



**PLANNING COMMISSION
MINUTES OF MEETING
DECEMBER 7, 2021**

(1) CALL TO ORDER –

The Meeting of the Centerton Planning Commission was called to order by Planning Commission Chairman Jeff Seyfarth at 6:13 p.m.

(2) ROLL CALL –

Those Present and answering Roll Call were Jeff Seyfarth, Joey Ingle, Devin Murphy, Craig Langford, Amber Beale, John Sessoms and Ben Lewis. Jerry Harris and Tony Davis were absent. Others in attendance for the City were Mayor Bill Edwards, City Clerk/Recorder Todd Wright, City Attorney Brian Rabal, Planning Director Lorene Burns, Senior Planner Dianne Morrison Lloyd, City Planner Donna Wonsower, Planning Assistant Laura Crite, Director of Public Works Lance Johnson and Fire Marshal Paul Higginbotham.

(3) APPROVAL OF MINUTES -

Chairman Jeff Seyfarth asked for a motion to approve the Minutes from the Planning Commission Meeting from 11/16/2021.

John Sessoms made a motion to Approve the Meeting Minutes from 11/16/2021, with a 2nd from Joey Ingle. All Commission Members voted in favor and the motion carried.

(4) RATIFICATION OF ADMINISTRATIVE APPROVALS –

- A. TS21-20: Sullivan** – 8500 Wagner Road (A1 / 10.05 Acres / Tract 1- 1.0 Acres / Tract 2- 8.05 Acres / Tract 3- 1.0 Acres)
- B. TS21-22: Beard** – 12665 Bullock Road (County / 10.83 Acres / Tract 1- 5.67 Acres / Tract 2- 5.07 Acres)

City Planner Donna Wonsower said the Sullivan Tract Split also has a Rezone Request, which the Tract Split is contingent upon.

Joey Ingle made a motion to Ratify the Administrative Approvals as presented, with a 2nd from John Sessoms. All Commission Members voted in favor and the motion carried.

(5) OLD BUSINESS - None

(6) NEW BUSINESS -

- A. {PUBLIC HEARING} CU21-14: Urban Flock – 5506 Town Vu Road (A1 / 2.0 Acres) Christmas Tree Lot / Sales –**

Chairman Jeff Seyfarth introduced the item to the Commission.

Clay Layne, the applicant, addressed the Commission, giving a brief review of the request to have a Christmas Tree Lot and barnyard Christmas experience on 2 acres of his property. He said the plan is to have it open Thurs-Sun, from now until 12/31/2021.

Senior Planner Dianne Morrison Lloyd addressed the Commission, stating that the request is a Conditional Use for 2 acres of the property, to be used for Christmas Tree Sales and small events (pony rides, petting zoo, etc.), now through Christmas. She said the applicant would like to host future Fall Events as well. She said there is nothing specific in our Comp Plan regarding Festivals, but it is consistent with our over-arching goals for the community. She said the surrounding Uses are mostly A-1, R-1 and R-E, with the city of Bentonville adjacent to the south. She said all adjacent property owners have been notified, as required. She said the intent is for traffic to come in on Christian Lane, park on the property, and exit onto Town Vu from the existing driveway.

Conditions:

- **Term – 3 Years**
- **Petting Zoo – Subject to Municipal Code Title 6**

- **Parking – On-Site, with Signage and Attendant**
- **Noise – City Ordinance to be followed**
- **Trash – Trash Enclosure to be provided and screened**
- **Food Truck – Subject to Municipal Code, Permits and Licenses**
- **Building and Fire Code – Fire Inspection Required, Building Safety Requirements must be met, with any permits required**
- **Permits/Licenses – Required**
- **Signage – Required Permits must be obtained**
- **Future Modifications – May require separate Review, and must comply with Municipal Codes**
- **Periodic Review – Subject to Planning Department Review, should any issues arise**
- **Complaints – Complaints could result in PC Review and action**
- **ADA – Requirements met where possible**

John Sessoms made a motion to Open the Public Hearing for CU21-14: Urban Flock – 5506 Town Vu Road (A1 / 2.0 Acres) Christmas Tree Lot / Sales, with a 2nd from Devin Murphy. All Commission Members voted in favor and the motion carried.

