



CENTERTON PLANNING COMMISSION
July 6, 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 – 06/15/21
4. **RATIFICATION OF ADMINISTRATIVE APPROVALS**
 - A. **TS21-08 Plumlife, LLC** - Goodlet Rd. (County / 7Ac / 2 lots, 4Ac, 3Ac)
 - B. **HOP21-24 – Bex Green Clean** – Residential housekeeping services; R3, 352 Fair St.; Lot 4; Original Town of Centerton
 - C. **HOP21-25 – NWA Fence, Inc.** – Administrative Office Use; R3, 781 Walker St; Lot 10; Simmons Subdivision
5. **OLD BUSINESS**
 - A. **REZ21-19 King Property- A1 to R3-SF-** 102.7 Ac; 8801 N Tycoon Rd (Tabled from 6/1/2021 following Public Hearing)
6. **NEW BUSINESS**
 - A. {PUBLIC HEARING} **REZ21-22 Coffelt – A1 to R3**—48.65 Ac; 13412 Vaughn Rd, NW/C of Vaughn and Wagner.
 - B. {PUBLIC HEARING} **REZ21-23 JB Hunt, LLC (proposed Dunes at Prairie Valley development) – A1 to R3-MF** – 21 Ac; Kimmel Rd and Buckhorn Flats Rd
 - C. **SUB19-05 Maple Estates PH2 Final Plat** – Silver Maple & Red Maple (R2-SF / 16.39Ac / 53 Lots)
 - D. **SUB21-05 Shirley Estates Prelim Plat & Plans** – 2885 Edgewood (Currently A-1; Requested R3-SF / 11.32Ac / 32 Lots)
 - Adjacent Road Improvement review and approval
 - E. **VAC21-04 1281 Coventry Rd Lot 80, Kensington Hills, Owner: Miks/Decker**– Vacate 2’ of 20’ Rear Utility & Drainage Easement for sunroom addition
7. **OTHER BUSINESS**
 - A. **SUB20-11 The Pines PH1** – 11505 Walters Rd. (R3-SF / 19.09Ac / 58 SF Lots)
 - Clarification of paving of Walters Rd
8. **ANNOUNCEMENTS**
 - A. **Next Council Meeting: *date changed to Thurs., 07/08/2021* @ 6:00 PM**
 - REZ21-20 Anglin Property has appealed to City Council
 - B. **Planning Commission Work Session –Title 14 PH2 Amendments: Thurs, 07/15/2021 @ 5:30 Fire Station #1 Training Room**
 - C. **Next PC Meeting, City Hall Meeting Room: 07/20/2021 @ 6:00 PM**

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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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.

D. Next Zoom Tech Review Meeting: 07/29/2021 @ 2:00 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
JULY 6, 2021**

(1) CALL TO ORDER –

The Zoom Virtual Meeting of the Centerton Planning Commission was called to order by Planning Commission Vice-Chairman Joey Ingle 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 Joey Ingle, Devin Murphy, Jerry Harris, John Sessoms, Tony Davis, Amber Beale, Ben Lewis, and Craig Langford. Chairman Jeff Seyfarth was absent. Others in attendance for the City were Mayor Bill Edwards, City Clerk/Recorder Todd Wright, City Attorney Brian Rabal, Planning Director Lorene Burns, Senior Planner Dianne Morrison Lloyd, City Planner Donna Wonsower, Director of Public Works Rick Hudson, Centerton Utilities Director Frank Holzkamper and John Wary.

(3) APPROVAL OF MINUTES -

Vice-Chairman Joey Ingle introduced the Minutes of the Planning Commission Meeting from 6/15/2021 and asked the Commissioners if they had any questions or concerns. There were none.

John Sessoms made a motion to Approve the June 15, 2021, Planning Commission Meeting Minutes, with a 2nd from Devin Murphy. All Commission Members voted in favor and the motion carried.

(4) RATIFICATION OF ADMINISTRATIVE APPROVALS –

- A. TS21-08: Plumlife, LLC** – Goodlet Road (County / 7 Acres / 2 Lots, 4 Acres and 3 Acres)
- B. HOP21-24: Bex Green Clean** – Residential Housekeeping Services – R3, 352 Fair Street; Lot 4; Original Town of Centerton
- C. HOP21-25: NWA Fence, Inc.** – Administrative Office Use; R3, 781 Walker Street, Lot 10; Simmons Subdivision

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. REZ21-19: King Property – A1 to R3-SF – 102.7 Acres; 8801 N. Tycoon Road –

Vice-Chairman Joey Ingle introduced the item to the Commission, stating that it was tabled at the previous meeting due to the request for all Residential Use, which conflicts with the Comprehensive Plan's Future Land Use designation of Commercial Use along Tycoon Road.

Tony Davis made a motion to bring back REZ21-19: King Property - A1 to R3-SF – 102.7 Acres; 8801 N. Tycoon Road, with a 2nd from John Sessoms. All Commission Members voted in favor and the motion carried.

Vice-Chairman Ingle allowed time for public comments.

Public Comments:

Brian Wade – Bell, Az. (Adjacent Property Owner) – He supports the rezone request. He opposed Commercial Use in this area.

Tyler Thompson – (Adjacent Property Owner / Trustee for the Jack King Trust) – He supports the request, stating that the Comprehensive Plan is to be used only as a guideline. He questioned the proposed amount of Commercial Use in this currently agricultural area.

