



CENTERTON PLANNING COMMISSION

May 18, 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 – 05/04/21
4. **RATIFICATION OF ADMINISTRATIVE APPROVALS**
 - A. **TS21-06 Callis Tract Split** – 2525 W. Centerton Blvd (Proposed C2&R1 / 5.03 Ac / 2 Lots, 2Ac, 3Ac)
 - B. **HOP21-17 Mop N Vroom** – Office Use Only for Residential Cleaning Services; R3, 112 Sage St, Lot 31, Willow Crossing Ph 1
 - C. **HOP21-18 Laurie’s Sweet Treats** – Homemade Baked Goods and Gift Baskets, Farmers Markets, Special Events, and Occasional Porch Pick-up (1-3/wk); R3, 500 Dewberry Ln, Lot 434, Centerpoint
 - D. **HOP21-19 Wireless Planet** – Office Use and Online Purchasing & Resale, Wireless Tech Consultant & Tech Product Resale; R2, 640 Tall Oaks, Lot 158, Oak Tree
 - E. **HOP21-20 By Daddy’s Hands** – Office Use Only for Carpentry/Contracting Construction Services; R3, 350 N B St, Lot 9, Centerton Original
 - F. **HOP21-21 Centerton Cares** – Office Use Only for Community Outreach Assistance; R3, 368 N B St, Lot 10, Centerton Original
5. **OLD BUSINESS**
 - A. **SUB21-03 Silver Leaf Prelim Plat** – Adjacent Street Improvements MOU, Bush Rd & Wade Dr – Tabled from 5/4
6. **NEW BUSINESS**
 - A. {PUBLIC HEARING} **REZ21-16 Schuber Mitchell Homes – A1 to R3-SF** – 162 Ac; 11503 Walters Rd
 - B. {PUBLIC HEARING} **REZ21-17 RLP Developments – A1 to R3-SF** – 11.32 Ac; 2885 Edgewood
 - C. {PUBLIC HEARING} **REZ21-18 Callis Prop – A1 to C2 & R1** – 5.04 Ac; 2525 W Centerton Blvd
 - D. {PUBLIC HEARING} **CU21-03 Buttercup - Cupcake Food Vendor, Hailey Plaza** – Lot A Southland Addition; 110 Hailey Dr. (C2 / 0.77 Ac)
 - E. {PUBLIC HEARING} **CU21-05 Ice It Down - Ice Vending Machine** – 391 N. Main St. (C1 / 0.89 Ac)
 - F. **SUB19-01 Hilldale Final Plat** – Holloway Rd & S Main St (R3 / 40 Ac / 140 SF Lots)
 - G. **DEV21-07 Centerton Family Eyecare Expansion** – 101 Dawn Dr; Lot B, Ridgfield Addn. (C2 / 0.77 Ac)
7. **OTHER BUSINESS**
 - A. Title 14 Zoning Code Amendments, Changes to High Density Residential Districts – Discussion
8. **ANNOUNCEMENTS**
 - A. **Joint Work Session – XNA/MSP/LUP: 5/20/2021 @ 5:30 PM**
 - B. **Next Tech Review Meeting: 05/27/2021 @ 2:00 PM**
 - C. **Next Council Meeting: 06/08/2021 @ 6:00 PM**
 - D. **Next PC Meeting: 06/01/2021 @ 6:00 PM**
 - E. **Joint Work Session – Title 15: 6/24/2021 @ 5:30 PM**
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
May 18, 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 6:02 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, Jerry Harris, John Sessoms, Tony Davis, Amber Beale, and Ben Lewis. 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, Director of Public Works Rick Hudson and City Engineer John Wary.

(3) APPROVAL OF MINUTES -

Chairman Jeff Seyfarth introduced the Minutes of the Planning Commission Meeting from 5/04/2021 and asked the Commissioners if they had any questions or concerns. There were none.

Jerry Harris made a motion to Approve the May 4, 2021 Planning Commission Meeting Minutes, with a 2nd from John Sessoms. All Commission Members voted in favor and the motion carried.