Chairman Seyfarth opened the meeting to Public Comments.

Public Comments:

Kelsey Vannaman – 104 Christian Lane – Addressed the Commission, stating that there has been traffic coming down their drive during the last few weekends, as there have been activities at the Tree Farm. She asked that the applicant keep the traffic on their own property, for safety and privacy for the neighbors.

There were no other Public Comments.

Joey Ingle made a motion to close the Public Hearing for CU21-14: Urban Flock – 5506 Town Vu Road (A1 / 2.0 Acres) Christmas Tree Lot / Sales, with a 2nd from Amber Beale. All Commission Members voted in favor and the motion carried.

Chairman Seyfarth asked if there were any other questions or comments from the Commission or City Staff.

Joey Ingle and John Sessoms asked that we address traffic routing, to alleviate the concerns of the neighbors. Dianne Morrison Lloyd said the CUP would require the applicant to keep the parking on his property and/or the neighbor he has the agreement with. Sessoms asked that the traffic pattern be consistent with all activities. There was discussion. The applicant agreed to have signage and to provide a parking attendant. He

also agreed to provide an agreement to City Staff, that allowed for overflow parking, if needed.

The Commission agreed with the conditions as presented. They were also in agreement that the applicant come back before the PC prior to any Fall Event, to make any adjustments to the CUP, if necessary. The applicant agreed.

John Sessoms made a motion to Approve CU21-14: Urban Flock – 5506 Town Vu Road (A1 / 2.0 Acres) Christmas Tree Lot / Sales, with added Parking Attendant and Signage Requirements, with a 2nd from Craig Langford. There was a Roll Call. All Commission Members voted in favor and the motion carried.

B. {PUBLIC HEARING} REZ21-25: Bush Road Community – Bush Road & Nottingham Lane (R-1 to R3-SF / 1.84 Acres) –

Chairman Jeff Seyfarth introduced the item to the Commission.

Phil Swope with Swope Engineering addressed the Commission, giving a brief overview of the request to rezone 1.84 Acres on Bush Road and Nottingham Lane, from R1 to R3-SF, for development of Single-Family homes.

City Planner Donna Wonsower addressed the Commission, giving an overview of the Rezone Request from R-1 to R3-SF, for development of 1.84 Acres for Single-Family Residential Homes. She said there is a concurrent PUD Request on file, contingent upon approval of the Rezone Request. She said the proposal, if approved, is to develop the property with small rental homes. She said there was a Tract Split previously on this property, however the Warranty Deeds were never filed, so the County is still showing this as a single parcel. She said Bush Road is designated as a Major Collector, and Nottingham Lane is designated as a Local Road. She said there is access to Water on Nottingham Lane and Sewer on Bush Road. She said there is a substantial Carrol Electric service line that runs diagonally across the property, with discussions ongoing about relocation of that line. She said there is R-2 to the north, east and south, with A-1 to the west. She said the R-3 request is a little inconsistent with the surrounding zoning, as there is an increase in density. She said the Adopted Land Use Plan designates this area as Medium-Low Residential Use. She said Staff received an e-mail from the Weeks to the east, expressing concern with the proposed increase in density. She said the request is generally consistent with our Comprehensive Plan and gave examples.

Ben Lewis made a motion to Open the Public Hearing for REZ21-25: Bush Road Community – Bush Road & Nottingham Lane (R-1 to R3-SF / 1.84 Acres), with a 2nd from Craig Langford. All Commission Members voted in favor and the motion carried.

Chairman Seyfarth opened the meeting to Public Comments.

Public Comments: None

John Sessoms made a motion to Close the Public Hearing for REZ21-25: Bush Road Community – Bush Road & Nottingham Lane (R-1 to R3-SF / 1.84 Acres), with a 2nd from Devin Murphy.

Chairman Seyfarth asked the Commissioners if they had any questions or comments. There were none.

