



CENTERTON PLANNING COMMISSION
OCTOBER 03, 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 – 09/19/2023
4. **RATIFICATION OF ADMINISTRATIVE APPROVAL -- NONE**
5. **OLD BUSINESS**
- ORD A. **TS23-04 STUBBS- ROW WAIVER-** 8778 Tycoon Rd; Zoned A-1; Parent Tract: 33.08 Ac/ Tract 1: 23.39 Ac/ Tract 2: 9.69 Ac; *Applicant: Paul Stubbs; Surveyor: (Planner: ENystrom)*
6. **NEW BUSINESS**
- ORD A. **TS23-15 COX DEVELOPMENT LLC- Dedicating ROW-** 180 & 182 2nd Street (Zoned R3-MF/ Parent Tract: 1.21 Ac/ Tract 1: 0.31/ Tract 2: 0.90 Ac) *Owner: Cox Development LLC; Surveyor: DCI- Allen J. Young (Planner: DMorrisonLloyd)*
- ORD B. **{PUBLIC HEARING} REZ23-08 RODRIGUEZ – From A-1 to R-1 –** N/C of Bates Ln & Huber Rd (10 Ac) *Engr/Repr: Sand Creek Engineering, William Pereira; Owner: Christy Rodriguez (Planner: ENystrom)*
- ORD C. **TS23-17 RODRIGUEZ-** Huber Road (City/ Parent Tract 10 Ac/ Tract 1: 8 Ac/ Tract 2: 2 Ac) *Applicant: Sand Creek Engineering, William Pereira; Owner: Christy Rodriguez; Surveyor: Grant E. Nevill (Planner: ENystrom)*
- D. **SUB23-02 CRYSTAL COVE PH 4- Preliminary Plat & Plans-** Kinyon Rd. (Zoned RTH-MF12/ 9.98 Ac/ 62 Dwelling Units) *Owner: INFAS Corp, Inc.; Applicant: Tri-Star Contractors, LLC, Beth Oaks; Engineer: Lemons Engineering, Tim Lemons (Planner: DMorrisonLloyd)*
- E. **CENTERTON TIRE PLAZA – Waiver Request for Entrance on Centerton Blvd**
7. **OTHER BUSINESS**
 - A. **Review and discuss Zoning Audit comments from Houseal Lavigne**
8. **ANNOUNCEMENTS**
 - A. **APAC Training Course 5: Conditional Uses, Dev Review, Variances – Wed, 10/4/2023 @ 6:00-9:00 pm (Webinar)**
 - B. **Next Council Meeting: 10/10/2023 @ 6:00 PM**
 - C. **Next PC Meeting: 10/17/2023 @ 6:00 PM**
 - D. **Next Tech Review Meeting: 10/26/2023 @ 2:00 PM (Zoom)**
9. **ADJOURN**

NOTE: Although every effort on the part of the Planning Dept. is made to assure every Agenda is accurate and precise, periodically, for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice. Citizens are encouraged to call City Hall/Planning Dept. (479-795-2750-option 4) to verify if an item of interest remains scheduled to be heard on this date.



**PLANNING COMMISSION
MINUTES OF MEETING
October 3, 2023**

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, Tony Davis, John Sessoms, Joey Ingle, Craig Langford, Brandon Swoboda, Ben Lewis, and Jerry Harris. Devin Murphy was absent. Others in attendance for the city were: City Planning Director Lorene Burns, Senior Planner Dianne Morrison Lloyd, Planner 1 Kayla Knight, Planner 1 Erik Nystrom, City Engineer Alan Craighead, Deputy Chief Paul Higginbotham, 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 September 19, 2023, and asked Commissions if anyone had questions or concerns.

John Sessoms made a motion to approve the minutes from the October 3, 2023, Planning Commission Meeting, with a second from Joey Ingle. No members were opposed, and the motion was carried.

4. RATIFICATION OF ADMINISTRATIVE APPROVALS

5. OLD BUSINESS

A. TS23-04 STUBBS- ROW WAIVER- 8778 Tycoon Rd; Zoned A-1; Parent Tract: 33.08 Ac/ Tract 1: 23.39 Ac/ Tract 2: 9.69 Ac; *Applicant: Paul Stubbs; Surveyor: (Planner: ENystrom)*

With no questions from the commissioners, Jeff Seyfarth entertained a motion. John Sessoms motioned to bring TS23-04 Stubbs back to the table with a 2nd from Tony Davis. All members present voted Aye without negative, and Motion was carried.