(4) RATIFICATION OF ADMINISTRATIVE APPROVALS –

- A. TS21-06: Callis Tract Split** – 2525 W. Centerton Blvd. (Proposed C2 & R1 / 5.03 Acres / 2 Lots, 2 Acres, 3 Acres) **REMOVED ADMINISTRATIVE APPROVAL – DUE TO REZONE BEING TABLED. Motion by Amber Beale and a 2nd by John Sessoms. All Commissioners voted in favor and the motion carried.**
- B. HOP21-17: Mop N Vroom** – Office Use Only for Residential Cleaning Services; R3, 112 Sage Street, Lot 31, Willow Crossing Phase 1
- C. HOP21-18: Laurie’s Sweet Treats** – Homemade Baked Goods and Gift Baskets, Farmers Markets, Special Events, and Occasional Porch Pick-up (1-3/week); R3, 500 Dewberry Lane, Lot 434, Centerpoint
- D. HOP21-19: Wireless Planet** – Office Use and Online Purchasing & Resale, Wireless Tech Consultant & Tech Product Resale; R2, Tall Oaks, Lot 158, Oak Tree
- E. HOP21-20: By Daddy’s Hands** – Office Use Only for Carpentry/Contracting Construction Services, R3, 350 N. B Street, Lot 9, Centerton Original
- F. HOP21-21: Centerton Cares** – Office Use Only for Community Outreach Assistance; R3, 368 N. B Street, Lot 10, Centerton Original

Amber Beale 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 -

- A. SUB21-03: Silver Leaf Subdivision – Adjacent Street Improvement Agreement MOU, Bush Road & Wade Drive –**

Chairman Jeff Seyfarth introduced the item to the Commission.

Jerry Harris made a motion to bring back SUB21-03: Silver Leaf Subdivision – Adjacent Street Improvement Agreement, with a 2nd from Joey Ingle. All Commission Members voted in favor and the motion carried.

Director of Public Works Rick Hudson addressed the Commission, stating that he has asked the developer to build a 100’ full-width section of roadway, because that is where the drain will come from the detention pond, along with the sewer lines, and he didn’t want that to need to be re-built. He said we are only collecting half of the ROW going north from there, so we are asking them to build a 24’ improved roadway with 2’ gravel shoulders, to be done with Phase 2. He said they have agreed on an amount approx. \$12,000.00 more than what would be required, and they have agreed to write

that off as a negligible amount. He detailed some of the city's issues with the section going north.

City Planner Dianne Morrison Lloyd addressed the Commission, providing a diagram of the proposed street improvement. She said they will be improving Bush Road with Phase 1.

John Wary said the developer would dedicate ROW for both Bush Road and Wade Drive per the MSP and would improve all of the Bush Road section and 100' of the Wade Drive section with Phase 1. He said they would put up a bond with Phase 1 for the remainder of Wade Drive, which is to be a 24' modified section, with a 10' Trail.

City Planner Dianne Morrison Lloyd said the developer is offering a Letter of Credit, as opposed to a bond. City Attorney Brian Rabal said he prefers and recommends a Bond. He said he is not confident in Letters of Credit. There was discussion between Wary and Rabal. Chairman Seyfarth was confident in Rabal, Hudson and Wary working out that detail.

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 SUB21-03: Silver Leaf Subdivision – Adjacent Street Improvement Agreement Bush Rd and Wade Dr with a 2nd from Tony Davis. All Commission Members voted in favor and the motion carried.

(6) NEW BUSINESS -

A. {PUBLIC HEARING} REZ21-16: Schuber Mitchell Homes – A1 to R3-SF – 162 Acres; 11503 Walters Road –

Chairman Jeff Seyfarth introduced the item to the Commission.

Dan Mitchell addressed the Commission, giving a brief overview of the request to rezone 162 acres on Walters Road from A1 to R3-SF. He said this is basically an extension / continuation of the Pines Neighborhood. He said The Pines is R-3 SF. He said he is in talks with Big Sky Subdivision about Bike Trails in the woods and ravines on the north end of the property. He said they have been speaking with the Trails Community about possibly creating trails for the BWHS Mountain Bike Team to practice on. He said the Market drives home sizes, so R-3 does not necessarily mean smaller homes.

City Planner Dianne Morrison Lloyd addressed the Commission, giving an overview of the Rezone Request. She said this property will be a continuation of The Pines. She

said there is R-2 to the north and The Pines is R-3 SF. She said there is a future Major Collector Road that goes East and West and another that goes North and South of this development. She said we will need to look at the LSD to see if any street improvements will need to be done. She said this appears to be outside of the flood plain, but shows possible riverine and freshwater pond and wetlands, so a Wetlands Assessment will likely need to be done prior to development. She said this property is considered consistent with the current Land Use Plan. She said she has included compatibilities with the Comprehensive Plan Implementation in the PC packets, and most areas are consistent.