Chairman Seyfarth asked the Commissions to consider the five (5) rezone criteria items

- 1) Is the rezoning consistent with the Adopted Comprehensive Plan (including the Adopted Land Use Plan)? If not, why? – YES.** Chairman Seyfarth said this proposal is for Residential Single-Family Use. Joey Ingle disagreed, pointing out that the LUP designates this area for Medium-Low Residential Use. **PC was in general agreement that the request is considered consistent with the Comprehensive Plan and the Adopted Land Use Plan.**
- 2) Is the proposed rezoning compatible with the surrounding area and zones - YES.** Chairman Seyfarth said they are proposing Residential Use and there is other residential zoning in the area, **PC agreed that the request is compatible with the surrounding area.**
- 3) Would all the permitted uses in the new zone be compatible in this location and surrounding areas? - YES.** Chairman Seyfarth said they are proposing Residential Use. **PC agreed that the request is compatible in this area.**
- 4) Would the Rezoning provide a benefit to one landowner, but not be considered for other similar properties in this area? - No.** Chairman Seyfarth said he didn't think there would be any benefit provided in this case. **PC agreed that there is not a non-shared benefit for this request.**
- 5) 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? YES.** Chairman Seyfarth said there was one public comment regarding increased density and close proximity to a Water Line. **There were no additional comments from PC.**

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

Joey Ingle made a motion to Approve REZ21-25: Bush Road Community – Bush Road & Nottingham Lane (R-1 to R3-SF / 1.84 Acres), with a 2nd from Ben Lewis.

There was a roll call. All Commission Members voted in favor, Except for Joey Ingle, who voted NO, and the motion carried.

C. {PUBLIC HEARING} REZ21-30: Willow Crossing Townhomes – Northwest corner of Marigold Road and Cedar Street (RTH-MF12 to R4-MF) –

Chairman Jeff Seyfarth introduced the item to the Commission.

Brandon Woodrome with JS Fenwick Properties addressed the Commission, giving a brief overview of the request to rezone 5.07 acres on Marigold Road and Cedar Street from RTH-MF12 to R4-MF. He said there had been a previous request for this property, which had some unresolved issues, so they thought they would bring this rezone proposal, with some Variance Requests at the next meeting. He said they are looking to use the newly passed zoning of R4-MF, and see how receptive the Commission is to this zoning, along with the upcoming Variance Requests, so that they have options to move forward with their development. He said the issue with the previously proposed development is that the zoning laws have changed, not allowing them to build the same development as was built across the road. He said they also can't meet Setback Requirements, due to water that drains to this site.

Senior Planner Dianne Morrison Lloyd addressed the Commission, giving an overview of the Rezone Request of 5.07 acres from RTH-MF12 to R4-MF, Adjacent to Willow Crossing Townhomes Phase 1. She said they have a Preliminary Plat currently in review which will come before PC on 12/21/2021. She said it has a Variance Request along with it for three (3) variances. She said they are showing a large detention pond/Drainage Swale on the south end of the property, which is not on its own Lot. She detailed some of the R4-MF Requirements. The rest were listed in the PC packets. She said Marigold Road is to the south and Cedar Street is to the east. She said both roads are Local Streets and are already fully developed. She said there is both Water and Sewer available. She said the property is not in a Flood Plain, but does possibly have a Wetland Riverine, so a Wetland Assessment will be required prior to any construction. She listed the surrounding zoning as C-2, R3-D and Multi-Family. She said the request might be considered consistent with the surrounding zoning, as there is quite a bit of density in the area. She said the Adopted Land Use Plan designates this area as Commercial Use. She said this proposal is for a less dense Use. She said the request would be considered both compatible and incompatible with the Comprehensive Plan, and those items were listed in the PC packets.

Amber Beale made a motion to Open the Public Hearing for REZ21-30: Willow Crossing Townhomes – Northwest corner of Marigold Road and Cedar Street (RTH-MF12 to R4-MF), with a 2nd from Ben Lewis. All Commission Members voted in favor and the motion carried.

Chairman Seyfarth opened the meeting to Public Comments.