- Bonita and Paul Stubbs were present and gave an update.
 - Bonita Stubbs spoke about the previous Tract Splits that were done without the city being aware.
 - ◆ The first tract split of five acres was done in 2019 when Bonita and Paul Stubbs purchased the property.
 - The closing agent of Lyndsey Associates said they would not be required to go through the City of Centerton process to close on the tract split. The second two acres was sold in 2020 to a friend.
 - They did not know it should go through the city because it only involved a friend. Nothing was done intentionally.
 - Lorene Burns gave a staff update.
 - ◆ The 2-acre split does not meet the Agricultural lot size requirement.
 - ◆ The fourth split triggers a Right Of Way dedication per the subdivision code requirements
 - ◆ Per the Master Street Plan, the future Huber Road is a Minor Arterial with a 90 foot Right Of Way.
 - ◆ The owners wrote a letter to waive the required 45-foot dedication on Huber Road to the north because they built a house in 2021 that is close to the future setback requirements.
 - ◆ The placement of the house is 65 feet from the property.
 - ◆ When/ If the street is constructed, the house will be 20 feet from the property line.
 - ◆ The Building Department does their best to meet the setback requirements, but they do not look at future ROW and building setback locations.
 - ◆ If they had gone through the Planning Dept., the future ROW would have been required to be shown on the Plat.
 - ◆ Arkansas State Statue must go through the city for signatures to ensure that the Plat meets the City of Centerton Code requirements.
 - ◆ Lorene Burns recommended to Table the Tract Split at the last Planning Commission meeting to consult with legal counsel.
 - Lorene consulted with two Legal Counsels and a consultant.
 - All three recommended that the Centerton Municipal Code requirements be followed with dedication made with the tract split for the ROW as shown on the MSP.
 - City Attorney, Brian Rabal, said the ACA 14-56-401 gives the planning commission authority to draw up a master street plan. ACA 14-56-417 gives authority to require reasonable right-of-way dedication. When the city adopts the master street plan, property owners are put on notice of the city's

intent to build roads in the future. Therefore, we have the right to require right- of- way. Brian Rabal spoke with a staff attorney at the municipal league who agrees. Furthermore, the legal counsel with the Municipal League believe that since the landowners did not follow proper procedures with the city to do the previous lot splits, the city does not have to respect them. Also, we are not rendering any parcel of land unusable, and they can still use the land for its intended purpose, therefore this would not constitute a taking.

- ◆ Options:
 - We can accept the Waiver for the ROW and change the MSP.
 - Modify the Waiver request.
 - Deny the Waiver request.
- ◆ The owner has the right to appeal the Planning Commissions' decisions to the City Council
- ◆ Joey Ingle asked if the decision is based on acceptance of the Tract Split or the Waiver of the Right Of Way.
 - Lorene and Alan commented that the result of the Right Of Way is dependent of what is shown on the Tract Split Plat.
- ◆ Bonita and Paul Stubbs are asking for no ROW dedication and maintain wanting the 0 ROW after being asked again when trying to compromise on a Right Of Way number.
- ◆ Brandon Swoboda needed clarification with the process.

Two Tract Splits that have occurred that did not properly go through the city. This caused a problem that is being addressed today.

 - A house was built, and permits were given through the Building Department.
 - Legally Benton County Records missed a step when the first two Tract Splits were recorded without the City of Centerton signatures.

With no questions from the commissioners, Jeff Seyfarth entertained a motion. John Sessoms made a motion to Waive the Right Of Way for 0 Feet ROW dedication for TS23-04 Stubbs with a 2nd from Tony Davis. All members present voted negative and Motion was denied.

- The City Council appeal process is provided in the packet.
- Bonita Stubbs asked if they compromised for 20 feet would have made a difference.
 - Jeff Seyfarth said he could not answer that but what he could say is 40 feet is already dedicated on the other side and he does not want to speak

for the other commissioners and if that was enough but the biggest reason it failed was because of no compromise.