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

Amber Beale made a motion to Open the Public Hearing for REZ21-16: Schuber Mitchell Homes, with a 2nd from John Sessoms. All Commission Members voted in favor and the motion carried.

Chairman Jeff Seyfarth opened the meeting to Public Comments.

Public Comments: None.

John Sessoms made a motion to Close the Public Hearing for REZ21-16: Schuber Mitchell Homes, with a 2nd from Joey Ingle. All Commission Members voted in favor and the motion carried.

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) – YES.** Chairman Seyfarth said he believed the request was consistent with our Comprehensive Plan and Adopted Land Use Plan, being a request for single-family homes. **PC was in 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 he feels that this request is compatible with the surrounding area. **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 and surrounding areas? - YES.** Chairman Seyfarth said this proposal is for residential single-family and would be compatible. **PC was in agreement that the request is compatible in this area.**

- 4) **Would the Rezoning provide a benefit to one land owner, but not be considered for other similar properties in this area? - NO.** Chairman Seyfarth said this area is designated for Residential Use and we are not making an exception here. **PC was in agreement the 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.

John Sessoms made a motion to Approve REZ21-16: Schuber Mitchell Homes – A1 to R3-SF – 162 Acres; 11503 Walters Road, with a 2nd from Joey Ingle. There was a Roll Call. All Commission Members voted in favor and the motion carried.

B. {PUBLIC HEARING} REZ21-17: RLP Developments – A1 to R3-SF – 11.32 Acres; 2885 Edgewood Road –

Chairman Jeff Seyfarth introduced the item to the Commission.

Patrick Foy addressed the Commission, giving a brief overview of the request to rezone 11.32 acres on Edgewood Road from A1 to R3-SF. He said the developer is looking to develop a 30 Lot subdivision.

City Planner Dianne Morrison Lloyd addressed the Commission, giving an overview of the Rezone Request for 11.32 Acres from A-1 to R-3 SF on the south side of Edgewood Road. She said there are multiple subdivisions in various degrees of approval and/or development in this area. She said there is R-2 to the east and A-1 to the south. She said Edgewood Road is currently a gravel Local Road and will need to be addressed at the time of preliminary plat review. She said the requested zoning matches up with the area, as well as the Land Use in the area. She said it also meets several of the criteria items for the Comprehensive Plan Implementation.

Craig Langford made a motion to Open the Public Hearing for REZ21-17: RLP Developments, with a 2nd from Joey Ingle. All Commission Members voted in favor and the motion carried.

Chairman Jeff Seyfarth opened the meeting to Public Comments.

Public Comments: None.

Amber Beale made a motion to Close the Public Hearing for REZ21-17: RLP Developments, with a 2nd from Jerry Harris. All Commission Members voted in favor and the motion carried.

Chairman Seyfarth asked the Commission and Staff if they had any other questions or comments. There were none.

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

- 1) Is the rezoning consistent with the Adopted Comprehensive Plan (including the Adopted Land Use Plan) – YES.** Chairman Seyfarth said this was consistent with our Comprehensive Plan and Master Land Use Plan. **PC considered the request 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 he would consider this request for residential homes to be compatible with the surrounding area. **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 and surrounding areas? - YES.** Chairman Seyfarth said the request to develop single-family homes would be compatible in this location. **PC was in agreement that the request is compatible in this location.**
- 4) Would the Rezoning provide a benefit to one land owner, but not be considered for other similar properties in this area? - NO.** Chairman Seyfarth said this request would not just benefit this land owner. **PC was in agreement the there would not be 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.

John Sessoms made a motion to Approve REZ21-17: RLP Developments – A1 to R3-SF – 11.32 Acres; 2885 Edgewood Road, with a 2nd from Joey Ingle. There was a Roll Call. All Commission Members voted in favor and the motion carried.

C. {PUBLIC HEARING} REZ21-18: Callis Property – A1 to C2 & R1 – 5.04 Acres; 2525 W. Centerton Blvd –

Chairman Jeff Seyfarth introduced the item to the Commission.

Marcy Platz addressed the Commission, giving an overview of the Rezone Request for 5.04 Acres on W. Centerton Blvd from A1 to C2 & R1. She said this request was submitted as a Tract Split, as the homeowner is moving away and the property is zoned A-1, not allowing for a split under ten (10) acres. She said they are requesting that the bottom property with the current residence be rezoned from A-1 to R-1, and the top portion of the property from A-1 to C-2.

