



CENTERTON PLANNING COMMISSION

May 4, 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 – 04/20/21
4. **RATIFICATION OF ADMINISTRATIVE APPROVALS**
 - A. **HOP21-14 Walden’s Plumbing Services** – Office Use Only for Plumbing Services; R2, 610 Hawthorn Pl., Lot 2, Tamarron Subdivision
 - B. **HOP21-15 Howard Altman Consulting LLC dba Sublime Grafx** – Online Sales of Art and On-Demand Merchandise; R3, 540 Maplewood Dr., Lot 299, Centerpoint Subdivision
 - C. **HOP21-16 Three Piece Gaming** – Online Sales & Purchasing of Collectible Cards; R2, 541 Lasso Lane, Lot 99, Char-Lou Subdivision
5. **OLD BUSINESS**
 - A. **SUB21-03 Silver Leaf Subdivision** – Adj. Street Improvement Agreement, Bush Rd & Wade Dr {TENT}
6. **NEW BUSINESS**
 - A. {PUBLIC HEARING} **REZ21-11 Big Sky Phase 2, LLC – A1 to R2-SF** – 60.17 Ac; 11871 Walters Rd
 - B. {PUBLIC HEARING} **REZ21-12 KHM2S2 Homes, LLC – A1 to R2 & C3** – 9.98 Ac; 1425 N Main St
 - C. {PUBLIC HEARING} **REZ21-14 Cedaridge – C2 to R3-SF & A1** – 20.27 Ac; Hwy 72W
 - D. {PUBLIC HEARING} **REZ21-15 Gray Wisdom Trust –A1 to R3-Duplex-** 37.07 Ac; South end of Bates Ln
 - E. {PUBLIC HEARING} **CU21-02 Saving Grace** – 12141 Hwy 72W (A-1 / 49.5 Ac)
 - F. **SUB20-13 Maple Estates PH1A Replat Lots 1 & 2 Final Plat** – Creating Lots 120-127; 1240 Silver Maple St (R2 / 2.05 Ac / 8 SF Lots)
 - G. **VAC21-02 Lot 96 Versailles, Marley Prop** – Vacate 8’ of 15’ Utility & Drainage Easement; 1505 Chateau Ct (R1 / 2.44Ac)
7. **OTHER BUSINESS**
 - A. **Zoning Code Audit** – Scope of work to City Council 5/11
 - B. **Joint Work Sessions with Planning Commission + Council** – Discuss Proposed Dates
 - XNA Overlay + MSP + LUP: Thur, 5/20 at 5:30pm
 - Title 15 (TENT): Mon, 6/7 or 6/14, Tues, 6/22 or Thur, 6/24 at 5:30pm
 - C. **ARML Training** – On-Demand Videos
8. **ANNOUNCEMENTS**
 - A. **AEDC Site Development Training: 05/06/2021 @ 4:00-6:00 PM**
 - B. **Next Council Meeting: 05/11/2021 @ 6:00 PM**
 - C. **Next PC Meeting: 05/18/2021 @ 6:00 PM**
 - D. **Next Tech Review Meeting: 05/27/2021 @ 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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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
May 4, 2021**

(1) CALL TO ORDER –

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

(2) ROLL CALL –

Those Present and answering Roll Call were Jeff Seyfarth, Joey Ingle, Devin Murphy, Craig Langford, Jerry Harris, John Sessoms and Tony Davis. Amber Beale and Ben Lewis were absent. Others in attendance for the City were Mayor Bill Edwards, City Clerk/Recorder Todd Wright, City Attorney Brian Rabal, Senior Planner Nicole Gibbs, City Planner Dianne Morrison Lloyd, City Planner Donna Wonsower, Fire Marshal Paul Higginbotham and Director of Public Works Rick Hudson.

(3) APPROVAL OF MINUTES -

Chairman Jeff Seyfarth introduced the Minutes of the Planning Commission Meeting from 4/20/2021 and asked the Commissioners if they had any questions or concerns. There were none.

John Sessoms made a motion to Approve the April 20, 2021 Planning Commission Meeting Minutes, with a 2nd from Joey Ingle. All Commission Members voted in favor and the motion carried.

