



CENTERTON PLANNING COMMISSION
January 05, 2021 @ 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 – 12/15/2020
- 4. OLD BUSINESS**
 - A. **SUB20-16 Diamond Estates Phase 4** – Adjacent Street Improvement Agreement for Wolverine Drive (R2 / 15.37 Ac / 56 SF Lots)
- 5. NEW BUSINESS**
 - A. **{PUBLIC HEARING} REZ20-24 FSSCL, LLC** – 13854 W. Hwy 102 A1 to C2 & R3-SF (60.13 Ac)
 - B. **{PUBLIC HEARING} REZ20-25 VFAM GROUP** – 9.82 Ac on north side of Kimmel Rd, west of Greenhouse Rd (Future Kimmel Ridge Ph2) – A1 to R3 Duplex
 - C. **{PUBLIC HEARING} CU20-12 Amazing Childcare** – Residential Childcare Use (Up to 8 Children) at 1251 Torbay Trace, Lot 111 Kensington Hills Subdivision (R3 / 0.61 Ac)
- 6. OTHER BUSINESS**
- 7. ANNOUNCEMENTS**
 - A. **Next PC Meeting: 1/19/2021 @ 6:00 PM**
 - B. **Next Council Meeting: 1/12/2021 @ 6:00 PM**
- 8. 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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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.



**CENTERTON
PLANNING COMMISSION
MINUTES OF MEETING
JANUARY 5, 2021**

(1) CALL TO ORDER - The Zoom Virtual Meeting of the Centerton Planning Commission was called to order by Planning Commission Chairman Jeff Seyfarth at 6:00 p.m. He explained the process for access and participation for this virtual meeting.

(2) ROLL CALL –

Those Present and answering Roll Call were Jeff Seyfarth, Joey Ingle, Devin Murphy, Craig Langford, Amber Beale, Tony Davis, John Sessoms, Ben Lewis and Jerry Harris. 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 Nicole Gibbs, City Planner Dianne Morrison Lloyd, City Planner Donna Wonsower, Fire Marshal Paul Higginbotham, City Engineer John Wary and Director of Public Works Rick Hudson. Centerton Utilities Director Frank Holzkamper was not present.

(3) Approval of the 12/15/2020 Planning Meeting Minutes -

Chairman Jeff Seyfarth introduced the Minutes of the Planning Commission Meeting from 12/15/2020 and asked the Commissioners if they had any questions or concerns. There were none.

Joey Ingle made a motion to Approve the December 15, 2020 Planning Commission Meeting Minutes, with a 2nd from John Sessoms. All Commission Members voted in favor and the motion carried.

(4) OLD BUSINESS –

A. SUB20-16: Diamond Estates Phase 4 – Adjacent Street Improvement Agreement for Wolverine Drive (R-2 / 15.37 Acres / 56 SF Lots) -

Chairman Jeff Seyfarth introduced the item to the Commission.

City Planner Donna Wonsower addressed the Commission, stating that we had not quite worked out the Adjacent Street Improvement Agreement for Diamond Estates Phase 4 at our last meeting. She said it has now been worked out and is being brought back before the PC for their approval. She said Wolverine Drive is a 3-lane Major Collector on our MSP, with 80' ROW. She said Wolverine Drive has developed differently than typical Major Collectors, per previous agreements with adjacent developments, treating it more like a local street with varying ROW. She gave a detailed overview of the approved agreement for this development and provided an illustration for the PC.

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 SUB20-16: Diamond Estates Phase 4 – Adjacent Street Improvement Agreement for Wolverine Drive (R-2 / 15.37 Acres / 56 SF Lots), with a 2nd from Amber Beale. All Commission Members voted in favor and the motion carried.

(5) NEW BUSINESS -

A. {PUBLIC HEARING} REZ20-24: FSSCL, LLC – 13854 W. Hwy 102 (A-1 to C-2 & R3 SF / 60.13 Acres) –

Chairman Jeff Seyfarth introduced the item to the Commission.

Amber Beale made a motion to Open the Public Hearing for REZ20-24: FSSCL, LLC – 13854 W. Hwy 102 (A-1 to C-2 & R3 SF / 60.13 Acres), with a 2nd from Tony Davis. All Commission Members voted in favor and the motion carried.