Public Comments: None

Joey Ingle made a motion to Close the Public Hearing for REZ21-30: Willow Crossing Townhomes – Northwest corner of Marigold Road and Cedar Street (RTH-MF12 to R4-MF), with a 2nd from Craig Langford.

Chairman Seyfarth asked the Commissioners if they had any questions or comments. There were none.

Chairman Seyfarth asked the Commissions to consider the five (5) rezone criteria items

- 1) Is the rezoning consistent with the Adopted Comprehensive Plan (including the Adopted Land Use Plan)? If not, why? – YES.** Chairman Seyfarth said this is not consistent on paper, since it was designated for Commercial Use on the LUP, but property adjacent to it has already been developed as Multi-Family Use. **PC agreed that the request is considered consistent with the Comprehensive Plan and the Adopted Land Use Plan.**
- 2) Is the proposed rezoning compatible with the surrounding area and zones - YES.** Chairman Seyfarth said they are proposing Multi-Family Use and there is other Multi-Family Use and High-Density Use in the area. **PC agreed that the request is compatible with the surrounding area.**
- 3) Would all the permitted uses in the new zone be compatible in this location and surrounding areas? - YES.** Chairman Seyfarth said that he felt it would be compatible with the surrounding uses. **PC agreed that the request is compatible in this area.**
- 4) Would the Rezoning provide a benefit to one landowner, but not be considered for other similar properties in this area? - NO.** Chairman Seyfarth said he was “on the fence” due to the LUP designating this area as Commercial Use, but some land has already been rezoned to Residential Use. He said if this request had been on the front end of the development in this area, we may have a different answer. **PC agreed that there is not a non-shared benefit for this request.**
- 5) 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? NO.** Chairman Seyfarth said there were no public comments. **There were no additional comments from PC.**

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

Amber Beale made a motion to Approve REZ21-30: Willow Crossing Townhomes – Northwest corner of Marigold Road and Cedar Street (RTH-MF12 to R4-MF), with a 2nd from Ben Lewis. There was a roll call. All Commission Members voted in favor and the motion carried.

D. {PUBLIC HEARING} REZ21-34: Sullivan Property – 8500 Wagner Road (A1 to R1 & RE / 9.97 Acres) –

Chairman Jeff Seyfarth introduced the item to the Commission.

Russell Sullivan, the applicant, addressed the Commission, giving a brief overview of the request to rezone 10.05 Acres on Wagner Road from A1 to R1 and R-E. He said the previously approved Tract Split is for the northwest and southwest corners, and he would remain in the other 8 acres. He said a neighbor across the street from him has shown interest in purchasing the northwest corner property, to build a single-family home for themselves. He said their parents live across the street from him, and that is where this discussion began.

City Planner Donna Wonsower addressed the Commission, giving an overview of the Rezone Request from A-1 to R1 and R-E. She said there is a concurrent Tract Split tied to this request. She said the two (2) smaller parcels are the R-1 and the larger parcel is the R-E. She detailed some of the requirements for both zonings. She said there is no Flood Plain or Wetlands on the property, but there is an existing pond. She said there is access to public Water. She said all three (3) tracts have access to Wagner Road. She said an item to consider, is that the property is in the direct flight path of the runway for the XNA National Airport. She said XNA has expressed opposition to this rezone request, due to the potential of placing more residences in that flight path. She said more information was included in the PC packets, regarding noise impacts and Zoning Codes for airports. She said this property is outside of the Bentonville XNA Overlay District. She said the property is adjacent to two (2) R3-SF properties, as well as A-1 and County. She said it would generally be considered compatible to the surrounding zoning. She said the LUP designates this area as Business Park and would therefore not be considered consistent with that Use. She said it would also not be considered consistent with our Comprehensive Plan. She said the property is, however, adjacent to future-proposed Residential Use.

John Sessoms made a motion to Open the Public Hearing for REZ21-34: Sullivan Property – 8500 Wagner Road (A1 to R1 & RE / 9.97 Acres), with a 2nd from Devin Murphy. All Commission Members voted in favor and the motion carried.