(4) RATIFICATION OF ADMINISTRATIVE APPROVALS –

- A. HOP21-14: Walden’s Plumbing Services** – Office Use Only for Plumbing Services; R2, 610 Hawthorn Place, Lot 2, Tamarron Subdivision
- B. HOP21-15: Howard Altman Consulting LLC dba Sublime Grafx** – Online Sales of Art and On-Demand Merchandise, R3, 540 Maplewood Drive, Lot 299, Centerpoint Subdivision
- C. HOP21-16: Three Piece Gaming** – Online Sales & Purchasing of Collectible Cards; R2, 541 Lasso Lane, Lot 99, Char-Lou Subdivision

Craig Langford made a motion to Ratify the Administrative Approvals as presented, with a 2nd from Joey Ingle. All Commission Members voted in favor and the motion carried.

(5) OLD BUSINESS -

- A. SUB21:03: Silver Leaf Subdivision – Adjacent Street Improvement Agreement –**

Chairman Jeff Seyfarth introduced the item to the Commission.

Senior Planner Nicole Gibbs addressed the Commission, stating that the applicant is not quite ready, and asked that the item be TABLED until the next PC meeting Agenda.

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

(6) NEW BUSINESS -

- A. {PUBLIC HEARING} REZ21-11: Big Sky Phase 2, LLC – A1 to R2-SF – 60.17 Acres; 11871 Walters Road –**

Chairman Jeff Seyfarth introduced the item to the Commission.

Gavin Edwards addressed the Commission, giving a brief overview of the request to rezone 60.17 acres on Walters Road from A1 to R2-SF. He said this property is contiguous to Phase 1 of the Big Sky Subdivision. He said it will have connectivity to Big Sky Phase 1 and to Walters Road. He said they plan to have the same size lots and the same type of construction as Big Sky Phase 1.

City Planner Dianne Morrison Lloyd addressed the Commission, giving an overview of the Rezone Request. She said this property is to the south of the current Big Sky Subdivision and will connect with Bullock Road and Walters Road. She said there is a portion on the east side, which was just annexed into the city of Centerton. She said the intent is to develop the property as Big Sky Phase 2, as R2 Medium Density Residential Single Family, the same as Big Sky Phase 1 and the Orchard Park Subdivision. She said it is compatible with existing zoning and use. She said Walters Road is proposed as a Major Collector Street and is soon to be paved from Herbaugh up to Hwy 72. She said Bullock Road is also proposed as a Major Collector. She said we will ask for ROW and Street Improvements with development approval. She said there is a proposed Minor Arterial connection shown on the MSP, which will connect Bullock Rd to Hwy 72 along the north side of this property. She said the requested zoning may be considered consistent with our LUP designations. She said we did receive one public comment via e-mail, interested in a delay, as the current property owners are wishing to start a HOA, but tonight is just a Rezone Request. Gavin Edwards said the HOA was scheduled to be a voted on as a Board as soon as there was 75% occupancy of the subdivision. He said there is a provision in the Covenants that states if the developer decides to increase the size of the development or add Phases, the 75% occupancy requirement would continue until the developer has completed the additional development and 75% occupancy has been met. He asked for a copy of the comment e-mail. Lloyd said she would provide it for him. Edwards said they have filed a request with Benton County, for a provision, stating that the developer plans to continue Phases 2 and 3, so it will be attached to the current Covenants and Restrictions.

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

John Sessoms made a motion to Open the Public Hearing for REZ21-11: Big Sky Phase 2, LLC, with a 2nd from Tony Davis. All Commission Members voted in favor and the motion carried.

Chairman Jeff Seyfarth opened the meeting to Public Comments.

Public Comments:

Shiv Majagi – 1724 S. 41st Street, Rogers, Ar. – Asked for PC to verify that all of the easements and detention are considered for the proposed development to be contained on their property rather than offsite on adjacent property. Chairman Seyfarth said any plans would be reviewed by Engineers and Staff before construction can begin.