Nick Goedereis of TriStar Contractors addressed the Commission, giving a brief overview of the Rezone Request for 10 Acres of Commercial Development and 50 Acres of Residential High Density Single-Family Development on West Hwy 102.

City Planner Dianne Morrison Lloyd addressed the Commission, giving an overview of the request for C-2 and R-3 SF zoning on West Hwy 102 inside the Centerton City Limits. She listed the acceptable Uses and Requirements for the requested Zoning, including setbacks, density, ROW, surrounding zoning and acceptable Uses. She said this request may be considered compatible with surrounding uses, but may not be

considered consistent with our Land Use Plan, which designates this area for Business Park.

Chairman Jeff Seyfarth opened the meeting to Public Comments.

Public Comments:

Tomek Siviec – 13675 W. Hwy 102 – Supported the request. He asked questions about traffic speed limits on Hwy 102, and access to sewer for this development. Chairman Seyfarth said the speed limit on Hwy 102 is controlled by the Arkansas State Highway Department, and not the city. Nick Goedereis said the sewer will be supplied via a proposed Lift Station on the southeast corner of the project, with a Force Main up to Keller Road.

Chairman Seyfarth asked if there were any other comments or questions from the public. There were none.

Jerry Harris made a motion to Close the Public Hearing for REZ20-24: FSSCL, LLC – 13854 W. Hwy 102 (A-1 to C-2 & R3 SF / 60.13 Acres), with a 2nd from Joey Ingle. All Commission Members voted in favor and the motion carried.

There was a brief discussion about “Business Park” zoning designated for this area vs. the “Commercial Development” being proposed.

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 Land Use Plan) - NO.** Chairman Seyfarth said he would vote No on this particular criterion item, but feels we have some valid reasons and discussion points. The proposed uses would extend the Med/High Density Residential area from the north, and the Commercial area from the east. **PC was in agreement that the request is not considered consistent with the Land Use Plan.**
- 2) **Is the proposed rezoning compatible with the surrounding area and zones- YES.** PC was in agreement that the request is compatible with the surrounding area.
- 3) **Would all of the permitted uses in the new zone be compatible in this location- YES.** PC was in agreement that all permitted uses would be compatible.
- 4) **Would the Rezoning provide a benefit to one land owner not shared by the whole neighborhood- NO.** Commission was in agreement the there is not a non-shared benefit for this request.

- 5) **If the public is opposed, why- NO.** Chairman Seyfarth said there was no public opposition, but there was public comment about traffic speed limits on Hwy 102, but there was no specific factual information provided.

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

There was discussion about the Commercial portion of this request, regarding the depth of the commercial district, shared lot access, and access onto Hwy 102. Nicole Gibbs said the proposed depth of the commercial area would be similar to what we have further east on Hwy 102 in front of Copper Oaks Subdivision, where Tooth Squad, Jake's Fireworks, and Waffle House are located. Director of Public Works Rick Hudson said this development would not pose the difficulties we had with the drainage swale issues on the Copper Oaks lots. Goedereis said they are agreeable to adjusting those lot sizes, if necessary. There was discussion.

Amber Beale made a motion to Approve REZ20-24: FSSCL, LLC – 13854 W. Hwy 102 (A-1 to C-2 & R3 SF / 60.13 Acres), with a 2nd from John Sessoms. There was a Roll Call. All Commission Members voted in favor and the motion carried.

- B. {PUBLIC HEARING} REZ20-25: VFAM GROUP – 9.82 Acres on the North Side of Kimmel Road, West of Greenhouse Road (Future Kimmel Ridge Phase 2) – (A-1 to R3 Duplex) -**

Chairman Jeff Seyfarth introduced the item to the Commission.

John Sessoms made a motion to Open the Public Hearing for REZ20-25: VFAM GROUP – 9.82 Acres on the North Side of Kimmel Road, West of Greenhouse Road (Future Kimmel Ridge Phase 2) – (A-1 to R3 Duplex), with a 2nd from Joey Ingle. All Commission Members voted in favor and the motion carried.

