



**CENTERTON PLANNING COMMISSION**  
**July 18, 2023 @ 6:00 PM**  
**AGENDA**

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*Public comment period after the introduction of each agenda item*

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES –**
  - A. Planning Minutes – 07/05/2023
4. **RATIFICATION OF ADMINISTRATIVE APPROVALS**
  - A. **HOP23-25 CHARLI BROWN, LLC- Office and Administrative Use for business-** 209 Hailey Dr.; Southfork PH 3 (Zoned R3-SF) *Applicant: Charli Brown (Planner: SHartman)*
  - B. **HOP23-24 DENIED – HITCH N GO RENTALS –** 1151 Ellen Ray Lane, Forest Park (Zoned R3-SF) *Applicant: Scott Paine; (Planner: LBurns) – Previously approved but has outside storage of equipment (trailers); need to apply for conditional use.*
5. **SPECIAL BUSINESS**
  - A. **Update on ADH Approval of Projects & Centerton Utilities Plan – Malcolm Attwood**
6. **NEW BUSINESS**
  - ORD** A. **TS23-03 SULLIVAN- Dedicating ROW-** 8500 Wagner Rd (Zoned R-E/ Parent Tract: 8.06 AC/ Tract 1: 3.64 AC/ Tract 2: 4.41 AC) *Applicant: Russel & Christina Sullivan; Surveyor: James Layout Services, LLC, Nick Rumancik (Planner: ENystrom)*
  - ORD** B. **{PUBLIC HEARING} REZ23-06 VICTORIA PEAK, LLC - Rezone From A-1 to C-3 -** 974 Main St (9.83 Ac/ 3.53 Ac Proposed C-3) *Applicant/ Owner: Victoria Peak, LLC, Evan Bergam; Engr/ Repr: CEI, Chad Caletka (Planner: KKnight)*
  - ORD** C. **{PUBLIC HEARING} REZ23-07 VICTORIA PEAK, LLC - Rezone From A-1 to R-2 -** 974 Main St (9.83 Ac/ 6.29 Ac Proposed R-2) *Applicant/ Owner: Victoria Peak, LLC, Evan Bergam; Engr/ Repr: CEI, Chad Caletka (Planner: KKnight)*
  - ORD** D. **{PUBLIC HEARING} Title 14, Section 14.04.12 Planned Unit Development Code Changes**
7. **OTHER BUSINESS**
  - A. **Reintroduce Draft Section 14.09 Communications & Small Cell Towers Code Section**
8. **ANNOUNCEMENTS**
  - A. **Next Council Meeting: 08/08/2023 @ 6:00 PM**
  - B. **Next PC Meeting: 08/01/23 @ 6:00 PM**
  - C. **Next Tech Review Meeting: 07/20/23 @ 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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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  
July 18, 2022**

**1. CALL TO ORDER**

The Meeting of the Centerton Planning Commission was called to order by Planning Chairman Jeff Seyfarth at 6:00 P.M.

**2. ROLL CALL**

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

**3. APPROVAL OF MINUTES**

**Commission Chair Jeff Seyfarth** introduced the minutes of the Planning Commission meeting from June 20, 2023, and asked Commissions if anyone had questions or concerns.

**Joey Ingle made a motion to approve the minutes from 06/20/2023 Planning Commission Meeting, with a second from Tony Davis.**

**4. RATIFICATION OF ADMINISTRATIVE APPROVALS**

**A. HOP23-25 CHARLI BROWN, LLC- Office and Administrative Use for business-** 209 Hailey Dr., Southfork PH 3 (Zoned R3-SF) *Applicant: Charli Brown (Planner: SHartman)*

**B. HOP23-24 DENIED- HITCH N GO RENTALS-** 1151 Ellen Ray Lane, Forest Park (Zoned R3- SF) Applicant: Scott Paine (Planner: LBurns)

- After speaking to the Applicant about what is needed to keep the Home Occupation Permit active, Scott moved the equipment off site and will apply for a Conditional Use

**Craig Langford made a motion to approve the ratifications of administrative approvals with a second from Ben Lewis. No members were opposed, and the motion was carried.**

**5. SPECIAL BUSINESS**

**A. Centerton Utilities Director, Malcolm Attwood gave an update on ADH Approval of Projects & Centerton Utilities Plan.**