Michael Coyne – 3721 Whitefish Street – He asked about access to Phase 2. He asked if there would be a cut-through, from Phase 1 to Phase 2. Chairman Seyfarth said we have not seen that yet, and we are only looking at the Use of the land this evening. Gavin Edwards said they are planning a second access off of Big Horn Street, due to the length of the entrance off of Walters Road, for Fire Protection. He said the connection to Bullock Road

will be in Phase 3. Coyne said this was never mentioned when he purchased his home and expressed concern with added traffic coming off of Hwy 72. He opposed any access coming into Phase 1 at that location, due to safety and increased traffic.

Kevin Freeman – 12172 Cutberth Lane – He stated that he owned land on Bullock Road and had a question about access, but said his question was previously answered. Gavin Edwards said the plan for connection to Bullock Road in Phase 3 is based on the current MSP for the City of Centerton. Freeman asked if the plan is to pave Bullock Road. Rick Hudson said road improvements would happen with any development and would be a half-road construction at the very least.

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

Joey Ingle Beale made a motion to Close the Public Hearing for REZ21-11: Big Sky Phase 2, LLC, with a 2nd from Tony Davis. 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. **PC was in agreement that the request is considered consistent with the Comprehensive 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 uses. **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.**
- 4) Would the Rezoning provide a benefit to one landowner, 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? YES.** Chairman Seyfarth said we did hear from a few of the neighbors, regarding engineering details, access, and traffic. He said we did not necessarily hear any facts. **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.

Jerry Harris made a motion to Approve REZ21-11: Big Sky Phase 2, LLC – A1 to R2-SF – 60.17 Acres; 11871 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} REZ21-12: KHM2S2 Homes, LLC – A1 to R2-SF & C3 – 9.98 Acres; 1425 North Main Street –

Chairman Jeff Seyfarth introduced the item to the Commission.

Kudapa Murali addressed the Commission, giving a brief overview of the request to rezone 9.98 acres on North Main Street from A1 to R2-SF & C3. He described their previous requests and said they are requesting to develop the rear 6 acres as R2-SF, which is compatible with the neighbors; and the front 4 acres as C3, which is compatible with the city's Comprehensive Plan.

City Planner Donna Wonsower addressed the Commission, giving an overview of the Rezone Request for C3 (Neighborhood Commercial) and R2-SF on about 10 acres. She said they have brought two (2) different requests before the PC, for this property previously. She detailed some of the requirements and permitted uses for R2 and C3, as found in the PC packets. She said Main Street is a Minor Arterial Road with 90' ROW. She said there is A1 to the north and south, with surrounding C3 at Seba and Main Street. She said there is also Residential Use, with the Tuscany Subdivision built at 2 Units/acre and Forest Park built at 3-4 Units/acre. She said the current use of the property is a residential structure and a pole shed. She said the request may be considered compatible with the adjacent zoning and uses. She said the Adopted Land Use Plan includes these two parcels in the northern end of the Commercial Corridor, on the west side of Main Street. She said the Comp Plan describes this area as including larger Neighborhood Commercial development. She said the Adopted Land Use Plan designates the adjacent residential areas as Low/Medium Residential. She said this request for R2 may not be considered consistent with the Adopted Land Use Plan, because it is not a Commercial use. She said the request for C3 is considered consistent with the Plan. She said she included some implementation items in the packets for consideration as well.

Joey Ingle made a motion to Open the Public Hearing for REZ21-12: KHM2S2 Homes, LLC, 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:

Greg Harris – 1420 Amore Lane – He appreciated the property owner listening to the requests of the neighbors. He asked if the Land Use Plan called for the requested area to be C2. Chairman Seyfarth said C3 would be less intensive than C2. Nicole Gibbs said the Land Use Plan calls for this area to be Commercial, and describes it as a neighborhood-serving commercial node. Harris said the crux of his concern would not be with it being downgraded and felt we did not need fast-food restaurants, or that type of development in this area. He said this side of town definitely needs Commercial space. He said everyone he has spoken with is fine with the R2 proposal. He asked how C3 is enforced. Seyfarth explained the Schedule of Use and Conditional Uses. He said the City Staff would work with the developer to enforce the standards.