John Wary of Morrison Shipley addressed the Commission, stating that this is planned to be Phase 2 of the Kimmel Ridge Subdivision, to be developed primarily as duplexes with a few Single-Family homes, similar to the first phase.

City Planner Dianne Morrison Lloyd addressed the Commission, giving an overview of the project. She said the proposal is a continuation of Phase 1 of the Kimmel Ridge Subdivision. She listed the requirements for the requested Zoning, including Lot Size, Setbacks, ROW, density, and surrounding Zoning and Uses. She said there is Flood Plain on the south portion of the property, which will require a Flood Plain Permit. She said all the development is proposed to be north of that Flood Plain. An illustration was provided. She said this request is considered compatible with our Master Land Use Plan.

Chairman Jeff Seyfarth opened the meeting to Public Comments.

Public Comments: There were none.

Joey Ingle made a motion to Close the Public Hearing for REZ20-25: VFAM GROUP – 9.82 Acres on the North Side of Kimmel Road, West of Greenhouse Road (Future Kimmel Ridge Phase 2) – (A-1 to R3 Duplex), with a 2nd from Ben Lewis. All Commission Members voted in favor and the motion carried.

Joey Ingle asked if there was any issue with the R-3 Duplex Zoning being requested, considering there would also be Single-Family homes being developed, as there was in Phase 1 as well. Senior Planner Nicole Gibbs said a development is zoned for the most intensive Use, and PC can determine that whether the less intensive Uses are allowable as well.

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

- 1) Is the rezoning consistent with the Adopted Comprehensive Plan (including Land Use Plan) - YES. PC was in agreement that the request is considered consistent with surrounding use.**
- 2) Is the proposed rezoning compatible with the surrounding area and zones- YES. PC was in agreement that the request is compatible with the surrounding area.**
- 3) Would all of the permitted uses in the new zone be compatible in this location- YES. PC was in agreement that all permitted uses are compatible.**
- 4) Would the Rezoning provide a benefit to one land owner not shared by the whole neighborhood- NO. Commission was in agreement the there is not a non-shared benefit for this request.**
- 5) If the public is opposed, why- NO. There were no Public Comments.**

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

Jerry Harris asked if the developer would be able to fill the area in the Flood Plain and develop it. Planning Director Lorene Burns stated that they are not proposing to encroach into the Flood Plain, but they will still need to provide analysis that there will be no impact on the Flood Plain. She said if there were a large impact, she would recommend that the Developer get a CLOMR (Conditional Letter of Map Revision).

Amber Beale made a motion to Approve REZ20-25: VFAM GROUP – 9.82 Acres on the North Side of Kimmel Road, West of Greenhouse Road (Future Kimmel Ridge Phase 2) – (A-1 to R3 Duplex), with a 2nd from John Sessoms. There was a Roll Call. All Commission Members voted in favor and the motion carried.

C. {PUBLIC HEARING} CU20-12: Amazing Childcare – Residential Childcare Use (Up to 8 Children) at 1251 Torbay Trace Drive, Lot 111 Kensington Hills Subdivision (R-3 / 0.61 Acres) -

Chairman Jeff Seyfarth introduced the item to the Commission.

Ben Lewis made a motion to Open the Public Hearing for CU20-12: Amazing Childcare – Residential Childcare Use (Up to 8 Children) at 1251 Torbay Trace Drive, Lot 111 Kensington Hills Subdivision (R-3 / 0.61 Acres), with a 2nd from Joey Ingle. All Commission Members voted in favor and the motion carried.

Anviolet Nava, the applicant, addressed the Commission, stating that this request is for a Conditional Use Permit for Daycare Services for up to ten (10) children in her residence. She said she currently has 7 children signed up but has other siblings within the same family that wish to sign up in the future. She said the Hours of Operation would be 7:00am-6:00pm and there is a scheduled drop-off time of 7:30am-9:00am and pick-up time of 4:30pm-6:00pm. She said drop-off and pick-up would be in the driveway, and not along the street, to eliminate traffic congestion. She said they only plan on being in this house until November 2021 and would be moving to a Commercial Space after that time.