- 2022 Comprehensive Long-Range Plan was done which included a Sewer Capacity Study. ADH took this study further in depth and identified problems.
- Malcolm met with ADH in February 2023.
- Originally there were 5 locations but after field work it came down to 4 locations.
  - 2 Locations should be a fast fix.
    - McKissick Creek right before the main lift station – Interconnecting two pipes to flow evenly.
  - 2 are more in depth.
    - One is behind the Water & Sewer Office- Bypass a manhole to put more of a slope for a section of pipe.
    - Second is at the intersection of Main St. and 102 needs Pipe Bursting
- 2<sup>nd</sup> submittal for changes to upgrade sewer capacity was made in June of 2023. The 3<sup>rd</sup> (Final) submittal was made today (07/18/23) to ADH.
  - Once the project changes are approved by ADH, Centerton projects can continue. No new projects can hook up to Centerton's system until upgrades are completed.
  - Once approvals are done, bids will be sent.
- The Water & Sewer Commission is adamant about getting this done as fast as possible.
  - As of today, there is an unknown completion date.
- During the May City Council meeting approval was made to start collecting fees on all new taps/meters put in to pay for improvements. On June 8th or June 9th, Centerton Utilities started collecting the approved fees.
- Possibly Short-Term loan but in good financial Standing
- Everything is interconnected therefore it is a city-wide wait for ADH, but most problems affect the North side of Centerton.
- No blockages, overflows or surcharges but ADH uses higher design numbers (100 gallons per person per day). Centerton uses 60- 65 gallons per person per day.
- Flow Monitoring company a was hired couple of months ago and provided a good report on flows.

- Numbers look great and will be presented to the Health Department when the report comes back to see if they will ease up on the city.

## 6. NEW BUSINESS

**A. TS23-03 SULLIVAN- Dedicating ROW-** 8500 Wagner Rd (Zoned R-E/ Parent Tract: 8.06 Ac/ Tract 1: 3.64 Ac/ Tract 2: 4.41 Ac) Applicant: Russel & Christina Sullivan; Surveyor: James Layout Services, LLC, Nick Rumancik (Planner: ENystom)

- City Planner Erik Nystrom gave the staff report. They had already done three Tract Splits and came back with an additional two Tract Splits resulting in a Minor Subdivision. Wagner is a local road and not designated Master Street Plan. Right of Way is between 20.9 and 21.6 ft and the road is currently gravel. *(Lorene has requested that the owners provide a full 25-ft)*

**With no questions from the commissioners, Jeff Seyfarth entertained a motion. Joey Ingles made a motion to Approve TS23-03 Sullivan with a 2<sup>nd</sup> from Devin Murphy. All members present voted Yes , and Motion was carried.**

**B. {PUBLIC HEARING} REZ23-06 VICTORIA PEAK, LLC- Rezone from A-1 to C-3- 974 Main St. (9.83 Ac/ 3.53 Ac Proposed C-3) Applicant/ Owner: Victoria Peak, LLC, Evan Bergam; Engr/ Repr: CEI, Chad Caletka (Planner: KKnight)**

**\*Joey Ingles recused himself from the next two projects\***

- Nate Bachelor with CEI was present and gave a brief overview. He stated that the rezone was separated into two zonings. He requested C-3 along the entire frontage.
- On June 6, 2023, Planning Commission meeting, the previous submittal contained both halves of the rezone. This request was denied.
- City Planner Kayla Knight gave the staff report. There is also a concurrent tract split for this property. She states that Main St. is designated a minor arterial boulevard (90' ROW) on the approved Master Street Plan. Main Street has a planned 12' trail, McKissic Springs Loop. Centerton Water is available along North Main Street and Sanitary Sewer is available via connection to sanitary sewer in Tarah Knolls. The Land Use Plan is designated as commercial and low density residential. The Comprehensive Plan describes this area as a larger neighborhood commercial development, which due to its size can serve the entire northern half of the city. The abutting Tarah Knolls subdivision is zoned R-2 Medium density, and 3.2 units/ acre and Oak Ridge

Subdivision is zoned R-2 Medium density and 3 units per acre. Directly west is proposed Kum & Go, zoned C-3 with approved Conditional Use and Legacy Sports Academy Zoned C-3.

**The commissioners had no questions and Jeff Seyfarth entertained a motion to open the public hearing. 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.**

- No one from the public had comments.

**Ben Lewis made a motion to close the public hearing with a Second from Craig Langford. No members were opposed, and the motion was 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. The Planning Commission agreed that the Neighborhood Commercial (C-3) was consistent with the Comprehensive Plan.
  - Is the proposed rezoning compatible with the surrounding area and zones?
    - a. The Planning Commission agreed that it was compatible with the surrounding area and zones.
  - 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 had 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. No comments

**With no other questions from the commissioners, Jeff Seyfarth entertained a motion. Ben Lewis motioned to approve REZ23-06 VICTORIA PEAK, LLC with 2<sup>nd</sup> from Tony Davis. In a Roll Call, Devin Murphy, Brandon Swoboda, Craig Langford, John Sessoms, Ben Lewis, Tony Davis, and Jeff Seyfarth voted YES. With a 7-0, the motion was approved.**

**C. {PUBLIC HEARING} REZ23-07 VICTORIA PEAK, LLC- Rezone from A-1 to R-2- 974 Main St. (9.83 Ac/ 6.29 Ac Proposed R-2) Applicant/ Owner: Victoria Peak, LLC, Evan Bergam; Engr/ Repr: CEI, Chad Caletka (Planner: KKnight)**

- Nate Bachelor from CEI was here to present and answer any questions.