Todd Stubbs – 100 W. 1st Street – He supports the rezone request.

Corey Stubbs – 810 Gamble Road – He supports the rezone request.

Paul Stubbs – 8778 N. Tycoon Road – He supports the rezone request.

Bonita Stubbs – 8778 N. Tycoon Road – She supports the rezone request.

Will Kellstrom, attorney representing the applicant, addressed the Commission, trying to put the Future Land Use Map into perspective. He said they are not trying to ignore the Comprehensive Plan but are looking for a compromise. He said they do understand that Centerton needs to reserve some land for Commercial Use, for tax revenue and to be able to support restaurants and other services, and they are willing to put some land back to that purpose. He provided statistics for Commercial Use per the acreage planned for Commercial Use dedication in this area, stating that he feels it is excessive. He gave multiple examples of potential Commercial Use and the amount of property it could take. He also questioned the length of time it could take for any potential Commercial Use to

develop in this area. He said he was encouraged by PC Chairman Jeff Seyfarth and City Attorney Brian Rabal to come back and open a dialogue with PC to see what they wanted to see along Tycoon Road, and what it would take to meet some kind of compromise.

John Wary, Engineer for the applicant, stated that the required ROW Dedications of Huber Road, Dorsey Lee Road and Tycoon Road, per the Master Street Plan is almost 8 acres of land. He said there is also an overhead power line on this property, which would also be almost another 3 acres of land which would make it difficult to develop. He said he understood those easements and ROW are non-negotiable and is hoping for some compromise on the proposed Commercial Use property.

Elizabeth King – 8801 N. Tycoon Road (Property Owner) – Mrs. King addressed the Commission, questioning the timeline for possible Commercial Development in that area; asking that PC consider allowing the Residential Use request so they can sell their property and retire.

Vice-Chairman Joey Ingle pointed out that we are experiencing some rapid growth in our city, and this is a part of the growing pains we are dealing with pertaining to our new Comprehensive Plan. He said we have been holding firm to the Comprehensive Plan on a particular section of N. Main Street because that is our only option for Commercial Use in that area. He said that is not necessarily the case in the Tycoon Road area. He said if he were going to recommend pulling any of the future Commercial Use back, his priority for Commercial Use on this property would be at the intersection.

City Attorney Brian Rabal said it is his opinion that the PC should not enter into any negotiations with the applicant this evening. He asked that we not go back and forth in regard to negotiations. He said if the applicant wishes to present something, the Commissioners could vote on it.

City Clerk Todd Wright stated that, although the Comprehensive Plan is for our city, we did reach out to Northwest Arkansas Regional Planning, XNA, ArDOT, Developers, citizens, etc. to help guide us, along with the knowledge of the expanding Bella Vista Bypass and potential for development to our west. He said the city seems to be getting all of the bad rap, but we did work with parties outside of the city, as well.

Lorene Burns – She said when we were looking at the Major Arterial Roads, the commercial corridors were added in because they were Arterial Roads. She said it did not mean that it would all be developed as Commercial Use, but would allow for it, as opposed to designating it as Residential Use, not allowing for the potential of any Commercial Use. She said we are currently performing a Zoning Audit, which will help us with the percentages of what types of zoning we need.

John Sessoms said this request was tabled previously as we were looking for some compromise from all Residential Use the applicant was requesting. He said he does not see a change in tonight's request. He said he was cautious about setting a precedent with this request. He said there is a lot of Residential Use being proposed and developed in this area,

and there will be a need for Commercial Use to support those residential developments and sustain the growth. He said the proposal for Commercial Use shown on Tycoon Road may be excessive, but it is not our position to negotiate this evening. He said he agrees that the most valuable property for Commercial Use would be at the intersections. He said he is open to changes, along as we stick with the “intent” of the Plan, to place some Commercial Use in and around that area.

Tony Davis said he agreed about the intersections being the most important areas for Commercial Use. He said he does not see a change in the applicant’s proposal tonight. **Joey Ingle** agreed, stating that they are only looking for feedback from PC this evening. He gave some feedback about what he would be looking for. **Will Kellstrom** agreed, stating that they are just looking for feedback tonight, so they can adjust their proposal. He said he understood that if a proposal were brought in and denied this evening, they would not be able to come back to PC with a rezone request for a year.

Rick Hudson pointed out that the Comp Plan is a conceptual guideline which can be modified. He said we need to be flexible with it. He complimented the PC on being open-minded. He said ArDOT is not 100% committed to the Tycoon Road option. He detailed some of the improvements he has made to Huber Road to support developments to the east of this property. **John Sessoms** asked if allowing Residential Use in this area would have any effect on ArDOT’s decision. **Hudson** said the State will go wherever they want to go. He said we as a city are committing to making Tycoon Road an Arterial Road.

Jerry Harris cautioned the PC about any changes that we make, opening ourselves up to other requests in the future.

Joey Ingle said before we make abstract changes/amendments to the Land Use Plan, we need to make sure we have a clear basis to fall back on. He said we need to hold to the “intent” of the Plan and make any changes in the future as realistic and as rational as possible.

Amber Beale said when you look at the current zoning map, all of this area is Agricultural Use, so when we talk about “taking away” Commercial Use, there is nothing to take away currently. She said the Future Land Use Plan is just a conceptual guide and a suggestion.