Nava said DHS approved her approve her for up to twenty-nine (29) children, based on the size of the home. She said she is only asking for ten (10) at the most, with the additional children coming from families already signed up. She said there will only be two (2) employees, which would be herself and her mother. She said she rents this home.

City Planner Donna Wonsower addressed the Commission, giving an overview of the request. She provided a map with the location of the property, and said the applicant is requesting a Home Occupation Conditional Use for Residential Childcare. She said per our Code, it would be limited to eight (8) children. She said the property is zoned R-3 SF High Density Residential. She said this is a rental property and per the Lease Agreement the garage can only be used by the tenant. She said there are no structural changes being proposed to accommodate this Use, and she listed the Hours of Operation as: M-F - 7:00am-6:00pm, with a scheduled drop-off time of 7:30am-9:00am and pick-up time of 4:30pm-6:00pm. She provided a drawing of the 4BR home layout and the intended use for the space. She said the Covenants for the subdivision state that no owner shall be allowed to conduct any business or commercial activity or enterprise

on any lot. She said that is something for PC to consider. She said there does not appear to be an active POA in the Kensington Hills neighborhood, however.

City Attorney Brian Rabal stated that Covenants are of a Contractual Nature and the City cannot enforce them. He recommended that Nava make an attempt to get something in writing from the POA entity, whether active or not, indicating approval of an exception to the Covenants. He recommended that the City maintain a symbiotic relationship with the POA, with regards to their Covenants.

Tony Davis asked if there was an active, functioning POA, with the residents paying dues. Wonsower said there is no indication of a functioning POA. Rabal said the properties are still contractually bound to the Covenants, whether there is an active POA or not.

City Clerk Todd Wright asked who approved the seven (7) children, the City or DHS. Chairman Seyfarth said it appears to be DHS. Nava agreed, stating that DHS would allow up to twenty-nine (29) children, based on the size of the home. Joey Ingle said our City Code only allows up to eight (8) children. Seyfarth agreed. Wright asked if Nava was currently operating the business. Nava said they are not, but they have seven (7) children signed up, pending approval of this application.

Tony Davis asked if CUP's are reviewed every year. Seyfarth said we can set up whatever review stipulation the PC wishes, when setting the conditions of a CUP.

Wonsower read Chapter 14.04.10b of the City Code, regarding Home Occupation Requirements.

Chairman Jeff Seyfarth stated that there were five (5) e-mails/letters from the public, included in the PC packets.

Chairman Seyfarth opened the meeting to Public Comments.

Public Comments:

Angela Berger – 613 N. 4th Street, Rogers, Ar. – Spoke in favor of the request. Her family has signed up with this childcare. She expressed the need for childcare options, especially during the current Global Pandemic and shared details and precautions potentially offered with this particular childcare facility.

Erin Hulliberger – 4901 S. Inglewood Road, Rogers, Ar – Spoke in favor of the request, stating that she is one of the families signed up for this daycare. She pointed out the need for small in-home childcare during this time.

Sergio (No last name given) – 1251 Torbay Trace, Centerton, Ar. (Property Owner) - Spoke in favor of the request. He said he has addressed any concerns he has

about this request by his tenant, regarding the use, parking, and traffic for her proposed business. He said he can amend her lease agreement to allow for employee parking in the garage.

Harold Eichelberger – Rogers, Ar. - Spoke in favor of the request. He said his family has signed up for this childcare. He expressed the need for childcare in this community.

Chairman Seyfarth asked if there were any other comments from the public. There were none.

Joey Ingle made a motion to Close the Public Hearing for CU20-12: Amazing Childcare – Residential Childcare Use (Up to 8 Children) at 1251 Torbay Trace Drive, Lot 111 Kensington Hills Subdivision (R-3 / 0.61 Acres), with a 2nd from Craig Langford. All Commission Members voted in favor and the motion carried.

Chairman Seyfarth asked that PC consider this CUP along with the potential for changes in clients/families in the future, from what we are hearing in this evening's presentation.