Chairman Seyfarth opened the meeting to Public Comments.

Public Comments:

Alex English – Representing XNA – Ms. English addressed the Commission, stating that she has been before the PC on multiple occasions, regarding development in this area. She said XNA is opposed to this request for similar reasons as the other requests. She said this Use is non-compatible with the airport. She said this property is in the direct flight path of the airport, and they believe there are noise and safety concerns for residents. She said they recommend no Residential Zoning this close to the flight path of the airport. She said if PC does allow this rezone, XNA recommends: (1) An Avigation Easement. (2) Plat notification. (3) Sound Attenuation with construction. There was brief discussion about the distance of the flight path of an airport. English said this property falls within the 65 dBA threshold.

Stacia White – 8574 Wagner Road – Ms. White addressed the Commission, stating that she is looking to purchase this property from the Sullivan's. She said she lives on Wagner Road now, and airport noise is not an issue for her. Chairman Seyfarth said we have to look at future potential residents when having these discussions.

There were no other Public Comments.

Ben Lewis made a motion to Close the Public Hearing for REZ21-34: Sullivan Property – 8500 Wagner Road (A1 to R1 & RE / 9.97 Acres), with a 2nd from Joey Ingle.

Chairman Seyfarth asked the Commissioners and Staff if they had any questions or comments.

City Attorney Brian Rabal stated that he recommended having the Avigation Easement in these developments around the airport. There was a brief discussion about Avigation Easements. English said the Easement can be structured so that the City and XNA can both be part of it, protecting both from liability. A sample with standard language was provided. Rabal said he didn't believe that we had anything in our Municipal Code regarding Sound Attenuation. Rabal said he would like to see notification on both the Plat and the Deeds of any development.

Chairman Seyfarth asked the Commissions to consider the five (5) rezone criteria items

6) Is the rezoning consistent with the Adopted Comprehensive Plan (including the Adopted Land Use Plan)? If not, why? – YES. Chairman Seyfarth said looking at this on paper, with the designation of Business Park on the LUP, the answer would likely be NO. He said there are other properties in this area that have been rezoned to Residential Use, so his answer would be YES. Joey Ingle agreed. **PC agreed that the request is considered consistent with the Comprehensive Plan and the Adopted Land Use Plan.**

7) Is the proposed rezoning compatible with the surrounding area and zones - YES. Chairman Seyfarth said they are proposing Residential Use and there is other

residential zoning in the area, **PC agreed that the request is compatible with the surrounding area.**

- 8) **Would all the permitted uses in the new zone be compatible in this location and surrounding areas? - YES.** Chairman Seyfarth said they are proposing Residential Use. **PC agreed that the request is compatible in this area.**
- 9) **Would the Rezoning provide a benefit to one landowner, but not be considered for other similar properties in this area? - No.** Chairman Seyfarth said he didn't think there would be any benefit provided in this case. **PC agreed that there is not a non-shared benefit for this request.**
- 10) **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? YES.** Chairman Seyfarth said there were public comments in opposition and in favor. He said we have the diagram showing that the property is in the direct flight path, and we have had many conversations regarding noise and safety with development around the airport. **There were no additional comments from PC.**

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

Joey Ingle made a motion to Approve REZ21-34: Sullivan Property – 8500 Wagner Road (A1 to R1 & RE / 9.97 Acres), with the included Avigation Easement and Notification on the Plat and Deeds, with a 2nd from Devin Murphy. There was a roll call. All Commission Members voted in favor and the motion carried.

E. VAC21-07: Bloss Vacation, 15' Vacation of 25' Rear BSB/DE/UE – 1630 Sweetbriar Way (Lot 67 Tamarron Sub. / R2) –

Chairman Jeff Seyfarth introduced the item to the Commission.

The applicant was not present.