Ben Lewis said he agrees with Amber Beale but does like the idea of keeping the Intersections for possible Commercial Use.

Devin Murphy said the Future Land Use Plan and Master Street Plan both support Commercial Use in this area, but the city has not made an investment at this time. He said we have a developer here, looking to make an investment. He said we have not always had a plan to guide us in the past. He said he sees both sides of this situation. He said if we do allow Residential Use here, we need to be cautious about setting a precedent moving forward.

Craig Langford said he has been looking at the plan for the whole city. He said the development to the west is going to be heavy Residential Use, and the need to plan for areas

of Commercial Use somewhere on the edges is going to be critical. He also agreed that the intersections will be important.

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

John Sessoms made a motion to Table REZ21-19: King Property - A1 to R3-SF – 102.7 Acres; 8801 N. Tycoon Road, regarding the Commercial Use to Residential Use percentages, with a 2nd from Craig Langford. All Commission Members voted in favor and the motion carried.

(6) NEW BUSINESS -

A. {PUBLIC HEARING} REZ21-22: Coffelt Property – A1 to R3 – 48.65 Acres; 13412 Vaughn Road, Northwest Corner of Vaughn Road and Wagner Road –

Vice-Chairman Joey Ingle introduced the item to the Commission.

Tim Mays with ESI addressed the Commission, giving a brief overview of the request to rezone 48.65 Acres on Vaughn Road from A1 to R3. He said the new blanket Land Use Plan was implemented a few months ago and has been a continued topic of these meetings. He said he understands that there were public meetings regarding the Comprehensive Plan, but the Coffeltes had no idea that their property was being designated for Industrial Use, from Agricultural Use. He said this is the highest and most obtrusive Use and would likely tie up this land from sale or development for many years, and the Coffeltes never received any notice. He asked PC to consider the fluidity of a Comprehensive Plan and periodically modify it to fit the needs of the City and the property owners. He said there is a weakness in the water and road infrastructure in this area, to be able to accommodate Industrial Use. He said there is also a big difference in Industrial Use sewer discharge and Residential Use sewer discharge. He recommended that the city have an action plan for any Industrial Use they plan to have. He said they feel that the highest and best Use for the Coffelt property is for Residential Use and not Industrial Use.

Vice-Chairman Ingle pointed out that there is a property in that area which was denied for a Residential Rezone request. He said that denial was being appealed to the City Council. A map was provided. Donna Wonsower detailed the process of that property being partially approved for rezone to Residential Use, with 20 acres removed from the original request, due to it being in the XNA flight path. She said that applicant has since come back to request that portion to be rezoned to Residential Use but was denied by PC.

City Planner Donna Wonsower addressed the Commission, giving an overview of the Coffelt Rezone Request. She said the property was 48.65 acres at Vaughn Road and Wagner Road. She said it is currently zoned A-1 and they are requesting to rezone it to R-3. She said Vaughn Road is a Minor Arterial Road and would require 90' ROW, Wagner Road (to the east) is a Local Road and Nugget Road (to the west) is a Minor Collector Road.

She said the property has access to an 18” Water Main, but Sewer is currently not available. She said the property is relatively close to XNA Airport. She said the property touches Zone 4 of Bentonville’s XNA Overlay District on the southeast corner. She said that Overlay District is not jurisdictional in Centerton. She said PC has recently heard the noise considerations for developing near an airport. She said the parcel is adjacent to other Agricultural Use and has other R3-SF Use in the area. She said there is existing Industry in the area, including the XNA Airport, a Concrete Plant, and an Artillery Range. She said the parcel is also adjacent to the City of Highfill. She said the requested zoning may be considered compatible with the surrounding Zoning and Uses, however the surrounding Industrial Uses prompt some health, safety and wellness concerns. She said Staff received an e-mail from XNA, stating similar concerns as they had with the other recent residential rezone request in the area. She said this area is designated as Industrial Use on the Adopted Land Use Plan. She said previous PC discussions had land east of Tycoon Road being for Residential Use, based on the previous rezones; and maintaining the Industrial Use on the west side of Tycoon Road. She said Highfill does not currently have a Land Use Plan. She said the request for Residential Use would not be considered compatible with our Adopted Land Use Plan.

Senior Planner Dianne Morrison Lloyd said we received an e-mail from Centerton Utilities Director Frank Holzkamper today supporting this rezone request. Vice-Chairman Ingle summarized the e-mail for PC.

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

John Sessoms made a motion to Open the Public Hearing for REZ21-22: Coffelt Property – A1 to R3, with a 2nd from Ben Lewis. All Commission Members voted in favor and the motion carried.

Vice-Chairman Joey Ingle opened the meeting to Public Comments.

Public Comments:

Alex English – Representing XNA – She renewed XNA’s objection to the request, as an incompatible Land Use.

Rick Hudson – He said XNA should be responsible for any costs incurred to prevent health and safety issues for property owners or buy the land themselves. He said he feels that the airport is trying to put responsibility on the City. Wonsower said this property is outside the HUD Area that XNA has any rights to, so they can only make requests, and not regulations. She said they are obligated to request that compatible Uses are within the bounds of the Airport, and Residential Uses are generally not considered compatible with an airport. Hudson recommended that PC respect the rights of the property owners in this request.