City Planner Donna Wonsower addressed the Commission, giving an overview of the Rezone Request for 5.04 Acres on W. Centerton Blvd. from A1 to C2 & R1. She said the property is located along Centerton Blvd., west of downtown. She said the MSP shows a proposed Major Arterial Road going along the west side of the property. She said the Tract Split shows proposed ROW but not dedicating at this time. She said the C-2 request would be adjacent to Centerton Blvd. She said there is existing Highway Commercial to the east and west and the remainder of the property is adjacent to A-1. She said there is Heavy Industrial Use 2.2 miles to the east and Commercial Use to the east. She said the C-2 request may be considered compatible. She said the R-1 request could be considered compatible; however, there is Centerton Blvd, as well as a planned highway expansion. She said the designated Land Use for the entire area is designated for Commercial Use, as the Hwy 279 Commercial Corridor on the Comprehensive Plan. She said Mixed-Used should be considered compatible in this area. She said the C-2 request may be considered consistent with the adopted LUP, but the R-1 request is not considered consistent with the LUP. She said there are a number of items that are inconsistent with the Comprehensive Plan Implementation, regarding the Residential Use request.

John Sessoms made a motion to Open the Public Hearing for REZ21-18: Callis Property, with a 2nd from Amber Beale. All Commission Members voted in favor and the motion carried.

Chairman Jeff Seyfarth opened the meeting to Public Comments.

Public Comments: None.

Jerry Harris made a motion to Close the Public Hearing for REZ21-18: Callis Property, with a 2nd from Ben Lewis. All Commission Members voted in favor and the motion carried.

Chairman Seyfarth asked the Commission and Staff if they had any other 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) – MIXED.** Chairman Seyfarth said he is on the fence with this one. He said he agrees that the C-2 request is consistent. He said this large area is designated for Commercial Use in this area. He said he felt the applicant was trying to do the right thing, noting that there is a residential home there currently. Tony Davis agreed, stating concern with zoning a portion of this as residential, with the future intent of Commercial Use. John Sessoms said he felt this is similar to the request on Main Street, which we denied in our last meeting. He expressed concern for any future landowner, as well as setting a precedent for future requests. Nicole Gibbs pointed out that we could allow for non-conforming uses in cases such as this. She said the Use could be allowed until the Use is discontinued, or there is damage higher than 50% to the structure, etc. She said the zoning would have to change, in order for the Tract Split to go forward. Jerry Harris felt the request was not consistent. City Attorney Brian Rabal said a change in the request would need to be made by the applicant (they are not present for the meeting), and they would need to meet new notification requirements. Gibbs said this could push the request back approx. a month. **PC considered the Commercial request consistent and the Residential request inconsistent with the Comprehensive Plan and the Adopted Land Use Plan.**
- 2) **Is the proposed rezoning compatible with the surrounding area and zones - MIXED.** Chairman Seyfarth said he would consider the Commercial request compatible, but the Residential request not compatible. **PC considered the Commercial request incompatible and the Residential request incompatible with the surrounding area.**
- 3) **Would all of the permitted uses in the new zone be compatible in this location and surrounding areas? - YES.** Chairman Seyfarth said there is Single-Family Residential Use in the area. Joey Ingle added that there is existing Commercial Use to the north **PC was in agreement that the request is compatible in this location.**
- 4) **Would the Rezoning provide a benefit to one landowner, but not be considered for other similar properties in this area? - YES.** Chairman Seyfarth said he feels this request could provide a benefit to this property owner. **PC was in agreement there would be 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.