City Planner Donna Wonsower addressed the Commission, stating that this Vacation Request is for 15' of the 25' Rear Utility & Drainage Easement of Lot 67, in the Tamarron Subdivision, for construction of a pool. She said his request will go before City Council and will have a Public Hearing on 12/14/2021. She said the entire rear yard in this development is platted as UE and DE, so we have seen a number of these requests. A diagram was provided with some previous requests. She said the goal is to have consistent Easements throughout the development for Utilities. She said the Easement on this lot is currently being used by Cox Communications and Carrol Electric, and neither have an issue with the request, as long as any damage or relocation costs are paid for by

the applicant. She said we are missing Approval Forms from AT&T and CenturyLink. She said notifications have all been delivered. She said the request only has minor comments remaining and is generally consistent with our Code.

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

Joey Ingle made a motion to Approve VAC21-07: Bloss Vacation, 15' Vacation of 25' Rear BSB/DE/UE – 1630 Sweetbriar Way (Lot 67 Tamarron Sub. / R2), contingent upon any Outstanding Utility Sign-Off, with a 2nd from Ben Lewis. All Commission Members voted in favor and the motion carried.

F. DEV21-12: Jiffy Lube – 1811 Centerton Blvd (C2 / 0.94 Acres) –

Chairman Jeff Seyfarth introduced the item to the Commission.

Chris Harty with CEI addressed the Commission, giving a brief description of the request for development of a Jiffy Lube business at 1811 Centerton Blvd. He said with the approval of the Variance Request earlier this evening, they meet all Setback Requirements. He said they have proper Parking, Landscaping, Site-Lighting and Drainage, as well.

Senior Planner Dianne Morrison Lloyd addressed the Commission, stating that this request was tabled previously, due to an issue with a Sewer Easement. She said the Variance Request was approved this evening. She said they will need to provide a new Development Plan, with the new location of the building. She said this property is C-2 and is located just to the east of the Walmart Neighborhood Market on Centerton Blvd. She said Hwy 102 has already been widened, so no additional ROW or Adjacent Street Agreement is being required. She said there is a sidewalk along Hwy 102. She said their access will be from a shared-access drive. She said there is no known Flood Plain on the property, and a Wetland Assessment was completed with construction of the shared-access drive. She said Water & Sewer are being provided by Bentonville Utilities and Swepco is providing the electric service. She said there is a 20' Sewer Easement, which will remain. She said the Variance has been approved, Parking Requirements are being met, and Landscaping and Site-Lighting have been approved. She said there will be a Monument Sign on the property, and a detention pond has been constructed at the rear of the property. She said Staff finds the request generally compliant with City Code, contingent upon any remaining Staff Comments, including the revised Development Plan.

Chairman Seyfarth asked about the dumpster enclosure. Chris Harty asked if there were any requirements. Joey Ingle asked that it be the same material as the building. Seyfarth

said he is sure it has been discussed previously. He said block walls are great, but prefer a metal gate, for durability. Harty said he would speak to the developer.

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

Ben Lewis made a motion to Approve DEV21-12: Jiffy Lube – 1811 Centerton Blvd (C2 / 0.94 Acres), with a 2nd from John Sessoms. All Commission Members voted in favor and the motion carried.

G. SUB20-09: Forest Park Phase 4 Final Plat – NE Gamble Road and Bronco Street (R2 / 19.35 Acres / 64 Lots / Lots 184-248) –

- **Final Plat**
- **Maintenance Bonds**
- **Covenants**

Chairman Jeff Seyfarth introduced the item to the Commission.

Jeff Bates with Bates and Associates addressed the Commission, giving a brief description of the request for Final Plat of Phase 4 of the Forest Park Subdivision, with 64 Single-Family Lots. He said everything passed Final Inspection.