Bill Edwards – Mayor - He said Highfill has Rural Residential Use adjacent to this requested property, which is planned for Residential Home Development.

Vice-Chairman Ingle asked if there were any other Public Comments. There were none.

John Sessoms Beale made a motion to Close the Public Hearing for REZ21-22: Coffelt Property – A1 to R3, with a 2nd from Devin Murphy. All Commission Members voted in favor and the motion carried.

Vice-Chairman Ingle asked if there were any questions or comments from the Commissioners.

Joey Ingle stated that we heard a request to consider the property owner's rights and understands that is important. He also wanted to encourage PC to put themselves in the property owner's shoes. He said there were plenty of opportunities for citizens to be involved or review the Comprehensive Plan, which lasted almost 2 years. He said notices were also sent out. He said PC did state that it makes sense to keep the property east of Tycoon Road for Residential Use, since there was a property approved just prior to the Comp Plan adoption, as well as the Anglin property. He said the e-mail from Frank Holzkamper suggests that we may have missed the mark a little on infrastructure availability for Industrial Use in this area on our Comp Plan. He said the city has reached out and gotten some training on what it looks like to advertise/promote land for Industrial Use. He said we have not had any formal requests at this time.

Tony Davis said the Adopted Land Use Plan shows a large swath of Industrial Use out in the middle of a bunch of current Agricultural Uses. He said with the lack of available infrastructure to support Industrial Use, as well as consideration of the property owner's rights, he supports this rezone request. He said he would support amending the Land Use Map to allow for Industrial Use south of Vaughn Road. He said rezoning this area for Residential Development creates "rooftops", which generates the need for Commercial Use, which in turn generates tax revenue. He said he feels denying this rezone would hinder the growth of the city.

Devin Murphy said he struggled with this area of the city during the creation of the Adopted Land Use Plan. He does agree with the Vaughn Road suggestion from Tony Davis.

Joey Ingle said he feels logically there is no better use for the land inside of the Airport Protection Zone than Industrial/Commercial Use. He said this property is outside of that Zone.

Lorene Burns said she keeps hearing that people were not notified about this Land Use Plan. She touched on meetings, focus groups (including Centerton Water & Sewer) and notifications (including notice in the Water & Sewer bills), as methods during the Comprehensive Plan process. She said we went over and above what was required of us. She agreed that this was not expected to develop as fast as it has. She questioned how there is enough water & sewer to support Residential Use, but not Industrial Use. She also expressed concern with having a buffer between Industrial Use and Residential Use in this area.

Todd Wright said in fairness to the Coffelts, Anglin and other property owners in the area, he asked both Frank Holzkamper (Centerton Utilities) and Rick Hudson (Centerton Public Works), if this is not the best area for Industrial Use, what area is better in their opinion, in regard to infrastructure. He said Rick and Frank both have communications with neighboring cities, ArDOT, Northwest Regional Planning, etc. He said if Tycoon Road is not the best option for us for Commercial Use, considering the regional plans, what road is. He said it feels like we are not all (Planning Commission, City Council and Staff) on the same side of the fence, and that we are tied to this new Comprehensive Plan, because we do not know what "Option B" is. He said he welcomed feedback from the departments that provide infrastructure for the city, to help make us aware of a "Plan B" area, to make these PC decisions easier when we are looking at giving up either Commercial or Industrial Use land.

Joey Ingle said he feels it is important that Planning and Staff make sure that everything we are voting on makes sense, and if we need to adjust the Map or Plan, we can.

Frank Holzkamper said he thinks looking at other options for Industrial Use does need to happen outside of tonight's meeting. He said he didn't feel that anyone got to see the Land Use Map until the last minute. He said there were several public meetings that were dominated with discussions about the Master Street Plan. He said he did not have a chance to see and review this Land Use Plan until recently. He said notices were sent out in water bills, but people that are on wells would not have gotten those notices. He said he did not feel that everyone was notified. He said he has other options that he would recommend for Industrial Use that he would be willing to share in another meeting if Staff chooses to have that meeting. He said they have been working on plans for water & sewer (mainly for sewer) in this area for 5 years and with no knowledge of proposing Industrial Use, they calculated it based on 10,000 homes. He said that is the quickest return on investment, for paying back the bonds, and it allowed us to keep the rates where they are. He said they are working on some other avenues for increasing water service in this area over the next 3-5 years. He said the growth of the city has really helped them borrow money to provide infrastructure without having rate increases.

Rick Hudson said Northwest Regional Planning has \$7,000,000.00 to disperse to the cities and counties in our area. He said we have \$2,000,000.00 for design and ROW acquisitions on Greenhouse Road. He said that takes up a large portion of that money and the National Transportation Fund is pretty much busted. He said ArDOT would like for the city to take over Hwy 102B (N. Main Street), but we cannot afford to improve it or acquire ROW along it. He said we are experiencing growth all over and we are expecting developers to provide their portion of the road improvements. He said the areas in discussion tonight are going to need improvements, and the funds are limited.

Joey Ingle said the only way to bring up the infrastructure is with these types of developments.

Ben Lewis said the challenge here is going to be the infrastructure. He said he wants to be mindful of property owner's rights.

