



CENTERTON PLANNING COMMISSION
July 20, 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 – 07/06/21
- 4. RATIFICATION OF ADMINISTRATIVE APPROVALS**
 - A. **TS21-10 Jensen PLA** – 10861 Keller Rd. (A1 / 12Ac / 2 lots, 10Ac, 2.26Ac)
- 5. OLD BUSINESS**
 - A. **REZ21-19 King Property- A1 to R3-SF**- 96.8 Ac; 8801 N Tycoon Rd (Tabled from 6/1/2021 following Public Hearing, Tabled from 7/6/2021 following discussion)
 - B. **SUB19-05 Maple Estates PH2 Final Plat** – S of Cutberth Ln (R2-SF / 16.39Ac / 53 Lots) (Tabled from 7/6/2021)
 - C. {PUBLIC HEARING} **Title 14 Zoning Code Amendments** – Creating Medium-High Density Residential Districts of R3-SF, R3-D, R3-MP, and High Density Multi-Family Residential District R4-MF
- 6. NEW BUSINESS**
 - A. {PUBLIC HEARING} **Master Street Plan Amendments**
 - B. **SUB20-11 The Pines PH1 Final Plat** – 11505 Walters Rd. (R3-SF / 19.09Ac / 58 SF Lots)
 - C. **SUB20-18 Timber Ridge PH2 Prelim Plat & Plans** – Timber Ridge St (R3 / 22.58Ac / 56 SF Lots)
- 7. OTHER BUSINESS**
 - A. **Set Public Hearing for Title 14 Ph2**- August 17, 2021
- 8. ANNOUNCEMENTS**
 - A. **Next Tech Review Meeting: 07/29/2021 @ 2:00 PM**
 - B. **Next PC Meeting: 08/03/2021 @ 6:00 PM**
 - C. **Next Council Meeting: 08/10/2021 @ 6:00 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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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.



CENTERTON PLANNING COMMISSION
MINUTES OF MEETING
July 20, 2021 @ 6:00 PM

1. **CALL TO ORDER:** The Meeting of the Centerton Planning Commission was called to order by Planning Chair Jeff Seyfarth at 6:02 PM.
2. **ROLL CALL:** Those Present and answering Roll Call were Jeff Seyfarth, Joey Ingle, Devin Murphy, Craig Langford, John Sessoms, Tony Davis, Ben Lewis. Amber Beal, Jerry Harris Absent. Others in attendance for the City were Mayor Bill Edwards, City Attorney Brian Rabal, Planning Director Lorene Burns, Senior Planner Dianne Morrison Lloyd, City Planner Donna Wonsower, Rick Hudson, and Paul Higginbotham. Amber Beal, Jerry Harris Absent

3. **APPROVAL OF MINUTES –**
 - A. Planning Minutes – 07/06/21

MOTION TO APPROVE THE REQUEST (JOHN SESSOMS FIRST/ CRAIG LANGFORD SECOND, NONE OPPOSED)

4. **RATIFICATION OF ADMINISTRATIVE APPROVALS**

- A. TS21-10 Jensen PLA – 10861 Keller Rd. (A1 / 12Ac / 2 lots, 10Ac, 2.26Ac)

MOTION TO RATIFY ADMINISTRATIVE APPROVAL (JOEY INGLE FIRST / JOHN SESSOMS SECOND, NONE OPPOSED)

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, Tabled from 7/6/2021 following discussion)

MOTION TO BRING BACK TO THE TABLE (JOHN SESSOMS FIRST/ CRAIG LANGFORD SECOND, NONE OPPOSED)

- 1) **Will Kellstrom:** Previously tabled due to inconsistency with the land use plan. Brought back again on July 6 and PC indicated that a new proposal was necessary. New plan leaves approximately 4 acres of space out of the previous rezone request at the corners of the intersections that could be rezoned to commercial at a later date. Does not feel that commercial along the entire frontage as shown on the land-use plan is viable, as Copper Oaks subdivision took so long to fill in. Brought up large