Carmen Avogaro – 1341 Montieri Drive – She appreciated the property owner listening to the neighbors. She expressed concern with the ever-changing zoning requests for this property. She said this request seems reasonable but was concerned with what could be allowed in C3. Wonsower explained the Conditional Use process. Avogaro asked about C2 zoning. Wonsower said that is Highway Commercial and a much more intensive commercial zone. Chairman Seyfarth recommended that Avogaro think about the Commercial Uses on Hwy 102. He said that is why Neighborhood Commercial Use makes more sense for this request. Joey Ingle stated that of the C1, C2 and C3 options, the C3, Neighborhood Commercial zone is most appropriate to be adjacent to Residential Use.

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

Craig Langford made a motion to Close the Public Hearing for REZ21-12: KHM2S2 Homes, LLC, with a 2nd from Joey Ingle. 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.

John Sessoms asked about access to the proposed R2. Mr. Murali said there would likely be two (2) access roads through the Commercial development. He described the traffic circulation. Sessoms stated that there has been concern about traffic safety near the sharp curve on Main Street and said he would recommend that any entrance off of Main Street to be further south.

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) – MIXED.** Chairman Seyfarth said the Land Use Plan designates this area as Neighborhood Commercial Use. He said he thinks this is a good plan, to have Commercial Use along Main St, with some Residential Use in the rear. He said he thinks it is a good transition. Jerry Harris said he does not see how the Residential Use is consistent, when the entire area is designated as Commercial Use on the Comp Plan. He said he feels we

need to hang on to our Commercial land. He opposed the request. Joey Ingle agreed, stating that we denied the request for Commercial and Residential Use last time and the only difference this time is that it is not Residential-Duplex. John Sessoms agreed. **PC was mixed about the request being considered consistent with the Comprehensive Plan.**

- 2) **Is the proposed rezoning compatible with the surrounding area and zones - YES.** Chairman Seyfarth said he would consider this request 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 C3 request is a less-intensive use, with the intent of serving the neighborhood. He said the proposed R2 would be next to the existing Residential Use. **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 is on the fence with this one. He said if we approved this hybrid Use here, the property on the corner gets a little tough. He said he feels if we make this exception, it will benefit this landowner. Joey Ingle said this would be on the fringe of the designated commercial area. He said if it were a little further south, we would not even be considering it. He said he feels it would provide a benefit to the property owner. **PC was in agreement the 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? - YES.** Chairman Seyfarth said we had a couple of comments having concern with C3 and the ongoing requests. He said he did not really hear any true opposition. Tony Davis said he felt we would be setting a precedent by chopping this in half and allowing both Uses. He said this could create issues for us in the future. **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.

Joey Ingle made a motion to Deny REZ21-12: KHM2S2 Homes, LLC – A1 to R2 & C3 – 9.98 Acres; 1425 North Main Street, with a 2nd from Devin Murphy. There was a Roll Call. Devin Murphy, John Sessoms, Joey Ingle, Jerry Harris, and Tony Davis voted in favor; Jeff Seyfarth and Craig Langford voted against, and the motion to DENY carried.

- C. {PUBLIC HEARING} **REZ21-14: Cedaridge – C2 to R3-SF & A1 – 20.27 Acres; Hwy 72 West –**

Chairman Jeff Seyfarth introduced the item to the Commission.

Brandon Woodrome addressed the Commission, giving an overview of the Rezone Request for 20.27 Acres on Hwy 72 from C2 to R3-SF. He said their intent is to develop 57 single-family lots. He said they have several conditions on the site, including issues with fill, deep ravines, and major transmission lines for Carroll Electric. He said they feel this request fits the neighborhood and property.