John Sessoms said his concern is setting a precedent where every property in that area requests to rezone to Residential Use, and then we go from 160 Acres of Industrial Use to none; or we lose our ability to provide a buffer between Residential Use and Industrial Use. **Joey Ingle** said that is a concern for him as well. Sessoms asked about meeting with Staff and looking at amending our Plan for this area.

Vice-Chairman Ingle asked the Commissions to consider the five (5) rezone criteria items:

- 1) Is the rezoning consistent with the Adopted Comprehensive Plan (including the Adopted Land Use Plan)? If not, why? – NO.** Vice-Chairman Ingle said he believed the request was not consistent with our Comprehensive Plan and Adopted Land Use Plan as it is designated for Industrial Use. He said we have discussed this quite a bit and realize there is an infrastructure weakness in this area. Tony Davis said the Plan is ever-changing. He said there is a lack of Industrial Use infrastructure and we need to consider the property owner's rights. **PC was in agreement that the request is not 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.** Vice-Chairman Ingle said it depends on where you look on the map. He said there is Residential Use in the area. Ben Lewis agreed. **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.** Vice-Chairman Ingle said there is some Residential Use in the area. **PC was in agreement that the request is compatible in this area.**
- 4) Would the Rezoning provide a benefit to one landowner, but not be considered for other similar properties in this area? - MIXED.** Vice-Chairman Ingle said we have already approved other Residential Use in this area. John Sessoms said we turned Mr. Anglin down, for a portion of his property. Ingle said that area was in the Fly-Over Zone of XNA. Sessoms said it would not be a similar property in that case, and he would agree. **PC was Mixed in agreement on whether there is 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.** Vice-Chairman Ingle said there were no public comments in opposition. **There were no additional comments from PC.**

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

Ingle asked if this was 1 or 2 parcels. Donna Wonsower said it is 2 parcels (47.55 acres and 1.1 acres). Ingle said the request is to rezone the entire property. Wonsower confirmed yes.

John Sessoms wanted it noted in the minutes that we do not find this property similar to the portion of the Anglin Property, which was denied for rezone, due to it being in the direct flightpath of the XNA Airport.

Ben Lewis made a motion to Approve REZ21-22: Coffelt Property – A1 to R3 – 48.65 Acres; 13412 Vaughn Road, Northwest Corner of Vaughn Road and Wagner Road, with a 2nd from Tony Davis. There was a Roll Call. All Commission Members voted in favor and the motion carried.

B. {PUBLIC HEARING} REZ21-23: JB Hunt, LLC (Proposed Dunes at Prairie Valley Development) – A1 to R3-MF – 21 Acres; Kimmel Road and Buckhorn Flats Road

Vice-Chairman Joey Ingle introduced the item to the Commission.

Hugh Jarrett with Lindsey Management addressed the Commission, giving a brief description of the request for rezone to be able to develop apartments and a golf course on Kimmel Road. He shared some history of Lindsey Apartments and some statistics about their rental division. He said he feels this proposal actually fits the definition of Medium/High Density, as they are proposing only 1- and 2-Bedroom apartments with this project. He said that infill and walkability is a goal of the Centerton Comprehensive Plan, and he feels this request fits perfectly. He provided multiple statistics in support of their request. He said he has spoken to the surrounding property owners, and they have no issues with this request. He detailed the proposed architecture for the development. He addressed concerns with crime and property values associated with Market-Rate apartments. He said they plan to have an average 125' active buffer around the entire property.

Senior Planner Donna Morrison Lloyd addressed the Commission, giving an overview of the Rezone Request from A1 to R3-MF for 21 acres on Kimmel Road. She said it is across from the Southwinds Subdivision and next to the Featherston Village Tiny Homes Subdivision, with the Concrete Plant to the east. She said there is access from Kimmel Road (80' ROW) and Buckhorn Flats Road (80' ROW). She said the Land Use Map designates this area for Medium/High Density Residential Use. She said there is a Flood Plain on this property and a Flood Permit would be required. She said they have had a Corps of Engineers Evaluation done and a Wetlands Permit will not be required. She said the request may be considered not compatible with the surrounding Zoning and Uses, due to the density of Multi-Family Development; however, it could be considered as a buffer between the Commercial (Industrial) Use and Residential Use.

Vice-Chairman Ingle asked if there were any comments from the Commissioners.

John Sessoms made a motion to Open the Public Hearing for REZ21-23: JB Hunt, LLC, with a 2nd from Ben Lewis. All Commission Members voted in favor and the motion carried.

Vice-Chairman Joey Ingle opened the meeting to Public Comments, reminding PC of the 2 emails mentioned earlier.

Public Comments:

Gary Jaworski – 970 Osage View Drive – He opposed the request, expressing concern with compatibility with the neighborhood, consistency with the Land Use Plan, traffic safety, property values, privacy, noise, crime.

Becky Jaworski – 970 Osage View Drive – She opposed the request, expressing concern with traffic safety. She said this project may be better suited for a different area of the city.

Wanda Adkins – 1121 Kimmel Road – She opposed the request, expressing concern with privacy, traffic safety and density.

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

John Sessoms made a motion to Close the Public Hearing for REZ21-23: JB Hunt, LLC, with a 2nd from Tony Davis. All Commission Members voted in favor and the motion carried.

Vice-Chairman Ingle asked the Commission and Staff if they had any other questions or comments.

