezoning step was missed previously.
- Erik Nystrom gave the staff overview. There are similar zonings in the area, with Annika Estates & Hilldale subdivisions to the east and west (R3-SF) The parcel is located near the Grimsley Junior High School. Holloway Rd is a minor arterial (90' ROW). Water is available along Holloway Rd & Sewer is available through a connection to Annika Estates. The Land Use Plan calls for medium/high density residential, making this rezone request consistent. There is a proposed minor collector on the west side of the property.

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

- One email was received from Josh Von Talge regarding traffic concerns, and a desire to keep the beautiful area.
- Bronte Welker (511 Tamarron Dr) had concerns regarding traffic and road infrastructure. Joey Ingle explained that improvements come with development.

John Sessoms made a motion to close the public hearing with a Second from Joey Ingle. No members were opposed, and the motion carried.

- The planning commissioners were asked to consider the following:
 - **Is the rezoning consistent with the adopted Comprehensive Plan (including the adopted Land Use Plan)? If not, why?**
 - a. Yes
 - **Is the proposed rezoning compatible with the surrounding area and zones?**
 - a. Yes
 - **Would all the permitted uses in the new zone be compatible in this location and surrounding areas?**
 - a. Yes
 - **Would the rezoning provide a benefit to this landowner, but not be considered for other similar properties in this area?**
 - a. This rezone would not benefit only this landowner, and similar properties in the area have the same considerations.
 - **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?**
 - a. The public had concerns regarding traffic and preservation of natural lands.

With no other questions from the commissioners, Jeff Seyfarth entertained a motion. Joey Ingle motioned to approve REZ23-05 Harbor Manor with a 2nd from Jerry Harris. In a Roll Call, all commissioners voted in favor, and the motion carried.

C. SUB21-12 DIAMOND ESTATES PH 5- Final Plat- NW/C of Cullinan St & Wolverine Dr (Zoned R-2/ 16.94 Ac/ 65 lots) Owner: Can-Ark Diamond Realty Estates, LLC, Nick Jewett; Engr: Crafton Tull, Taylor Lindley (Planner: KKnight)

- Taylor Lindley with Crafton Tull was present and gave a brief overview. This is the final phase of Diamond Estates. All comments have been addressed, and a final site inspection has been held.
- Kayla Knight gave the staff overview. The phase is 65-buildable lots and the subdivision is zoned R-2. This subdivision did have an approved variance that allowed the lot widths to be 70' instead of 80', though they still had to meet the minimum lot area, 8000 sq-ft per lot. A final site inspection was held on 04/24/2023, with only minor corrections to be made. A reinspection was not required. Covenants were approved with phase 1. Warrant bonds have been approved by staff at the following values:
 - Street (100% for 2 years): 405,726.55
 - Storm (100% for 2 years): 325,3463.90

- Water & Sewer (100% for 1 year): 337,282.76
- 5-ft of ROW was dedicated with this plat, with all other ROW being previously dedicated. Joey Ingle asked about the improvements, in which Taylor Lindley explained the road was widened per the MSP. Lorene Burns also mentioned that Bentonville High School will complete road improvements on their side of the road, creating 36' BOC to have 3-lanes. The taper will be corrected when the subdivision to the north develops.

With no other questions from the commissioners, Jeff Seyfarth entertained a motion. Ben Lewis motioned to approve SUB21-12 Diamond Estates Ph 5 Final Plat with a 2nd from Joey Ingle. No Commissioners were opposed and the motion passed.

D. DEV22-10 BUSH ROAD HOMES-Preliminary Plans- NW/C of Bush Rd & Nottingham Ln (Zoned R3-SF /1.84 Ac/ 14 SF Homes) *Owner: Twelvestone Construction, Eric Roberts; Engr: Swope Engineering, Phil Swope (Planner: ENystrom)*

- Phil Swope with Swope Engineering was present and gave a brief overview. He stated that the project has an approved PUD.
- Erik Nystrom gave the staff overview. This development has 14 single family houses. The maximum footprint for each house is approximately 920 sq-ft. He listed the PUD requirements and how these proposed plans meet each requirement, including open space, landscaping, parking, traffic study, and a 10-ft trail along Bush Rd. The plans did not meet the outlined setbacks, and the developer has proposed shifting the site back a few feet to meet the requirement. A few parking spaces were lost in the shift. A traffic study was not needed due to the size of the development.
- Joey Ingle asked about required road improvements. Phil Swope informed him that all required improvements were done previously. There was a correction regarding an inlet shown on the plans. Joey Ingle brought up a grading concern for drainage. It was clarified that this project is only tying into existing drainage, not touching the drainage that is already there. He also asked that the swale be graded better to be usable. Phil Swope agreed.
- No photometric plan was provided, and based on proposed lighting, staff recommended an additional light for the residential parking area. Jeff Seyfarth stated that a photometric plan is needed to ensure there is adequate lighting.
- There was discussion regarding proposed trash collection. Joey Ingle stated that a dumpster would be required. The Planning Commission asked the developer to remove the striping for the parallel parking. Additional parking can be added on the east side of the development.
- Citizens Bronte Welker (511 Tamarron Dr) and George Weeks (12660 Bush Rd) were present and asked to speak. Bronte brought up concerns regarding a bus stop for this development. Jeff Seyfarth mentioned the bus stops are changing in the next school year to reduce strain on neighborhood traffic. George Weeks spoke about a previously denied rezone and how the proposal did not impact traffic. He stated he is in support of the development proposed and did not understand why a different rezone on Bush Rd was denied.
- The Planning Commission restated the conditions of approval as follows:
 - Add a dumpster with enclosure and landscaping.
 - Provide a photometric plan with additional lighting as needed

- Fix grading in target areas to make open space more useable.

With no other questions from the commissioners, Jeff Seyfarth entertained a motion. John Sessoms motioned to approve DEV22-10 Bush Rd Homes with a 2nd from Joey Ingle. No Commissioners were opposed and the motion passed.

7. OTHER BUSINESS

A. PUD CODE AMENDMENT- Open Space Discussion- Code Section 14.04.12

- There was discussion regarding the definition of open space and mixed use. It was generally agreed that mixed use is when a development is well integrated, or when commercial and residential uses are stacked, rather than just next to each other with no regards to how they interact. Open space is considered as land that is open, usable and meets the intent statement of the PUD.
- There was lengthy discussion regarding what should be allowed to count towards required open space, such as easements, retention or detention ponds, floodplain etc. It was generally agreed that any land that is not ideal such as easements, ponds, or floodplain, can count for up to 50% of the required open space in total if they provide an amenity.
- After discussion, Planning staff and the Planning Commission agreed to require 25% open space for all developments, regardless of use. Additional open space or amenities can be required based on the development.
- It was agreed that architectural elevations should be included with PUD approval going forward.
- There was discussion regarding our current zoning code versus the adopted Comprehensive Plan, and how there are disparities when it comes to density expectations. It was agreed that both the Zoning Code and the Comprehensive Plan need to be updated to better fit our city.

B. Diamond Estates Playground - Update

8. ANNOUNCEMENTS

- A. Next PC Meeting: 06/06/2023 @ 6:00 PM**
- B. Next Council Meeting: 06/13/2023 @ 6:00 PM**
- C. Next Tech Review Meeting: 05/23/2023 @ 2:00 PM (Zoom)**

9. ADJOURN

Tony Davis made a motion to adjourn the meeting at 9:08, with a 2nd from John Sessoms. No commissioners were opposed, and the meeting was adjourned.



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

Minutes Prepared By: Kayla Knight