Joey Ingle asked for verification that the proposed employees for this childcare will only be Anviolet Nava and her Mother (2 caregivers). Nava said that is correct. He asked about the number of children and their ages, regarding the DHS Chart. He said the Code states no employees are allowed, and the request is for one (1) employee (in addition to Anviolet Nava). He said he has no issue with parking or traffic, as long as it is monitored and there are no complaints. He said, although it would be nice to be symbiotic with the Covenants, we can only enforce our Code, and not Neighborhood Covenants.

Planning Director Lorene Burns said she thought the "Employee Limitation" only applied to Home Occupation, and since they did not meet the Home Occupation Requirements, they are requesting a Conditional Use Permit.

Senior Planner Nicole Gibbs said we are operating this request under Home Occupation Point B and gave details. She said Section 5 states that "the Home Occupation is solely operated by the owners and occupants of the dwelling and no non-resident person(s) are employed or independently contracted". She said the number of employees would not be limited, but it is limited to the occupants of the dwelling. Burns said that we previously have approved Home Occupations that have had nonresident employees.

There was a brief discussion about Variance from the Zoning Code, regarding hardship. There was also discussion about what flagged this request from Home occupation to CUP. Lorene Burns said there is one other in-home occupation childcare in the city, with employees, which was grandfathered in, that she is aware of.

Seyfarth listed some of the Conditions of Approval for PC consideration, as follows:

- **Term** – 1 year
- **Employee** – 1 extra employee
- **Number of Children** – Up to ten (10)
- **Hours of Operation** – 7:00am-6:00pm (Drop-off: 7:30-am-9:00am and Pick-up: 4:30pm-6:00pm)

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

Joey Ingle stated that we have one other residential daycare that clearly does not follow these rules because they were grandfathered in, and he does not feel one extra employee and two extra children would impact his decision.

Joey Ingle made a motion to Approve CU20-12: Amazing Childcare – Residential Childcare Use (Up to 8 Children) at 1251 Torbay Trace Drive, Lot 111 Kensington Hills Subdivision (R-3 / 0.61 Acres), for a period of one (1) year, with one (1) extra employee, up to ten (10) children, and all other conditions as discussed, with a 2nd from Tony Davis. There was a Roll Call. All Commission Members voted in favor and the motion carried.

(6) OTHER BUSINESS –

- **Patio for a Restaurant Business (Discussion) - Mayor Bill Edwards –**

Mayor Edwards addressed the PC, stating that he was contacted by a Northwest Arkansas restaurant, inquiring about the 2 vacant spaces between Verizon and Goodwill. He said they are requesting a patio area in front of the building, in the space where 4 parking places currently are located. Edwards gave details on the type of restaurant and a description of the patio area. He said this would require a Conditional Use Permit, and they would still meet the Parking Requirement. He said if PC has no issue with this informal request at this time, he will recommend to the business owner that they bring a formal presentation to the Planning Department. There was a brief discussion about the location of the parking spaces. PC was in support of the request being formally brought to the Planning Department.

- **iPad's for PC –**

Lorene Burns asked for a list of Commissioners that need an iPad.

- **Statement of Financial Interest –**

Lorene reminded PC to fill out their Statement of Financial Interest by 1/31/2021.

- **APA Renewals –**

Lorene Burns verified PC Members and others from Staff that wished to renew their APA Memberships.

- **Bentonville Master Street Plan –**

Nicole Gibbs said the City coordinated with Bentonville on our Master Street Plans. She said their Resolution, MSP and typical cross sections are being considered by Bentonville PC this evening for recommendation to their Council.

- **Adjacent Rezones –**

Lorene Burns said she is keeping an eye on any Rezoning being done adjacent to the City of Centerton. To make sure we are aware when we are addressing rezoning property in those areas.

(7) ANNOUNCEMENTS -

- **1/12/2021 – City Council Meeting @ 6:00 PM**
- **1/19/2021 - Planning Commission Meeting @ 6:00 PM**
- **2021 Planning Submittal & Meeting Calendar Available**

(8) ADJOURN-

Jerry Harris made a motion to adjourn the meeting at 8:12 pm, with a 2nd from John Sessoms. All Commission members voted in favor and the motion carried.



**Jeff Seyfarth – Chairman
Centerton Planning Commission**

Minutes prepared by:
Todd Wright