Vice-Chairman Ingle stated that there is mostly Residential Single-Family Use in this area, with Duplexes down the street and a Concrete Plant adjacent to this property. He said the Comprehensive Plan says “it is important to have a mix of housing types, to provide options, support the Housing Market and ensure affordability. Duplexes, Townhomes, Multi-Family Apartments, Condominiums and Senior Housing should be considered for all Residential Land Uses, on a case-by-case basis; assuming they can be integrated into the character of a given neighborhood”. He said it also says “increase in housing diversity: Single-Family, Townhomes, Apartments and Condominiums, at the block and neighborhood levels, to allow for down-sizing in the local area”. He said the proposal for apartments is a different mix than the existing Single-Family Residential and Duplex Uses. He said the Kimmel Road/Greenhouse Road corridor seems to be developing as a key area in our city. He asked if a PUD would be more desirable in this location. **Dianne Morrison Lloyd** said to do a PUD; they would have to request a rezone to R3-MF currently, under our Title 14 Code, so a PUD at this time would be required for this regardless. **Lorene Burns** said our PUD is a Conditional Use and is an Overlay of the underlying zoning district. **Ingle** asked Hugh Jarrett if he understood that. **Hugh Jarrett** said he thought they would have to do a PUD to have the Residential and Recreational Uses both on the same lot.

Dianne Morrison Lloyd stated that there is single-family in the area. She said the single-family detached Tiny Homes to be developed to the west is a pretty high-density

development. She said we do look to increase the housing diversity in the area, and the Land Use Map shows Mixed Use in the area and pointed out the Watercolors and Stoneleigh apartments on a map, as well as the Tiny Homes property.

Tony Davis said with all of the dirt that will need to be moved, this type of development would be easier to elevate the buildings. He said they could likely do a CLOMR or LOMR and get those buildings out of the Flood Plain. **Ingle** said they will probably just work the Flood Plain into their layout. Davis said he feels this proposal would be a good buffer for the area, and a good fit.

John Sessoms said if we are only looking at the zoning at this point, he is in favor of this request because the Land Use Map says R-3. **Ingle** said we are only looking at the zoning at this time. Sessoms said Lindsey also has a track record of providing a buffer around their properties, providing for more privacy.

Ben Lewis said he feels this meets some of the goals of the Comp Plan, with affordability and alternate forms of housing, as well as walkability. He also said the 1- and 2-Bedroom apartments would likely have less traffic than 4-5 Bedroom houses.

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.** Vice-Chairman Ingle said the Land Use Plan designates this area as Med-High Density Residential Use, and the request is for Residential Use. John Sessoms agreed. **PC considered the request to be consistent with the Comprehensive Plan and Adopted Land Use Plan.**
- 2) **Is the proposed rezoning compatible with the surrounding area and zones - MIXED.** Vice-Chairman Ingle said he thinks this is compatible with the surrounding Residential Use, but the majority of the Use is single-family and duplex. Craig Langford said most apartment complexes in the area are connected to main roads and is somewhat concerned about placing this on a two-lane road. He said the surrounding area is compatible. John Sessoms was mixed about compatibility as well. **PC was Mixed that the request is compatible with the surrounding area.**
- 3) **Would all permitted uses in the new zone be compatible in this location and surrounding areas? - YES.** Vice-Chairman Ingle said he thinks the Tiny Home development to the west makes this request a better fit. Jerry Harris agreed. **PC agreed 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? - NO** Vice-Chairman Ingle said PC agrees that the request fits with the general intent of the Comp Plan. **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? - YES.** Vice-Chairman Ingle said we had public comments showing concern with traffic safety and compatibility. He said he agreed that this proposal is a good buffer, going west. **There were no additional comments from PC.**

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

John Sessoms made a motion to Approve REZ21-23: JB Hunt, LLC (Proposed Dunes at Prairie Valley Development) – A1 to R3-MF – 21 Acres; Kimmel Road and Buckhorn Flats Road, with a 2nd from Jerry Harris. There was a Roll Call. All Commission Members voted in favor, except for Craig Langford, who voted NO, and the motion carried.

Lorene Burns asked if it was Planning Commission's intent to show this property with the new R4 multi-family designation on the Title 14 Zoning Map amendment coming back to PC for a Public Hearing on 7/20/2021. **Joey Ingle** said however it needs to be reflected is okay.

C. SUB19:05: Maple Estates Phase 2 Final Plat – Silver Maple Street & Red Maple Street (R2-SF / 16.39 Acres / 53 Lots) –

Vice-Chairman Joey Ingle introduced the item to the Commission.

Diego Garcia with HFA addressed the Commission, giving a brief overview of the request for Final Plat approval for Maple Estates Phase 2. He said everything has been installed as requested by the city.

City Planner Donna Wonsower addressed the Commission, stating that Staff is asking that this request be tabled this evening, as there are a number of items that are incomplete. She listed the items as the Adjacent Street Improvement Agreement for both Cutberth Lane and Wolverine Drive, Detention Pond as-built verification and some missing bonds. Planning Director Lorene Burns said the plan is to hear it again on 7/20/2021 and have a Special City Council Meeting on 7/21/2021.