6. NEW BUSINESS

A. TS23-15 COX DEVELOPMENT LLC- Dedicating ROW- 180 & 182 2nd Street (Zoned R3-MF/ Parent Tract: 1.21 Ac/ Tract 1: 0.31/ Tract 2: 0.90 Ac) Owner: Cox Development LLC; Surveyor: DCI- Allen J. Young (Planner: DMorrisonLloyd)

- Allen J. Young from DCI Surveyor was present.
 - Splitting a tract of land at the intersection of 2nd St. and Fair St. into 2 lots.
- A duplex currently exists on the parent parcel, and they are splitting the existing parcel to build another duplex on the new lot. Dianne Morrison Lloyd gave the Staff update.
 - The property is located at the corner of East 2nd St. and Fair St.
 - Currently a duplex on Lot 1.
 - A Duplex will be constructed on Lot 2.
 - Zoned R3-MF
 - Zoned Flood AE, and X on the Southeast corner
 - Removing property line that was plotted with original plat as E 2nd St. The street was vacated by the city in 1989 per Ordinance 89-2.
 - Dedicating 13 feet of Right Of Way for West 2nd Street
 - Dedicating 10 Feet on Fair Street
 - The dedication will allow Fair St to be realigned in the future.

With no questions from the commissioners, Jeff Seyfarth entertained a motion. Joey Ingle made a motion to Approve TS23-15 Cox Development contingent upon the remaining staff comments with a 2nd from John Sessoms. No members were opposed, and the motion was carried.

A. {PUBLIC HEARING} REZ23-08- RODRIGUEZ- From A-1 to R-1- N/C of Bates Ln. & Huber Rd (10 Ac) Engr/ Repr: Sand Creek Engineering, Williame Pereira; Owner: Christy Rodriguez (Planner: ENYSTROM)

- William Pereria from Sand Creek Engineering was present.
 - They would like to split 2 Ac out of the 10 Ac parent tract and rezone to R-1.
- Erik Nystrom gave a Staff Update
 - The parcel is located on Huber Road.
 - ROW is required since there have been more than 3 Tract Splits for this parcel.

- ◆ Five extra feet of ROW needs to be dedicated plus the 40 feet that was previously dedicated to match the MSP.
- ◆ 8 Ac is above the 5 Ac required amount for A-1, the staff recommends keeping the 8 Ac zoned A-1.
- The parcel is south of Shirley Estates (R3-SF) and adjacent to A-1 on east, west, and south sides.
- There is a 15' sewer easement running diagonally from the west side towards the SW corner of the parent tract.
- There is also a 15' water line easement abutting the ROW of Huber Rd.
- Public water and sewer are available for the property.
- There is an existing riverine running from the west side towards the SW corner.
- There is a freshwater pond towards the SE side.
- The property is not in a floodplain.
- Lorene Burns asked the applicant if they would like to keep the 8 Ac A-1 and the 2Ac R-1. The applicant stated that they would like to keep the 8 Ac as Agriculture (A-1).

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 Craig Langford. No members were opposed, and the public hearing was opened.

No Public Comments

Joey Ingle made a motion to close the public hearing with a second from John Sessoms. 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. It is consistent with the Land Use Plan

Is the proposed rezoning compatible with the surrounding area and zones?

B. Yes

Would all the permitted uses in the new zone be compatible with this location and surrounding areas?

C. Yes

Would the rezoning provide a benefit to this landowner, but not be considered for other similar properties in this area?

D. We would consider it for all property owners.

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?

E. We had no objections from the public.

With no other questions from the commissioners, Jeff Seyfarth entertained a motion. Joey Ingle made a motion to Approve REZ23-08 RODRIGUEZ with the 2 Ac from A-1 to R-1 with a 2nd from Craig Langford. In a Roll Call, Joey Ingle, Ben Lewis, John Sessoms, Brandon Swoboda, Craig Langford, Jerris Harris, Tony Davis, and Jeff Seyfarth voted YES. With an 8-0, the motion was approved.