Planning Director Lorene Burns said in the past we would zone the property to make it conform if there were no immediate plans to develop the property otherwise. She said that was better than a non-conforming property. She said it would still not be in compliance with the Land Use Plan, but it would be consistent with the zoning district. She recommended that since it is a residential structure, being used as a residence, and not Commercial Use, we should zone it R-1, as a buffer. She said at such time as the property is going to be developed for Commercial Use, we could rezone it. Joey Ingle said he did not feel that was fair to the current/future Commercial properties. John Sessoms agreed. Burns said it is currently residential and is being used that way. Chairman Seyfarth said we want to be as consistent with the Comprehensive Plan as we possibly can. Burns said there are several properties in the city that currently exist as non-conforming. Joey Ingle said he leans toward it all being zoned A-1 or all C-2. John Sessoms agreed, stating that once we lose the Commercial Use, we will never get it back. Jerry Harris said he felt if we allowed this to be zoned R-1 solely for the purpose of allowing the property owner to sell this house, it would be providing a benefit to one owner. Mayor Edwards recommended zoning the 2-acre portion of the property to C-2 and leave the rest at A-1, until the time comes that they want to do something with it. Burns said they could do the Tract Split and leave it as A-1 non-conforming. She said they could zone it R-3 SF in case they want to sub-divide in the future. Ingle said PC would not support any other residential use. Gibbs questioned whether our Code allows us to approve a Tract Split that creates a non-conforming parcel. Seyfarth said we could not leave it at A-1, because it would be less than five (5) acres. Wonsower agreed, stating that the Tract Split would create a non-conforming lot. Rick Hudson said we are creating a hardship to the property owner, by not allowing them to keep something they originally had. Ingle said the answer to that is to leave it as one lot. Tony Davis said if the property owner wants to keep the house, there is no reason to lot split or rezone. Marcy Platz said the property owner wants to sell the two (2) Tracts. Joey Ingle said it would not meet code. Lorene Burns asked why they did not request R-E. Platz said they requested what Staff directed them to. Tony Davis said they can sell it as-is in A-1, but they are asking to rezone a portion of it to Commercial, for their benefit, and he cannot support that. Joey Ingle and John Sessoms agreed. There was discussion about the available infrastructure in this area and the Land Use Plan. Ingle asked Seyfarth if he thought zoning the entire property would be a compromise. Seyfarth said he felt it would be a compromise. He said C-2 for all of it is a more intense Use than the R-1 that was also requested, so we cannot consider that this evening.

Chairman Seyfarth asked the other Commissioners where they stood on approving this request. Devin Murphy said he did not want to place any hardship on the property owner, but also did not want to create an issue for the city in the future; should the land be willed-off and split again, to build 2 or 3 houses. He was against the request. Craig Langford asked how many homes could be built on an R-E. Nicole Gibbs said

they could only accommodate one house on the 3-acre parcel, and it could not be split any further. Ben Lewis said he was concerned with setting a precedent and was afraid we will never get this property back to Commercial Use if we zone it otherwise at this time. He said he would be in favor of zoning the entire property for Commercial Use. Jerry Harris agreed with Ben Lewis. Craig Langford said he is not in favor of the current request.

Joey Ingle asked Brian Rabal if he would recommend the PC to Table or Deny the request. Rabal said either way, if the applicant plans on coming back with a substantial change, there should be notification required to the adjacent property owners.

Chairman Seyfarth asked if there were any other questions.

Nicole Gibbs asked if the Tract Split that was ratified for Administrative Approval earlier in the meeting, which was contingent upon this rezone request being approved, would need to be un-ratified, until this item gets resolved. City Attorney Brian Rabal said that would be his position.

Lorene Burns said she believes there could be a “grandfathered use”, even if this existing house were completely destroyed. She said she felt we needed to look more into our Code about that. Chairman Seyfarth agreed.

Joey Ingle made a motion to Table REZ21-18: Callis Property – A1 to C2 & R1 – 5.04 Acres; 2525 W. Centerton Blvd., with a 2nd from Devin Murphy. All Commission Members voted in favor and the motion carried.

D. {PUBLIC HEARING} CU21-03: Buttercup – Cupcake Food Vendor, Hailey Plaza – Lot A Southland Addition; 110 Hailey Drive (C2 / 0.77 Acres) –

Chairman Jeff Seyfarth introduced the item to the Commission.

City Planner Donna Wonsower addressed the Commission, giving a brief overview of the request, stating that it is for a Mobile Food Vendor in an existing Commercial Center parking lot on Hailey Drive, off of E. Centerton Blvd. She said the Use requires a Conditional Use Permit. She said the request is for 3-years and it is for a single space and is completely self-contained, with no need for utility connections. She said they are currently requesting use for only one Saturday per month, from 12:00 pm -5:00 pm. She said there will be no additional employees and parking is available in the adjacent parking lot. She said any signage would require a Sign Permit.

Amber Beale made a motion to Open the Public Hearing for CU21-03: Buttercup – Cupcake Food Vendor, Hailey Plaza, with a 2nd from Ben Lewis. All Commission Members voted in favor and the motion carried.