Diego Garcia said John Wary has the Record Drawings for the Detention Pond, and the Adjacent Street Agreement for Cutberth Lane is all that was changed from the previous submittal. He said they are only building the Storm sewer and back-filling the ditch, which has been an issue during the rains, as requested by the Street Department, and are building curb-and-gutter and the asphalt section per Street Specs on Phase 3. He said all of the drawings have been submitted. He said they asked Rick Hudson to approve the bond for a sediment basin on Phase 3, because it will not be fully completed until Phase 3.

Rick Hudson said there was an unexpected water line on Cutberth Lane that had to be dealt with. He said completion of that will be better once the whole section is done. He said the detention pond is functioning as a sedimentation basin but will need to be bonded for completion with Phase 3 and will need to be monitored for MS4 compliance. He said his crew witnessed the surveying of the detention pond last week, and it was very close, but we cannot verify it until John Wary approves the Record Drawings. He said he is good with the Bond amounts.

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

Jerry Harris made a motion to Table SUB19:05: Maple Estates Phase 2 Final Plat – Silver Maple Street & Red Maple Street (R2-SF / 16.39 Acres / 53 Lots) with a 2nd from John Sessoms. All Commission Members voted in favor and the motion carried.

D. SUB21:05: Shirley Estates Preliminary Plat & Plans – 2885 Edgewood Road (Currently A-1; Requested R3-SF / 11.32 Acres / 32 Lots) –

Vice-Chairman Joey Ingle introduced the item to the Commission.

Chase Allison with Morrison Shipley addressed the Commission, giving a brief description of the request. He said the request is for a 32 Lot subdivision, and the rezone was approved a few weeks ago. He said they have been working with the city in regard to the utilities and the roadway improvements.

Senior Planner Dianne Morrison Lloyd addressed the Commission, stating that the subdivision is on Edgewood Road, which is a Local Road on the Master Street Plan. She said the proposal does show driveways coming out onto Edgewood Road. She said 30' ROW had already been dedicated and 30' of additional ROW was being dedicated in the area that had not already been dedicated. She said we have received an Adjacent Street Improvement Agreement, but we need to consider a development (Edgewood Estates) going in north of this, which is running a bit behind. She detailed the agreement for this development, which includes their section for 13' of pavement width with curb-and-gutter, storm drainage and a 5' sidewalk. She said the development to the north is responsible for the north side and out to Tycoon Road. She said Staff concern is if this development completes first, there will only be a section of half-road. She said they are not proposing any common open space with this development. She said Lots 18-22 and Lot 27 have a 100' Electric Easement for a SWEPCO high-voltage powerline. She said the buildable area for these lots is outside of the easement. She said she took a phone call from a Brian Wade, who says the agreed upon easements across his property is 15' (not 20') and needs to be cleared up prior to construction or Final Plat. **Joey Ingle** asked about getting away from two points of access. **Lloyd** said the Fire Department had no comments on the development as proposed. Ingle asked about access onto Edgewood Road and the possibilities of shared-drives on the north side to limit curb-cuts. **Chase Allison** said each property would have its own driveway. **Ingle** asked if road improvements would be constructed. Lloyd said half-street improvements would be constructed. **Rick Hudson** said they have been building up

the subgrade on Edgewood Road for the past two (2) months as part of the agreement with Edgewood Estates, so they can pave all of the way to Tycoon Road. **Ingle** asked Hudson if he had a functional lane-width if one development gets completed before the other. **Hudson** said there is 28' there now, and detailed the improvement work the City has done. **Ingle** said Hudson needs to try and avoid having half-roads. **Hudson** said unfortunately we won't have curb-and-gutter, but we should have 24' of roadway and 2' gravel shoulders on both sides. He said both design teams have coordinated. There was lengthy discussion between Ingle and Hudson regarding timely street improvements with these two developments. **Ingle** cautioned Hudson about making non-written agreements with developers. **Ingle** said he felt the initial agreement with Edgewood Estates was in the best interest at the time, but the circumstances have changed. Ingle said he would like to see matching sections. **Hudson** agreed to go back to the Edgewood developer. There was lengthy discussion about having driveway access onto Local Roads. **Lorene Burns** said it is common to have access onto internal neighborhood streets. **Hudson** pointed out Sun Meadow Drive and Sienna Drive, which are local roads. **Ben Lewis** said he thinks sidewalks and curb-and-gutter are really important. **Jerry Harris** questioned whether the proposal from Edgewood Estates, with an open ditch, no curb-and-gutter or sidewalks was better than having a few hundred feet of pavement. **Ingle** said that was ideal prior to this second development. He said by Code, this second development only has to do their half-section, with curb-and-gutter. He said a uniform section; with curb-and-gutter would be our ultimate end goal. **Tony Davis** said it seems like we are getting more bang for our buck if we allow them to pave out to Tycoon Road. He said there will be constant maintenance at the points that go from gravel to asphalt. There was continued discussion.

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

Ingle said we cannot ask this developer to do anything with Edgewood Road, other than what they are proposing, which meets our Code. Craig Langford and Tony Davis both supported the street improvements of this development and Edgewood Estates, as presented tonight. Ingle asked Lorene Burns and Staff to look at the Code, regarding driveway access to a Local Road. PC was okay with the driveways, if it meets Code.

Craig Langford made a motion to Approve SUB21:05: Shirley Estates Preliminary Plat & Plans – 2885 Edgewood Road (Currently A-1; Requested R3-SF / 11.32 Acres / 32 Lots), with the Street Improvement Agreement as presented, with a 2nd from Ben Lewis. All Commission Members voted in favor and the motion carried.