Senior Planner Dianne Morrison Lloyd addressed the Commission, stating that this request is for Final Plat of Phase 4 of the Forest Park Subdivision. She said Covenants have been recorded, but we are still waiting on final approval of the Bonds. She said Water & Sewer is fine with the total amount but has asked that the amounts be broken out by line item. She said the Bond amounts are as follows:

- **Streets (100% for 2 years) : \$499,928.00**
- **Drainage (100% for 2 years) : \$247,928.00**
- **Water & Sewer (50% for 1 year) : \$427,927.50 (\$213,963.75)**

Lloyd said there will be no ROW dedicated, or any Adjacent Street Agreement with this Plat. She said the streets are all internal. She said the detention was completed with previous phases, but John Wary still needs the As-Built Record Drawings. She said the site work has been completed. She said there is some clean-up remaining on the Final Plat. John Wary said he still needs to review the resubmittal. Lloyd said PC could require a \$5000.00 Completion Bond for any outstanding documents. Jeff Bates said everything has been submitted but is awaiting review.

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

Joey Ingle made a motion to Approve SUB20-09: Forest Park Phase 4 Final Plat – NE Gamble Road and Bronco Street (R2 / 19.35 Acres / 64 Lots / Lots 184-248), with any Outstanding Staff Comments, with a 2nd from John Sessoms. All Commission Members voted in favor and the motion carried.

H. SUB20:05: Southwinds Phase 2 Final Plat – North side of Kimmel Road, East of Southwinds Phase 1 (R3-SF / 27.9Acres / 113 SF Lots) –

- **Final Plat**
- **Maintenance Bonds**
- **Covenants**

Chairman Jeff Seyfarth introduced the item to the Commission.

Phil Swope with Swope Engineering addressed the Commission, giving a brief description of the request for Phase 2 of the Southwinds Subdivision, for development of 113 SF Lots and a detention pond on Kimmel Road.

Senior Planner Dianne Morrison Lloyd addressed the Commission, stating that request is for Final Plat of Southwinds Phase 2, with 113 SF Lots, Detention Lot and a Lift Station Lot. She said the development is on the north side of Kimmel Road, and is zoned R3-SF. She said half-street improvements to Kimmel Road were completed with Phase 1, and 30' of ROW was dedicated with a Tract Split in 2018. She said Covenants will need to be submitted for review by the City Attorney. She said the Bond amounts are as follows:

- **Streets (100% for 2 years) : \$732,007.00**
- **Drainage (100% for 2 years) : \$295,721.20**
- **Water & Sewer (50% for 1 year) : \$951,059.80 (\$475,529.90)**

Lloyd said there were Waivers approved during the Preliminary Plat for Storm Pipe Material, Storm Inlet Type, and HGL 2' below Rim. She said the request will go before City Council on 12/14/2021 for approval. She said there is an extension of Buckhorn Flats Road that is a part of this Phase, and 25' of ROW has been dedicated. She said a 20' Utility Easement is proposed along all internal streets and along Kimmel Road, with a 25' UE along Polar Road, north of the Lift Station. She said no Street Improvements are being required for Buckhorn Flats, with this phase. She said Stormwater from Phase 2 flows through a detention pond constructed with Phase 1. She said a final Site Inspection will need to be scheduled. She said the 2nd Submittal of the Record Drawings is under review. She said PC could require a \$5000.00 Completion Bond for any outstanding documents. She said there are minor remaining Staff Comments, and they are generally compliant with City Code.

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

John Sessoms made a motion to Approve SUB20:05: Southwinds Phase 2 Final Plat – North side of Kimmel Road, East of Southwinds Phase 1 (R3-SF / 27.9 Acres / 113 SF Lots), contingent upon Staff Comments and review of the Covenants, with a 2nd from Joey Ingle. All Commission Members voted in favor and the motion carried.

I. SUB21-06: Crystal Cove – Preliminary Plat – SW from the Corner of Kinyon Road and Keller Road (RTH-MF12 / 30.99 Acres / 195 SF Lots) –

- **Adjacent Street Agreement Approval**
- **Preliminary Plat Approval**

Chairman Jeff Seyfarth introduced the item to the Commission.

Phil Swope with Swope Engineering addressed the Commission, giving a brief description of the request for development of 5-Plex Townhomes (195 buildable MF/Townhome Lots), 2 Detention Lots and a Recreation (City) Lot, at Keller Road and Kinyon Road. He said there will be improvements to both Keller Road and Kinyon Road.