B. TS23-17 RODRIGUEZ- Huber Road (City/ Parent Tract 10 Ac/ Tract 1: 8 Ac/ Tract 2: 2 Ac)
Applicant: Sand Creek Engineering, William Pereira; *Owner: Christy Rodriguez;*
Surveyor: Grant E. Nevill (Planner: ENystrom)

- Erik Nystrom gave a staff update.
 - It has a Minor Subdivision with previous Tract Splits in 2017 (TS16-17 and 2019 (TS19-18)
 - Requesting 45- feet ROW along Huber Road.
 - Both Tracts will have direct access to Huber Road.
 - Sewer easement along the 8 Ac parcel but not for the 2 Ac
 - Staff have minor comments on the plat notes, ROW dedication, and property line representation remaining.
- Lorene Burns clarified that 40 feet ROW was dedicated to the prior Tract Split.
 - The current note on the plat states, “Planned Right Of Way” and it would convert to ROW upon Annexation. Lorene recommends that the Plat states 45-feet ROW dedication with the Plat to make sure the full dedication is clear.
 - Manhole is not shown within the limits of the Easement.
 - Easement may need to be adjusted to the sewer line.
 - If it is a Public Easement, it needs to be vacated through the process but if it is a private easement, no official process needs to happen.
 - Work with Malcolm Attwood to determine alignment of manholes and Public Easement.

With no questions from the commissioners, Jeff Seyfarth entertained a motion. Joey Ingle made a motion to Approve TS23-17 Rodriguez with a 2nd from John Sessoms. No members were opposed, and the motion was carried.

C. SUB23-02 CRYSTAL COVE PH 4- Preliminary Plat & Plans- Kinyon Rd. (Zoned RTH-MF12/ 9.98 Ac/ 62 Dwelling Units) *Owner: INFAS Corp, Inc.; Applicant: Tri-Star Contractors, LLC, Beth Oaks; Engineer: Lemons Engineering, Tim Lemons (Planner: DMorrisonLloyd)*

- Tim Lemons of Lemons Engineering was present for any questions.
- Dianne Morrison Lloyd gave a Staff overview.
 - The subdivision is located on the south side of Kinyon Road, Adjacent to Crystal Cove 1-3
 - The subdivision will connect to Crystal Cove 1-3 via Garret Ave and Lapis Ave.
 - The drainage for this subdivision will be provided with Elegance at Kinyon
 - There are minor staff comments on the preliminary plans and adjacent street agreement. The comments do not impact the layout of the lots and will be addressed prior to pre-construction.
 - The applicant is developing all the properties on the south side of Kinyon Road between Keller Road and AR HWY 279.
 - Crystal Cove PH 1 is completed, and PH 2 and PH 3 are under construction.
 - Elegance of Kinyon is under review and Kinyon Springs Valley received preliminary approval on August 15, 2023.
 - 62 Single Family homes = 6.21 Units/ Ac.
 - 40- ft of ROW on Kinyon Road is being dedicated to meet MSP standards for a Major Collector.
 - The developer will be improving the road to 25 ft width, 2-foot shoulder on north and south side.
 - Streetlights are added in 300 feet intervals.
 - 5-foot sidewalk on the south side along with 9 feet of greenspace to match Crystal Cove
 - A new culvert will be added parallel to Kinyon Rd, for the intersection of Kinyon with Crystal Drive.

With no questions from the commissioners, Jeff Seyfarth entertained a motion. John Sessoms made a motion to Approve SUB23-02 Crystal Cove Preliminary Plat and Plans with a 2nd from Craig Langford. No members were opposed, and the motion was carried.

D. CENTERTON TIRE PLAZA – Waiver Request for Entrance on Centerton Blvd

- Scott Rhodes from Rhodes Development (Properties Owner)
 - Based out of Missouri.
 - 75 Locations
 - 6 in Northwest Arkansas
 - Asking for direct access to Centerton Blvd. for safe access forget delivery trucks in and out of the parking lot.