City Planner Donna Wonsower addressed the Commission, giving an overview of the Rezone Request for 20.27 Acres on Hwy 72 from C2 to R3-SF & A1. She said the R3-SF request is for 9.93 acres and the A1 request is for the remaining 10.34 acres. She said we have also received a PUD request from the developer for the 6/15/2021 PC Agenda and is for 57 single-family zero lot-line Patio Homes, including the dedication of an 8-acre City Park. She said the PUD is subject to this Rezone Request. She said the intent here is to develop the parcel as a residential subdivision. She said PC recommendation will be required for City Council acceptance, potentially on 5/11/21. She said the property is bounded by Hwy 72 to the northeast, which is an existing Major Arterial Road, and is across from Versailles Blvd. She said the site does have some very steep topography, with the high point near the northern end of the property. She said there are two steep ridges, with 69% slopes on either side. She said there are some environmental concerns, with the Civil War Cave and a Karst Recharge Zone near the site. She said the property may be in the Karst Recharge Zone, and is shown on the Benton County Sensitivity Map, as it could have a high sensitivity to groundwater contamination. She said the stormwater drainage for the site is conveyed to the McKissic Creek. She said a consultation has been done with the U.S. Fish & Wildlife Service, who indicated that the post-project would not result in a “taking” for the Northern Long-Eared Bat. She said they recommended further coordination if any other information is uncovered and recommended a formal site evaluation consultation. She said the Civil War Cave is a Cave Fish Habitat, and they are listed as a threatened species. She said there were 29 test pits dug, because of this property being a “fill-site” and silty or sandy clay was found with limestone. She said this was the reason for the reduction in the size of the R3-SF area. She said there is access to public water, but not public sewer currently. She said they plan to coordinate a Sewer Lift Station with an adjacent developer. She said there are overhead transmission lines for Carroll Electric, which bisects the site. She said there is a steep curve on Hwy 72 to the south, creating issues with access, and Staff has discussed traffic safety and limiting access in that area with the applicant. She said the patio-home design is more of a conservation neighborhood and gave some details. She listed the surrounding zones and uses as found in the PC packets. She said that Staff finds that R3-SF may be considered compatible with surrounding zoning and uses. She said development of the site does raise some environmental concerns; however, it could serve as a transition from the low-density Versailles Subdivision and the adjacent C2. In addition, the property is currently zoned C2, Highway Commercial, which could feasibly be developed by-right at a more intensive use than what is being proposed. She said there is also the A1 that is being set aside, which could serve as a buffer. She said the A1 is considered compatible with surrounding zoning and uses. She said the Adopted Land Use Plan designates this parcel as Parks and Open Space and is specifically designated as a proposed Park on the Comp Plan – Parks, Open Space, and

Environmental Features Map. She said the R3-SF request may not be considered consistent with the Land Use Plan, however, it is adjacent to a Med/High Density Residential designation to the west. She said the A1 is considered consistent as it is currently the only district that is described as protecting environmentally sensitive land.

Tony Davis made a motion to Open the Public Hearing for REZ21-14: Cedaridge, 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:

Holly Carmichael – 1311 Royal Ave. – She opposed the request, expressing concern with High-Density R3-SF. She said she supports Green Space. She expressed concern with traffic safety on Hwy 72 and recommended a Traffic Study be done. She also expressed concern with environmental impact on the existing trees in the area. She supported the possibility of lower-density residential development.

Jeff McDonough – 10804 W. Hwy 72 – He opposed the request, expressing concern with the high-density proposal. He said there is no sewer access on this property. He also was concerned with environmental impact in the area and traffic safety on Hwy 72. He said he recognizes that the property is currently zoned as C2.

Greg Harris – 1420 Amore Lane – He said he supports the A1 request but not the R3-SF request. He said this should stay as it is designated for Park Space for the city.

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

Joey Ingle made a motion to Close the Public Hearing for REZ21-14: Cedaridge, with a 2nd from Tony Davis. 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.

Joey Ingle asked about the Land Use designation. Dianne Morrison Lloyd said the entire property is designated as Green Space, Parks and Open Space.

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 the Land Use Plan designates this area as Parks and Open Space, so the R-3 would not be considered consistent. He said the A-1 section would be okay. Joey Ingle said it is currently zoned for Commercial Use,

which is more intensive than residential use. There was discussion. **PC was mixed about the request being considered consistent with the Comprehensive Plan.**

- 2) **Is the proposed rezoning compatible with the surrounding area and zones - MIXED.** Chairman Seyfarth said he is on the fence with this one. He said he would consider the A1 compatible and there is also Residential Use in the area. Joey Ingle said there is also Commercial Use to the north and planned Med/High Density Residential Use adjacent to it. John Sessoms agreed. **PC was mixed 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 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 the 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? - YES.** Chairman Seyfarth said we had some public comments, with concerns over traffic safety, environmental concerns, infrastructure, home values and compatibility. He said there were some facts presented. There was discussion about the history of commercial zoning in this area, versus the Comp Plan designation of Parks and Open Space. **There were no additional comments from PC.**

There was discussion about a future PUD request for this property. City Attorney Brian Rabal said that could not be factored into this Rezone Request decision, as it is not included in the request at this time.