- amount of commercial proposed in the area.
- 2) **Joey Ingle**: Questioned whether rezoning included commercial lots as he felt the request came back the same as before with no commercial.
 - 3) **Will Kellstrom** clarified that the request only reduced the R3-SF area and left the remaining area as agricultural.
 - 4) **Joey Ingle and John Sessoms**: Questions about size of the “commercial” areas and the process for their creation.
 - 5) **Dianne Morrison Lloyd**: Stated that a tract split would be necessary at the subdivision stage, however, a rezone can include multiple zoning districts but would have necessitated another public hearing.
 - 6) **Joey Ingle and John Sessoms**: Concern from Planning Commission that if the areas “reserved” for commercial are not rezoned commercial now, they could be built in as agricultural lots and the commercial will be lost.
 - 7) **Lorene Burns**: Stated that 10-acres is the minimum lot size for agricultural zone, and the lots would need to be rezoned upon creation.
 - 8) **Will Kellstrom**: Stated city is responsible for ensuring parcels are rezoned if anyone wants to build in these four acres.
 - 9) **Dianne Morrison-Lloyd**: Specified that if any tract split occurs the A-1 lots would have to be rezoned because they are below the required minimum lot size.
 - 10) **Joey Ingle**: No issue with proposal as now presented
 - 11) Discussion and clarification regarding A-1 tract split procedure
 - 12) **John Sessoms**: If we approve this, we will be setting ourselves up for non-conforming lots
 - 13) **Will Kellstrom**: Asked to speak to clients
 - 14) **PC Commission**: General consensus that the commission would be in support if the proposal returned with a commercial rezoning
 - 15) **Will Kellstrom**: Request to vote tonight.
 - 16) **Brian Rabal**: Opinion is that creating lots smaller than the Agricultural A-1 minimum lot size is not permissible.
 - 17) **Will Kellstrom**: Request to table.

MOTION TO TABLE THE REQUEST (CRAIG LANGFORD FIRST/ BEN LEWIS SECOND, NONE OPPOSED)

- B. SUB19-05 Maple Estates PH2 Final Plat – S of Cutberth Ln (R2-SF / 16.39Ac / 53 Lots) (Tabled from 7/6/2021)**

MOTION TO BRING BACK TO THE TABLE (JOHN SESSOMS FIRST/ TONY DAVIS SECOND, NONE OPPOSED)

- 1) **Diego Garcia**: Stated that the project had been moved from the previous meeting as there had been some incomplete item that have since been addressed.
- 2) **Donna Wonsower**: Presented staff report, listing outstanding items, bonds, and staff comments remaining for final plat and record drawings. She detailed a proposed addendum to the street agreement for Wolverine Dr and Cutberth that included

shifting some ROW dedication and improvements to Phase 3 and provided a list of items for Planning Commission approval.

- Approve / Deny Final Plat
 - Approve / Deny Utility, Streets, Aerator, and Drainage Bonds
 - Approve / Deny Covenants
 - Approve / Deny Addendum to Adjacent Street Agreement (Addendum #2)
- 3) Discussion about why we are moving ROW dedication from Phase 2 to Phase 3
 - 4) **Rick Hudson:** Noted that change was made for constructability reasons
 - 5) **Joey Ingle:** Requested some kind of assurance for ROW dedications
 - 6) **John Wary:** Explained the Drainage Easement being vacated per the plat was created with phase 1 and is no longer needed with the change of design after the addition of the detention ponds
 - 7) **Dan Mitchell:** Stated that they are already working on the design of Phase 3
 - 8) **Rick Hudson:** Confirmed that Public Works has a bond in place for Cutberth

MOTION TO APPROVE ALL ACTION ITEMS (BEN LEWIS FIRST/ CRAIG LANGFORD SECOND, NONE OPPOSED)

- C. {PUBLIC HEARING} **Title 14 Zoning Code Amendments** – Creating Medium-High Density Residential Districts of R3-SF, R3-D, R3-MP, and High-Density Multi-Family Residential District R4-MF

MOTION TO OPEN THE PUBLIC HEARING (JOHN SESSOMS FIRST/ DEVIN MURPHY SECOND, NONE OPPOSED)

- 1) **Jesse Fulcher, Rausch Coleman:** Found out about public hearing on June 1 but didn't realize effects until next day after he spoke to Dianne day after public hearing. Rausch Coleman bought 12 acres 12 years ago that allowed all residential uses, paid more for the land because it allowed all the uses. They have put money into developing multifamily concepts and plans and have met with city on concept plans. Released engineers a few months ago on full construction drawings. Request the right to retain multifamily uses with reason of there are a multitude of land uses in this area, residential adjacent to residential, and the property is only accessed to Keller and Bliss
- 2) **Dianne Morrison-Lloyd:** Pointed out additional access to phase 1
- 3) **Jesse Fulcher, Rausch Coleman:** Residential uses can be compatible at different scale and densities. Glad to see code being revised as it was confusing but want to see their development rights maintained.
- 4) **No other public comments.**

MOTION TO OPEN THE PUBLIC HEARING (JOEY INGLE FIRST/ JOHN SESSOMS SECOND, NONE OPPOSED)

- 5) **Lorene Burns:** Presented changes made to the Title 14 PH 1 amendments since previous public hearing on June 1, 2021.