E. VAC21:04: 1281 Coventry Road, Lot 80, Kensington Hills, Owner: Miks/Decker – Vacate 2' of 20' Rear Utility & Drainage Easement for Sunroom Addition –

Vice-Chairman Joey Ingle introduced the item to the Commission.

Nicole Miks, the applicant, addressed the Commission, stating that she is asking for an Easement Vacation to be able to build a four-season sunroom.

City Planner Donna Wonsower addressed the Commission, stating that the Easement Vacation request is for 2.15' across the rear yard. She said it is for Lot 80 of the Kensington Subdivision, where all Setbacks were platted for Drainage and Utility Easements. She said there may be an additional Variance Request at the 7/20/2021 Meeting, as it was not prepared in time for this meeting. She said the proposal is for a 13'x18' Sunroom attached to the house along with an open porch. She said that Black Hills Energy has a line in the rear yard. She said we have not heard back from AT&T and Century Link. The applicant said she spoke with both AT&T and Century Link, and they are both in the side-yard. Wonsower said they have not reported back to the city yet. She said there is no opposition from any property owners that were notified. Vice-Chairman Ingle asked if we have made approvals before, with contingencies regarding utilities. Wonsower said we have in the past for pools, as accessory structures. She said this sunroom will be attached to the house and will also require a Variance.

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

John Sessoms made a motion to Approve VAC21:04: 1281 Coventry Road, Lot 80, Kensington Hills, Owner: Miks/Decker – Vacate 2' of 20' Rear Utility & Drainage Easement for Sunroom Addition, Contingent upon Utility Verification and Variance Approval with a 2nd from Tony Davis. All Commission Members voted in favor and the motion carried.

(7) OTHER BUSINESS -

A. SUB20:11: The Pines Phase 1– 11505 Walters Road (R3-SF / 19.09 Acres / 58 SF Lots) – Clarification of Paving Walters Road

Vice-Chairman Joey Ingle introduced the item to the Commission.

Senior Planner Dianne Morrison Lloyd addressed the Commission, stating that The Pines subdivision is being developed in three (3) phases and this request is for approval of Phase 1. She said there are a few outstanding items. She said the Adjacent Street Improvement Agreement for Walters Road is kind of quirky. She said Walters Road is currently graveled, but the subgrade has been worked on by Schuber Mitchell. She said the agreement is between the City of Centeron, Benton County and Schuber Mitchell Homes. She said Centeron has agreed to provide the subgrade and pay for the asphalt for the remaining shared city-county owned portion of Walters Road. Benton County has agreed to install the asphalt for the entire section.

Rick Hudson said Benton County has agreed to start on Monday, 7/12/2021, and will be completed before we meet again. He said curb-and-gutter and sidewalks will be added with future developments. He said both Big Sky and Schuber Mitchell will be developing in the next few years. He said in the meantime we will have a 24' road taking traffic south from Hwy 72.

Dan Mitchell said they have done everything they have agreed to and there are two (2) more phases of The Pines, if PC wants to hold this up. He said he just wants a clear path tonight for Final Plat at the next PC meeting.

John Wary said he was of the understanding that this is up for discussion tonight in the case that we get to Final Plat Approval at the next PC meeting, and Benton County has not paved Walters Road.

Vice-Chairman Ingle asked if we should require that the section with this phase gets done or should we require a Performance Bond. Rick Hudson said Schuber Mitchell has done everything they were required to do, plus more. Ingle said he understands that this is on the County, but it is required to final this phase. Dan Mitchell asked that this phase get finalled and any bonding would be with the final phase. Lorene Burns asked that we be consistent with developments when requiring bonds. Tony Davis said he believes Benton County will follow through. Rick Hudson said the County Judge has signed the Agreement. There was discussion. Ingle said he would accept the signed agreement as an assurity. He said if there were not a signed agreement, we would require a bond for the Phase 1 section. Dianne Morrison Lloyd asked for a copy of the signed agreement for Planning.

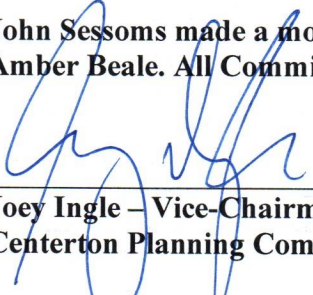
Vice-Chairman Ingle asked if there were any questions or comments from the Commission or City Staff. There were none.

(8) ANNOUNCEMENTS –

- 7/08/2021 – City Council Meeting @ 6:00 PM (Date was changed)
- 7/15/2021 – PC Work Session – Title 14 Phase 2 Amendments @ 5:30 PM
- 7/20/2021 - Planning Commission Meeting @ 6:00 PM
- 7/29/2021 – Tech Review Meeting @ 2:00 PM
- 8/03/2021 - Planning Commission Meeting @ 6:00 PM
- 8/10/2021 – City Council Meeting @ 6:00 PM
- 8/17/2021 - Planning Commission Meeting @ 6:00 PM

(9) ADJOURN -

John Sessoms made a motion to adjourn the meeting at 10:48 pm, with a 2nd from Amber Beale. All Commission members voted in favor and the motion carried.



**Joey Ingle – Vice-Chairman
Centerton Planning Commission**

Minutes prepared by:
Todd Wright