Chairman Jeff Seyfarth opened the meeting to Public Comments.

Public Comments: None.

Ben Lewis made a motion to Close the Public Hearing for CU21-03: Buttercup – Cupcake Food Vendor, Hailey Plaza, with a 2nd from John Sessoms. All Commission Members voted in favor and the motion carried.

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

Donna Wonsower said the Conditions are pretty typical for Mobile Food Vendors and there is nothing particularly of note with this request.

Joey Ingle made a motion to Approve Buttercup – Cupcake Food Vendor, Hailey Plaza – Lot A Southland Addition; 110 Hailey Drive (C2 / 0.77 Acres), with a 2nd from John Sessoms. All Commission Members voted in favor and the motion carried.

E. {PUBLIC HEARING} CU21-04: Ice It Down – Ice Vending Machine – 391 N. Main Street (C1 / 0.89 Acres) –

Chairman Jeff Seyfarth introduced the item to the Commission.

Landon Garner addressed the Commission, giving a brief overview of the request for a Conditional Use Permit for Mobile Ice Vending Machine on N. Main Street. He said the structure is not permanent in nature and is 8' wide x 24' long. He said the proposal is to place the structure with gravel parking. He said there will be two places along Main Street that will require a new "whistle" for drainage. He said the exiting structure and trees are to be removed and taken away. He said the Ice Vending Machine is planned to set back a bit further than the existing structure to allow for access and parking.

Senior Planner Nicole Gibbs addressed the Commission, giving a brief overview of the request, stating that the property is currently zoned C-1, and the request is for a temporary use, which is conditional in all zones. She said the applicant will be leasing the property and is proposing minor site modifications, as described. She said he will need to improve the culverts for the gravel drive along N. Main Street. She said the surrounding zoning is C-1 (Stubbs Used Car Lot) to the south, R-3 (the cemetery) to the north, C-1 (Homescape Realty) to the southeast, and R-3 to the west and east. She

said there is flood plain on this property and a Flood Plain Permit will be required. She said N. Main Street is a planned Minor Arterial Road on the adopted MSP, with 90' ROW. She said that is going to be tricky in this area, with the cemetery. She provided a diagram showing the existing C-1 Setback requirement, considering the Planned Future ROW and another option of 50' from existing pavement, since this is a temporary Use. She said they plan to accommodate up to a 5-vehicle stack in the gravel drive. She said he will need connection to water and 3-phase electrical service, as well as condensation piping. She said there will be site-lighting with the development plans, for security purposes. She said there are some Comp Plan considerations, but this in in the overall Innovation Center area of the city.

She listed the Conditions, as follows:

- **Term of Use: 3 Years**
- **Setbacks: Consistent with C-1**
- **LSD Application: Required Prior to any site alterations, including site-lighting**
- **ArDOT Permit required**
- **Tenant will be responsible for maintaining the premises**
- **ADA Compliance is recommended**
- **Screening: Sufficient landscape screening as required**
- **All General Requirements: Included in PC Packet**

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

Ben Lewis asked what "Temporary" means. There was discussion about this request feeling more "permanent". Landon Garner described the physical set-up of the structure and said it can be moved if necessary. He said it does not require a slab foundation. Lewis asked if it could possibly be located there for 20 years. Garner said it is possible, but he has never had one located for that long. Tony Davis asked what protection we have from the structure becoming in a state of disrepair in this location. Garner said that it is a source of revenue and does him no good if in disrepair.

There was discussion about a preferred location.

John Sessoms made a motion to Open the Public Hearing for CU21-04: Ice It Down – Ice Vending Machine, with a 2nd from Amber Beale. All Commission Members voted in favor and the motion carried.

Chairman Jeff Seyfarth opened the meeting to Public Comments.

Public Comments: None.

John Sessoms made a motion to Close the Public Hearing for CU21-04: Ice It Down – Ice Vending Machine, with a 2nd from Joey Ingle. All Commission Members voted in favor and the motion carried.

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

Joey Ingle said he has no issue with the Use, but feels we need to be mindful that this is on Main Street, during the LSD process. Ben Lewis agreed. John Sessoms asked if we could look at a paved drive for traffic safety, as this has access onto Main Street. Landon Garner said he has other locations that have gravel. He said concrete or asphalt impedes on his budget and makes the location more permanent. City Clerk Todd Wright pointed out that the parking lot next to City Hall is gravel. Director of Public Works Rick Hudson said they will likely have to pave to the existing ROW line, as required by ArDOT. There was a brief discussion.