- The engineer asked the Planning Commission to consider their request because the entrance of Walgreens to Copper Oaks is 213 feet and
- Walgreens entrance to Tooth Squad is 287 feet (Both less than the city requirements).
- Candice Anderson of CEI was present and discussed the project.
 - Held a concept a meeting with the City of Centerton at the end of August,
 - ◆ Originally proposed two driveways onto Centerton Blvd to create a looped access around the building. The city requested no additional drives for the property due to the existing access easement to the east and west of the property and the proximity of existing driveways.
 - ◆ The applicant is requesting a waiver from the Title 9 requirement of 440' between driveways on a Major Arterial with a speed limit of 45 or greater.
 - ◆ They are requesting a single two-way driveway to Centerton Blvd.
 - They asked to take consideration that there are properties under the minimum requirements (Walgreens and Tooth Squad)
 - Joey Ingle asked Lorene when the Driveway requirements became active.
 - ◆ Alan Craighead responded that it became active on January 1, 2023
 - Joey Ingle asked Candice what other options they looked into become coming to the Planning Commission to get approval for an additional driveway. They did not look at additional options.
 - ◆ Joey suggested that a cross access agreement on the back- side of Walgreens be considered.
- Scott Rhodes says he works with companies like Walgreens often and he knows that if you have nothing to give them or if the City of Centerton forces them, they will not response back.
- Joey Ingle asked how many times does the delivery truck deliver to the store, because he has never seen a delivery at the Bentonville location.
 - Scott Rhodes replied that a delivery comes about once a week.
 - Planning Commission hopes they come early in the morning or at night.
- Brandon Swoboda asked, how wide is the shared access agreement?
 - Can you improve the east side of the easement to widen the area?
- It was discussed with Walgreens giving a 24-foot cross access along the back, but it was eliminated during the Planning.
- Mayor Bill Edwards introduced himself and spoke about his background with JB Hunt and truck safety.
 - He said he expressed during the pre-app meeting, he did not think the front cross access at Walgreens was safe and saw accidents occurring.

With no questions from the commissioners, Jeff Seyfarth entertained a motion. Joey Ingle made a motion to Approve MISC23-01 CENTERTON PLAZA DRIVEWAY WAIVER with a 2nd from John Sessoms. In a Roll Call, Joey Ingle, Ben Lewis, John Sessoms, Brandon Swoboda, Craig Langford, Jerris Harris, Tony Davis, and Jeff Seyfarth voted NO. With a 0-8, the motion was denied.

7. OTHER BUSINESS

A. Review and discuss Zoning Audit comments from Houseal Lavigne

- Lorene Burns gave a review of the Zoning Audit.
 - Recommendations of:
 - Section 2- Est. of the Zoning District
 - ◆ Should be arranged in logical order from least intensive to most intensive.
 - Rezoning areas R3-D and our multi-family Districts to align with the comprehensive plan.
 - ◆ We worked on the R3-D and the three single family Districts so they would blend.
 - ◆ Joey Ingle thought we had gotten rid of the one zoning that encompasses all.
 - ◆ Lorene Burns will add a statement on the Table that clarifies that all three single families have a set back of 7 feet instead of the 10 feet and the multi-family requires a 10-foot set back.
 - Another recommendation is to keep the Agriculture and Residential Zonings separate districts.
 - ◆ We have discussed having 2 Agricultural Districts.
 - 5 to 10 Ac
 - 10 + Ac
 - Different allowance of uses.
 - Remove residential condominium and including them in R4
 - Use the term multi-unit instead of multi-family.
 - Create guidelines for an Innovation District in Old Town District, and guidelines for the New Downtown District
 - Clearly define districts.
 - Allowing Upper Floor residential and commercial in the C2.
 - Provide guidelines for the Industrial Districts
 - Tony Davis questions how you can enforce the requirement of owners living at the property for Airbnb's.
 - Reduce the lot width area standards for R1, R2, R3
 - Remove the Off-Street Parking from Zoning Code and add it to the Development Code.

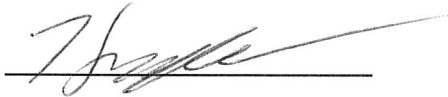
- Joey Ingle pointed out that Section 4: Use- Specific Standards is important.
- Landscaping- Tree Preservation does not seem to be considered.
 - ◆ Updates are needed to the Tree Board.
- Joey Ingle- We are playing catch up with landscaping. We are not ahead of the curve.
- We will enhance the screening requirements including clarity on fence height.
- Open Space needs to be clarified on what could and could not count.
- Non- conforming Lots, Building and Uses need to be updated.
- Definitions need an overhaul and put in the back of the code instead of the beginning where they are currently located.

8. ANNOUNCEMENTS

- Next Council Meeting: 10/10/2023 @ 6:00 PM
- Next PC Meeting: 10/17/2023 @ 6:00 PM
- Next Tech Review Meeting: 10/26/23 @ 2:00 PM (Zoom)

8. ADJOURN

Craig Langford made a motion to adjourn the meeting at 8:11 PM, with a 2nd from Joey Ingle. No commissioners were opposed, and the meeting was adjourned.



Jeff Seyfarth- Planning Chair
Centerton Planning Commission

Minutes Prepared By: Samantha Hartman