- Updates to Ph1 based on Ph2 amendments discussed during the PC work session on July 15, 2021.
 - Discussions regarding pool setbacks and process for vacations if in utility / drainage easements
 - Discussion about temporary structures (i.e., storage sheds)
 - Discussion about renaming titles to match fire/building code
 - Request to add definitions for townhomes & apartments aligning with fire code.
 - Discussion regarding consistency of 50% lot coverage
 - Discussion regarding plan to add a PZD zoning district
 - Discussion regarding inclusion on “nonresidential” within compatibility standards and need to eliminate
- 6) **Discussion:** On June 8, 2021, the Council sent the Title 14 changes back to PC for further discussion. Lorene suggests looking at the best use of the land and noted that if the parcel is changed to R3-MF new notices would not need to be given to adjacent property owners. The original request of the property was for R3-SF but was later changed to a nursing/assisted living facility. The use of the facility was approved but never constructed.
- 7) **Jesse Fulcher, Rausch Coleman:** Stated that he had an email from staff from October 2020 approving apartments. Discussion about history of project. Bought property 2-3 years ago. Presented multifamily to staff prior to start of pandemic. At that time discussion about needing a PUD. Jesse Fulcher brought up that if certain R3 requirements could be met, a rezoning would not be required. Current plan 42x120 building.
- 8) **Lorene Burns:** Found email from Dianne explaining which R3 requirements Rausch Coleman would have been required to meet in order to not have to complete a PUD
- 9) Discussion about best use of property and history
- 10) **Jesse Fulcher, Rausch Coleman:** Request would be for what rights they bought then. Multifamily.
- 11) **Joey Ingle:** Wants to know if they were compatible with R3 prior to this. Stated that the option was there for them to use it as a multifamily development.
- 12) **Dianne Morrison Lloyd:** Original rezoning application was for single-family
- 13) Discussion about why the zoning code was sent back to the Planning Commission.
- 14) **Joey Ingles** asked about how the designation to the more specific zoning designations was made.
- 15) **Planning Staff** clarified that city ordinances that specified a single, two, or multi-family designation, how parcels were designated on the zoning applications, and how properties were constructed were all reviewed. In addition, Lorene stated that for parcels where designations were unclear, compatibility was also looked at.
- 16) **Joey Ingles** questioned how it came back to us.
- 17) **Lorene** stated that City Council has the ability to rezone properties to their best use.
- 18) **Jeff Seyfarth** stated that the Planning Commission can look at the questions they typically review and make their recommendation to Council.
- 19) **Joey Ingles** and **Lorene Burns** discussed legal aspects of rezone and Planning Commissions role to provide best use of land for City Council to make legal decision for change.

- 20) Discussion on where multifamily apartments fit into comprehensive land use plan. Land Use Plan shows residential medium-high (detached and attached homes) 7-11 units per acre. Based on plan, apartments would be too dense and would need to be high density residential (11+). Consensus is that multifamily apartments are not consistent with the plan.
- 21) **Joey Ingle:** highest use based on title 14 PH1 is the multiplexes which does not meet current design.
- 22) **Jesse Fulcher, Rausch Coleman:** Protested the change from higher density multifamily apartments to lower density when it is difficult to go the other way.
- 23) **Lorene Burns:** Stated that the R3 still allows apartments (multiplexes) up to 4 units per structure in the medium-high land-use
- 24) Discussion about what council has asked Planning Commission to do (best use of land) versus rights of property owner.
- 25) Questions to discuss:
 - Higher overall density than surroundings, inconsistent with attached-detached homes, Based on comprehensive plan
 - Which designation? R3-SF or higher? Selected R3-SF after some discussion
- 26) Discussion about re-evaluating the section of the code regarding re-applying for the same rezoning request

MOTION TO RE-APPROVE TITLE 14 & MAP AS PREVIOUSLY PRESENTED (TONY FIRST/ JOEY INGLE SECOND, NONE OPPOSED)

6. NEW BUSINESS

A. {PUBLIC HEARING} Master Street Plan Amendments

- 1) **Dianne Morrison Lloyd:** Changes to meet up with Bentonville Master Street Plan (same as changes previously discussed in work session),
- 2) **Lorene Burns:** Had a discussion with property owner regarding the Bullock Rd extension to Hwy 72 cutting through middle of his property and connecting to Hwy 72 right on a curve, and there are other nearby road intersections to use. Suggested using existing Bullock Road and then using Gaylean Stables Road, to connect to Hwy 72. No opposition to removing the extension.