Chairman Seyfarth said this request still feels “permanent” to him. He also asked PC to keep in mind the plan for this area of the city and the request we had of CWSD for their new building, to upgrade the appearance. John Sessoms said this request is just for the Use, and we can address the rest of this with the LSD.

Seyfarth said we decided that gravel from entrance to exit is not allowable, and some sort of hard-surface that complies with ArDOT will be required. He said some of the PC is open to gravel parking, but the overall preference would be for a hard-surface. He said we would want to see the lighting and landscaping/screening with the LSD. John Sessoms assumed that we would be looking at the 50’ from pavement Setback. Lorene Burns said the Front Setback can be reduced in C-1. There was discussion about location in relation to the Flood Plain, as well as the orientation of the structure. Seyfarth said he feels we should start with the 50’ Setback. Garner said he could move the structure further north, if needed, to keep it out of the Flood Plain. There was discussion.

John Sessoms made a motion to Approve CU21-04: Ice It Down – Ice Vending Machine – 391 N. Main Street (C1 / 0.89 Acres), with Conditions as presented by Staff and questions to be resolved with the LSD, with a 2nd from Joey Ingle. There was a roll call. All Commission Members voted in favor, except for Jeff Seyfarth and Ben Lewis, who voted NO, and the motion carried.

F. SUB19-01: Hilldale Final Plat – Holloway Road & South Main Street (R3 / 40 Acres / 140 SF Lots) –

Chairman Jeff Seyfarth introduced the item to the Commission.

Patrick Foy addressed the Commission, giving an overview of the request. He said they brought this subdivision before the PC a little over a year ago, with a Preliminary Plat. He said the contractors have completed the build-out, the final inspections have been completed, and all of the Staff Comments have been addressed. He said he believes the Bonds are being provided to the city and all of the closeout documents have been sent back to Staff.

City Planner Donna Wonsower addressed the Commission, giving a brief overview of the request. She said they are in pretty good shape. She said the subdivision is 140 Single-Family Lots and 2 Detention Lots, on 40 Acres, at the corner of Holloway Road and S. Main Street. She said we have received the Covenants, and there are only a few minor changes. She said we have received a revision, which needs to be reviewed by the City Attorney. She said the Bonds for Streets & Drainage and Water & Sewer have received estimates and we should be getting approval tomorrow. She said there were some waivers approved with the Preliminary Plat. She said 40' ROW is being dedicated with the Final Plat, for both Holloway Road and Main Street. She said the Adjacent Street Improvement Agreement had both of the roads constructed, and they have been accepted in the field. She said the Record Drainage Report has been accepted by Staff. She said the Record Documents have been accepted, and we are gathering the last of the signatures.

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

Jerry Harris made a motion to Approve SUB19-01: Hilldale Final Plat – Holloway Road & South Main Street (R3 / 40 Acres / 140 SF Lots), with a 2nd from Tony Davis. All Commission Members voted in favor and the motion carried.

G. DEV21:07: Centerton Family Eyecare Expansion – 101 Dawn Drive; Lot B, Ridgefield Addition (C2 / 0.77 Acres) –

Chairman Jeff Seyfarth introduced the item to the Commission.

Skye Petty addressed the Commission, giving an overview of the request. He said they are proposing an approx. 2300sf expansion of their building on the south side. He said they will be adding some parking on the west and north side of the property (7 spaces).

City Planner Dianne Morrison Lloyd addressed the Commission, stating that the applicant is proposing to add additional space to their existing building at the intersection of Dawn Drive and W. Centerton Blvd. She said they are currently zoned C-2, as an existing business. She said W. Centerton Blvd. (Hwy 102) is a Major Arterial and ArDOT is planning for an expansion in the near future, so we are asking