Donna Wonsower recommended the possibility of tabling the request at this time until the PUD can be considered. PC agreed. Brandon Woodrome also agreed and asked that the request be Tabled until the PC has an opportunity to look at the PUD Request.

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

Craig Langford made a motion to Table REZ21-14: Cedaridge – C2 to R3-SF & A1 – 20.27 Acres; Hwy 72 West, with a 2nd from Joey Ingle. There was a Roll Call. All Commission Members voted in favor and the motion carried.

D. {PUBLIC HEARING} REZ21-15: Gray Wisdom Trust – A1 to R3-Duplex – 37.07 Acres; South End of Bates Lane–

Chairman Jeff Seyfarth introduced the item to the Commission.

Sandeep Chordia addressed the Commission, giving a brief overview of the request to rezone 37.07 acres on Bates Lane from A1 to R3-Duplex.

Senior Planner Nicole Gibbs addressed the Commission, giving an overview of the Rezone Request from A1 to R3-Duplex. She said the property owner intends to develop the property in line with the City's Future Land Use Plan. She said if PC recommends approval, the item will be brought before the City Council on 5/11/2021. She detailed the R3-Duplex Requirements as found in the PC packets. She said the property is bordered on the north and east by proposed Major Collector Roads and said that Bates Lane is designated as a Local Road on our MSP. Tycoon Road, designated as a Major Arterial, is approximately ¼ mile to the west. She said there is water currently available and sewer service is in vicinity, but not directly adjacent to this property. She said there may be Wetlands on the very southwest corner of the property, which will need to be assessed prior to development. She said the surrounding area is primarily A1, and this property is approx. 1 mile southwest of the new Grimsley Junior High School. She said the property is adjacent to Bentonville city limits, currently zoned as Agricultural Use. She said Bentonville previously has considered this area to be "fringe", but they have indicated a need to reassess the growth in this area. She said Bentonville does have non-adjacent Residential Zone and uses in the area. She said the requested zoning is a higher density zoning than what is currently in the area, but this area is anticipated to grow rapidly around the new Junior High School. She said the request is considered consistent with the Adopted Land Use Plan designation for Med-High Density Residential Use, which allows for 7-11 units per acre, where the R3-D zone has a typical max. density of around 8-10 units per acre. She said there are Comp Plan implementation items included in the staff report, some of which would be considered consistent and others as inconsistent with the request.

John Sessoms made a motion to Open the Public Hearing for REZ21-15: Gray Wisdom Trust, with a 2nd from Jerry Harris. All Commission Members voted in favor and the motion carried.

Chairman Jeff Seyfarth opened the meeting to Public Comments.

Public Comments:

Deborah Simpson –12989 Huber Road – She expressed concern with traffic on the under-developed roads.

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

Jerry Harris made a motion to Close the Public Hearing for REZ21-15: Gray Wisdom Trust, with a 2nd from John Sessoms. 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 the Land Use Plan designates this area as medium/high density residential use, and duplexes are residential. **PC was in agreement that the request is considered consistent with the Comprehensive Plan and surrounding use.**
- 2) Is the proposed rezoning compatible with the surrounding area and zones - YES.** Chairman Seyfarth said the Residential Use is compatible. **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 they are requesting Residential Use. **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? - NO.** Chairman Seyfarth said this request is for residential use and the Land Use Plan designates this area as residential. **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? - YES.** Chairman Seyfarth said there was a comment about increased traffic and the need for road improvements. Craig Langford pointed out the Comp Plan item for the prioritization of development in areas adjacent to existing infrastructure that supports the point made by the adjacent owner.

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 REZ21-15: Gray Wisdom Trust – A1 to R3-Duplex – 37.07 Acres; South End of Bates Lane, with a 2nd from Tony Davis. There was a Roll Call. All Commission Members voted in favor and the motion carried.