- City Planner Kayla Knight gave the staff report. She states that it is 3.5 units per acre. R-2 and C-3 are in the surrounding area therefore it is compatible.

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

- No one from the public had comments.

**Ben Lewis made a motion to close the public hearing with a Second from Devin Murphy. No members were opposed, and the motion was 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. The Planning Commission agreed that the Neighborhood Commercial (R-2) was consistent with the Comprehensive Plan.
  - Is the proposed rezoning compatible with the surrounding area and zones?
    - a. The Planning Commission agreed that it was compatible with the surrounding area and zones.
  - 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 had 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. No comments

**With no other questions from the commissioners, Jeff Seyfarth entertained a motion. Ben Lewis motioned to approve REZ23-07 VICTORIA PEAK, LLC with 2<sup>nd</sup> from Tony Davis. In a Roll Call, Devin Murphy, Brandon Swoboda, Craig Langford, John Sessoms, Ben Lewis, Tony Davis, and Jeff Seyfarth voted YES. With a 7-0, the motion was approved.**

**\*Joey Ingles re-joins the commission\***

**D. {PUBLIC HEARING} Title 14, section 14.04.12 Planned Unit Development Code Changes**

- Planning Director, Lorene Burns, updated the commission on changes to the Planned Unit Development (PUD) Code.

- a. Examples of open space with percentage increases based on density were added. An exhibit was added as an example of a breakdown of open space.
    - Joey asked to add a total column for the breakdown of the open space.
    - Joey asked to label the easement on the Exhibit
  - b. Discussion if the vertical building plane for each 100 (100) feet of horizontal building surface was too much. After discussing possible changes, everyone agrees to keep the 100 feet.
    - Examples of articulation and coursing were added to show a visual separation.
  - c. Bentonville's code asks for vertical articulation no less than 20 feet. Their code opens up for more flexibility.
  - d. Discussion about recommended minimum parking for the Dine- In Restaurant, Restaurant Drive- Thru, and schools.
    - Dine- In Restaurant will be changed to With Seating. 1 spot per 100 sq. ft
    - Drive Thru's will be changed to No Seating. 8 Stacking spaces
    - Schools- 1:4 seating
- Discussion with Paul Higginbotham about what is required for the Safety and Building codes.
  - Changing the Return Receipt to having property own

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

No comments from the public.

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

**With no other questions from the commissioners, Jeff Seyfarth entertained a motion. Joey Ingles motioned to recommend the TITLE 14; Section PLANNED UNIT DEVELOPMENT CODE Changes with changes discussed to the City Council for approval 2<sup>nd</sup> from Ben Lewis. In a Roll Call, Devin Murphy, Brandon Swoboda, Craig Langford, John Sessoms, Ben Lewis, Tony Davis, and Jeff Seyfarth voted YES. With a 7-0, the motion was approved.**

## **7. OLD BUSINESS**

### **A. Reintroduce Draft Section 14.09 Communications & Small Cell Towers Code Section**

- **Previously recommended by the Planning Commission for City Council approval, but the Ordinance was never completed,**
- Currently a Conditional Use is required for cell towers. The adoption of this code will remove the conditional use and provide code requirements for cell tower installation and small cell tower design.
- Lorene discussed if we should change calendar days or working days to the timeline requirements. Verify with Centerton Utilities and Public Works that the timeline would work with the utility permits.
- Set a Public Hearing for August 15, 2023

**With no other questions from the commissioners, Jeff Seyfarth entertained a motion Craig Langford motioned to set a public hearing for Draft Section 14.09 Communications & Small Cell Towers Code on Augst 15, 2023 with a second from Joey Ingle.**

**B. Reviewed the Centerton Residential Development report for Arkansas Economic Development Department.**

**8. ANNOUNCEMENTS**

Next Council Meeting: 08/08/2023 @ 6:00 PM

Next PC Meeting: 08/01/2023 @ 6:00 PM

Next Tech Review Meeting: 07/20/23 @ 2:00 PM (Zoom)

**9. ADJOURN**

Devin Murphy made a motion to adjourn the meeting at 7:45 PM, with a 2<sup>nd</sup> from John Sessoms. No commissioners were opposed, and the meeting was adjourned.



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

**Minutes Prepared By: Samantha Hartman**