that they show or provide the extra ROW. She said they have submitted a new set of documents that she has not reviewed yet. She said they are meeting the Parking Code Requirement of 31 parking spaces, with 2 ADA spaces. She said there are two parking spaces that Staff is concerned with, which would require backing out. She said those spaces are being proposed for the doctors. She said the entrance is pretty tight to navigate, and they have declined the opportunity to adjust the radius. She said they have provided a Drainage Letter, which has been approved. She said there is no additional site-lighting being proposed, other than building lighting. She provided the proposed landscaping plan, with a list of plants. She said there are just a few outstanding comments, which have likely been addressed with the recent submittal. Skye Petty said there is a Swepeco Street light that casts light on the front of the building, and the rest of the lighting is building-mounted can-lights. He said they could possibly look at doing some landscape lighting. Chairman Seyfarth asked them to look at least adding some additional lighting in the rear to illuminate some the parking lot, especially considering that the parking is tight, and some spaces require backing-out. Joey Ingle asked them to look at adding some landscaping. Chairman Seyfarth said it appears to be in-line with what is there currently. He said there is a lot of parking and it would be hard to add landscaping anywhere, with the location of the building. Ingle asked if they could plant some ornamentals (3-4) along the highway. Dr. Petty expressed concern with losing those with the expansion of Centerton Blvd., and with losing visibility of their monument sign. Ingle said we cannot require them without an approved Landscape Code but asked them to consider.

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 DEV21:07: Centerton Family Eyecare Expansion – 101 Dawn Drive; Lot B, Ridgefield Addition (C2 / 0.77 Acres), with consideration of additional landscaping, with a 2nd from Devin Murphy. All Commission Members voted in favor and the motion carried.

(7) OTHER BUSINESS

- **Title 14 Zoning Code Amendments, Changes to High-Density Residential Districts – Discussion –**

Senior Planner Nicole Gibbs said this is just to give PC a head's up. She said there is a Public Hearing to come before PC on 6/01/2021. She said the intent is that the R-3 High-Density Residential District is being proposed to be broken into four (4) other districts: R3-SF, R3-D, R3-M6, and R4-MF. She said they are in Dropbox for PC review. She said we are hoping to make our Code revisions in 2 phases, with the bare bones being Phase 1 and the "meatier" changes with Phase 2. Lorene Burns recommended switching the "Town Homes" to "Twin Homes". She also recommended distinguishing between "Single-Family Attached

Dwelling Units” and “Town Homes”. Gibbs said that discussion kind of took place with the Schedule of Uses. She gave some details of that discussion. She said the Multi-Plex District we are proposing is 1 or 2 structures (3-6 Units) on a single lot. She said potentially that could be a Townhouse-type structure, but a Townhouse is typically something that could be sub-divided in the future, and if it is not constructed correctly, it cannot be sub-divided. She said we are thinking that we need to be able to determine whether a structure in a district can be subdivided or remain a single development. Joey Ingle said he liked that thought, setting it up where, whether it can be split or not, dictates the construction type. He said that would limit some of the zoning classes that we have. Burns said she is looking at it as more of the Townhouse / Multi-Family, set up as opposed to Single-Family Attached. She said she feels Townhomes can be built like apartments and recommended going back and getting clarification of those codes. Joey Ingle recommended trying to reduce the number of overall classifications we have, if it makes sense. Gibbs said they have asked Staff to continue reviewing these amendments prior to 6/01/2021. She said they are going to be re-mapping and re-districting as well. She said those changes will be in the PC packets. She said the Zoning Code Audit should get our Zoning and Land Use closer in-line. Burns said we are also going to be considering the heights of buildings allowable in each zone to not be obtrusive.

(8) ANNOUNCEMENTS-

Chairman Seyfarth requests that commissioners please inform staff if they will miss a meeting due to vacation. Jerry Harris will be out of town for the 6/1 meeting and Joey Ingle will be unavailable for the 6/15 meeting.

Planning Director Burns announced that Senior Planning Nicole Gibbs will be going to work for Northwest Arkansas Regional Planning Commission and her last day with the City of Centerton will be 6/11.

- **5/20/2021 – Joint Work Session – XNA/MSP/LUP @ 5:30 PM**
- **5/27/2021 – Tech Review Meeting @ 2:00 PM**
- **6/01/2021 - Planning Commission Meeting @ 6:00 PM**
- **6/08/2021 – City Council Meeting @ 5:30 PM**
- **6/15/2021 - Planning Commission Meeting @ 6:00 PM**
- **6/24/2021 – Joint Work Session – Title 15 @ 5:30 PM**

(9) ADJOURN-

Jerry Harris made a motion to adjourn the meeting at 9:04 pm, with a 2nd from Joey Ingle. All Commission members voted in favor and the motion carried.



Jeff Seyfarth – Chairman
Centeron Planning Commission

Minutes prepared by:
Todd Wright