E. CU21-02: Saving Grace – 12141 Hwy 72 West (A1 / 49.5 Acres) –

Chairman Jeff Seyfarth introduced the item to the Commission.

Becky Shaffer addressed the Commission, giving a brief overview of the request for a Conditional Use Permit for 49.5 acres at 12141 Hwy 72 West. She said she is with Saving Grace NWA and gave a brief description of their Mission with young women in NWA. She said they will go from currently serving 12 women, to serving 30 women on this property.

City Planner Donna Wonsower addressed the Commission, giving a brief overview of the request, stating that this parcel is north of the Big Sky Subdivision Phase 2 rezone that PC approved earlier in the meeting. She said it is three (3) parcels and is currently zoned A1. She said the Conditional Use Request is for a Group Home-Residential Facility, which is conditionally allowed in A1. She said the intent is to develop the property to increase the capacity of Saving Grace from 12 persons to 50 persons. She said the property contains three (3) existing houses, and an existing barn. She said no new structures are being proposed at this time, as they are planning to renovate the existing structures. A diagram was provided. She said PC may place conditions on the permit, to mitigate any adverse impacts of the Use. She said Saving Grace is Non-Profit Organization and the request is generally consistent with the Comp Plan, as an alternative form of housing density. She said this area of the Adopted Land Use Plan is designated as Low-Density Residential, which this request is consistent with. She listed the surrounding zones and uses. She said the property is currently accessed from Hwy 72. She said the design concept is to renovate the existing house, adjacent to the corner, as an Office/Volunteer Station with parking, another house for New Program participants, and the other house for Established Program participants. She said they plan to add a 2nd bathroom to the barn. She said there is an “out-structure” south of the barn, which could become a future classroom.

She listed the Conditions, as follows:

- **Term of Use: Indefinite**
- **Setbacks: Consistent with A1 Requirements**
- **Development Application: Required prior to any site alterations, including site-lighting, parking, landscaping, other site requirements**
- **Public Hearing: Required as part of Development approval**
- **Number of Occupants: No more than fifty (50) occupants plus staff.**
- **Fire Inspection: Required prior to occupancy**
- **ADA Accommodations: ADA Requirements should be met**
- **Screening: Sufficient landscape screening required**
- **Equine Assisted Therapy: Municipal Code to be followed**
- **All General Requirements: Included in PC Packet**

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

Donna Wonsower said we received a comment opposing a possibility of the addition of efficiency apartments or Tiny Homes on this property. She said that is not a part of this request.

John Sessoms made a motion to Open the Public Hearing for CU21-02: Saving Grace – 12141 Hwy 72 West (A1 / 49.5 Acres), 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:

Kelly Kesner –3771 W. Whitefish Road – She was in favor of the request as currently presented. She asked that consideration be made for adjacent property owners should any future plans be presented for a higher density, such as tiny homes or efficiency apartments.

Chairman Seyfarth 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 CU21-02: Saving Grace – 12141 Hwy 72 West (A1 / 49.5 Acres), with a 2nd from Joey Ingle. All Commission Members voted in favor and the motion carried.

Chairman Seyfarth asked for clarification of Occupancy. Donna Wonsower said the Condition is to limit the occupancy to fifty (50) residents plus Staff.

John Sessoms made a motion to Approve CU-02: Saving Grace – 12141 Hwy 72 West (A1 / 49.5 Acres), with all Conditions as outlined by Staff, with a 2nd from Jerry Harris. All Commission Members voted in favor and the motion carried.

F. SUB20:13: Maple Estates Phase 1A Replat Lots 1 & 2 Final Plat – Creating Lots 120-127; 1240 Silver Maple Street (R2 / 2.05 Acres / 8 SF Lots) –

Chairman Jeff Seyfarth introduced the item to the Commission.

Diego Garcia addressed the Commission, giving an overview of the request. He said they have completed the construction of the subdivision and are requesting the replat of Lots 1 & 2, creating Lots 120-127. He said the infrastructure is already in place, and all that is left to do, is to move the existing subdivision sign.