Senior Planner Dianne Morrison Lloyd addressed the Commission, stating that this request is for 195 MF Lots, for Townhomes on their own individual Lots, to be constructed in three (3) phases. She said the zoning is RTH-MF12. She said they are meeting all requirements, have provided Preliminary Plat and Plans. She said there will be one (1) Recreation Lot, and two (2) Detention Lots. She said there are 30.99 acres, and it was rezoned in February 2021. She said the Adjacent Street Agreement will come to PC later (likely 12/21/2021), because we need to coordinate improvement with the developer on the north side of Kinyon Road, as they are submitting in the next 30 days. There was discussion about improvement to Kinyon Road. She listed the Zoning Requirements for RTH-MF12. She said public Water and Sewer is available. She said there appears to be no Flood Plain on the property, however, there appears to be two (2) ponds on the property, so a Wetlands Assessment will be required. She said they are providing one (1) access onto both Kinyon Road and Keller Road. She said there will be a stub-out to the west for any future development on the property to the west. She said they are dedicating 45' of ROW for Keller Road and 40' of ROW for Kinyon Road. She said the Drainage Analysis has been reviewed and approved, pending a few small comments by John Wary.

Chairman Seyfarth asked if there were any questions or comments from the Commission or City Staff.

Joey Ingle expressed concern with non-controlled pedestrian crossings. There was a brief discussion.

Chairman Seyfarth expressed concern with ten (10) lots on Garnet Avenue, which would back out into traffic. He said it is an Internal Connector Road and could potentially have quite a bit of traffic. There was discussion.

Swope said they are asking for approval of all three (3) phases at this time. There was discussion about Adjacent Street Improvements and phasing. Chairman Seyfarth asked that PC see this item again, for the Adjacent Street Agreement.

Ben Lewis made a motion to Approve SUB21-06: Crystal Cove – Preliminary Plat – SW from the Corner of Kinyon Road and Keller Road (RTH-MF12 / 30.99 Acres / 195 SF Lots), contingent upon Staff Comments, with a 2nd from Amber Beale. All Commission Members voted in favor and the motion carried.

(7) OTHER BUSINESS – None

A. {Public Hearing} Cell Tower and Small Cell Tower Code Addition –

Chairman Jeff Seyfarth introduced the item to the Commission.

Juliet Ritchey with Garver addressed the Commission, stating that we covered the additions in our last PC Meeting, and there have been no major changes. She said she did go through the 2020 FCC Order and doesn't feel there is anything in it that would require us to make any changes to the processes that we agreed to before. She said we did agree that (A-1) is the only zoning where new towers would be allowed "by right", as long as requirements were being met. She said we also agreed that all new towers be Monopole Towers with Internal Antennae's. She said all other towers would need to be approved through a Conditional Use process. She said she did add some Landscaping items.

Joey Ingle made a motion to Open the Public Hearing for Cell Tower and Small Cell Tower Code Addition, with a 2nd from Devin Murphy.

Chairman Seyfarth opened the meeting to Public Comments.

Public Comments: None

Joey Ingle made a motion to close the Public Hearing for Cell Tower and Small Cell Tower Code Addition, with a 2nd from John Sessoms.

John Sessoms made a motion to Submit the Cell Tower and Small Cell Tower Code Addition to City Council, as presented, with a 2nd from Craig Langford. There was a Roll Call. All Commissioners voted in favor and the motion carried.

(8) PUBLIC COMMENTS – None

(9) ANNOUNCEMENTS -

- 12/14/2021 – City Council Meeting @ 6:00 PM (Date was changed)
- 12/21/2021 - Planning Commission Meeting @ 6:00 PM
- 1/04/2022 - Planning Commission Meeting @ 6:00 PM
- 1/10/2022 – Tech Review Meeting @ 2:00 PM (ZOOM)

(10) ADJOURN -

Craig Langford made a motion to adjourn the meeting at 8:14 pm, with a 2nd from Devin Murphy. All Commission members voted in favor and the motion carried.



**Jeff Seyfarth – Chairman
Centerton Planning Commission**

Minutes prepared by:
Todd Wright