MOTION TO OPEN PUBLIC HEARING (JOEY INGLE FIRST/DEVIN MURPHY SECOND, NO OPPOSED)

- 3) **No public comment.**

MOTION TO CLOSE PUBLIC HEARING (JOHN SESSOMS FIRST/ JOEY INGLE SECOND, NO OPPOSED)

- 4) **No discussion.**

MOTION TO APPROVE MSP AMENDMENTS WITH REVISION #4 REQUEST AS PRESENTED TONIGHT TO REMOVE BULLOCK RD EXTENSION TO HWY 72: SHIFT ALIGNMENT EAST TO ALIGN WITH LOST OAK DR (JOEY INGLE FIRST/ JOHN SESSOM SECOND, ROLL CALL- ALL YES, none opposed 7/0)

B. SUB20-11 The Pines PH1 Final Plat – 11505 Walters Rd. (R3-SF / 19.09Ac / 58 SF Lots)

- 1) **John Wary:** Representing applicant. Ph1 of The Pines. Fifty-nine lots with a single lift station and tract a (detention) and tract b (remaining phases). Staff comments have all been addressed on final plat/ record drawings. Performance ponds have been posted for lift station and detention basin. Aerators will be installed in future phase.
- 2) **Jeff Seyfarth:** Question about drainage issues. If you drive in on Empire Rd. Wanted to know if MSE had looked at those on the north side who are higher will impact those on the lower lots.
- 3) **John Wary:** Stated that each lot has a drainage plan and that each lot is intended to drain to the street. Some lots may drain to the back lot of others but those has swales that should get all water to the street.
- 4) **Dianne Morrison-Lloyd:** Only outstanding item is covenants which have not received legal approval. Bonds were received today with correct amounts and dates. Road work with county is being coordinated. Fire code is being met with construction of other street to meet remoteness rule.
- 5) **Jeff Seyfarth:** **Noted that approval is contingent on covenants. Dianne stated they were provided in ample time.**

MOTION TO APPROVE 20-11 THE PINES, PENDING APPROVAL OF THE COVENANTS BY BRIAN (JOHN SESSOMS FIRST/ TONY DAVIS SECOND / NONE OPPOSED)

C. SUB20-18 Timber Ridge PH2 Prelim Plat & Plans – Timber Ridge St (R3 / 22.58Ac / 56 SF Lots)

- 1) **Ferdie Fourie, Civil Design:** Presented project of 56 lots of the south side of existing Timber Ridge Ph1. This is considered Ph2. Tract A is detention and habitat area. Tract B is future development.
- 2) **Donna Wonsower:** R3-Single family. 2.48 units per acre. Proposed collector which will be constructed up to the intersection and ROW will be dedicated to the south and constructed in next phase. Discussion on connectivity with future phase. All staff comments have been addressed at this time. A wetland assessment has been completed and no 404 permit will be necessary. Planning Commission will need to approved preliminary plat and adjacent street agreement.
- 3) Question about whether Paul Pinkley owns land between Timber Ridge Ph2 and Woodcrest Walk. Ferdie Confirmed he does.

MOTION TO APPROVE THE SUB20-18 TIMBER RIDGE PH2 PRELIMINARY PLAT & ADJACENT STREET AGREEMENT (JOEY INGLE FIRST/ JOHN SESSOMS SECOND / APPROVED – NONE OPPOSED)

7. OTHER BUSINESS

- A. Set Public Hearing for Title 14 Ph2- August 17, 2021

MOTION TO SET THE PUBLIC HEARING (DEVIN MURPHY FIRST/ JOEY INGLE SECOND, NO OPPOSED)

8. ANNOUNCEMENTS

- A. Next Tech Review Meeting: 07/29/2021 @ 2:00 PM
B. Next PC Meeting: 08/03/2021 @ 6:00 PM
C. Next Council Meeting: 08/10/2021 @ 6:00 PM

Leana gave notice. Her last day is July 28.

9. ADJOURN

MOTION TO ADJOURN (DEVIN MURPHY FIRST/ JOEY INGLE SECOND, NO OPPOSED)



Jeff Seyfarth – Chairman
Centerton Planning Commission

Minutes prepared by:
Planning Staff