City Planner Donna Wonsower addressed the Commission, giving a brief overview of the request. She said we have received Final Plat and Record Documents for Maple Estates Phase 1A, which will replat Lots 1 & 2, creating Lots 120-127. She said staff has conducted final inspections. She said Preliminary Approval and Variance Request was on 10/20/2020, Vacation Request was received on 11/10/2020. She said the Plat for the Vacation request is being completed with the recording of this Plat. She said we have received an amendment to the Covenants, which has been reviewed and approved by Staff and City Attorney. She said

we have reviewed and approved the **Bonds for Water & Sewer: \$21,762.50 (50% of \$43,525.00 for 1 year)**. She said Public Works Director recommended that the Street & Drainage Bonds be waived. She said Gamble Road ROW was previously dedicated. She said the Adjacent Street Improvement have been completed with this development. She said the Drainage Analysis has been reviewed and accepted by engineering. She said the remaining site work has been completed, with the exception of the relocation of the subdivision signs and associated landscaping. She said Staff feels it would be preferable to have the signs relocated prior to accepting the Plat. She said the developer would like to relocate them at the time of home construction, so they can re-use as many of the materials as possible. She said Building Safety wants a buffer between the new sign location and the Building Setback. She said we are working with the developer on that. She said there are only minor issues with the Record Documents and the Plat.

Joey Ingle asked if they could vacate this easement with this Plat. Wonsower said the Vacation has already been approved and accepted by Council. Rather than requiring two separate plats, we have asked them to add a note to this final plat referencing the Ordinance adopted by Council for the vacation of the easements.

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 SUB20:13: Maple Estates Phase 1A Replat Lots 1 & 2 Final Plat – Creating Lots 120-127; 1240 Silver Maple Street (R2 / 2.05 Acres / 8 SF Lots), with a 2nd from John Sessoms. All Commission Members voted in favor and the motion carried.

G. VAC21:02: Lot 96 Versailles, Marley Property – Vacate 8’ of 15’ Utility & Drainage Easement; 1505 Chateau Court (R1 / 2.44 Acres) –

Chairman Jeff Seyfarth introduced the item to the Commission.

Jared Marley gave an overview earlier, during tonight’s BZA meeting.

City Planner Donna Wonsower addressed the Commission, stating that we have received comments from most of the utilities, with no concerns. She said there is underground electric service but have not heard back from Carroll Electric at this time. She said we have not received objections from any of the adjacent property owners.

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 VAC21:02: Lot 96 Versailles, Marley Property – Vacate 8’ of 15’ Utility & Drainage Easement; 1505 Chateau Court (R1 / 2.44 Acres),

contingent upon confirmation from the outstanding utilities with a 2nd from Craig Langford. All Commission Members voted in favor and the motion carried.

(7) OTHER BUSINESS

- **Zoning Code Audit – Scope of Work to City Council 5/11/2021** – Senior Planner Nicole Gibbs said there is an initiative to get this Zoning Code Audit scope of work from Houseal Lavigne to bring before City Council on 5/11/2021. She said it is the first step of our Zoning Code revision. There was a brief discussion.

Jerry Harris made a motion to approve moving forward with the Zoning Code Audit, with a 2nd from Tony Davis. All Commission Members voted in favor and the motion carried.

- **Joint Work Sessions with Planning Commission and City Council - Proposed Dates:**
 - XNA Overlay + MSP + LUP Discussions – Thurs, 5/20 @ 5:30 PM.
 - Title 15 Discussions – Thurs, 6/24 @ 5:30 PM. (Tentative)
- **ARML Training – On-Demand Videos available until May 31**

(8) ANNOUNCEMENTS-

- **5/6/2021 – AEDC Site Development Training @ 4:00-6:00 PM**
- **5/11/2021 – City Council Meeting @ 5:30 PM**
- **5/18/2021 - Planning Commission Meeting @ 6:00 PM**
- **5/27/2021 – Tech Review Meeting @ 2:00PM**

(9) ADJOURN-

Joey Ingle made a motion to adjourn the meeting at 9:18 pm, with a 2nd from Jerry Harris. All Commission members voted in favor and the motion carried.

**Jeff Seyfarth – Chairman
Centerton Planning Commission**

Minutes prepared by:
Todd Wright

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Minutes prepared by:
Todd Wright