



CENTERTON PLANNING COMMISSION

April 5, 2022 @ 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-03/01/2022
 - B. Planning Minutes – 03/15/2022
4. **RATIFICATION OF ADMINISTRATIVE APPROVALS**
 - A. **TS22-05 AR GAME AND FISH-** W. Fish Hatchery Rd (Zoned R-2 / 76.39 Ac / Tract 1 31.19 Ac / Tract 2 36.90 Ac / Tract 3 8.30 Ac)-*Owner: Arkansas Game and Fish Commission, Kevin Mullen; Surveyor: Steve Parish*
5. **OLD BUSINESS**
6. **NEW BUSINESS**
 - A. **{PUBLIC HEARING} REZ22-06 RC Morningside,** LLC-NE/C of Bliss, and Keller Rd (R3-SF to R4-MF / 12 Ac)- *Developer: Rauch Coleman, Jesse Fulcher*
 - B. **{PUBLIC HEARING} PUD21-01 CEDAR RIDGE PUD AMENDMENT-** Hwy 72 (Zoned R3-SF / 20.27 Ac) - *Developer: JS Fenwick, LLC, Brandon Woodrome; Engr: Expedient Civil Engineering, PLLC, Jason Ingalls*
 - C. **SUB21-11 CEDAR RIDGE PATIO HOMES – PRELIMINARY PLAT -** Hwy 72 W (56 SF Lots / 20.03 Ac / Zoned R3-SF)- *Developer: JS Fenwick, LLC, Brandon Woodrome; Engr: Expedient Civil Engineering, PLLC, Jason Ingalls*
 - **Preliminary Plat**
 - **Adjacent Street Agreement**
 - D. **TS22- 04 KLAMM-** 14044 LC Hickman Rd (Zoned A-1 / 7.99 Ac / Tract 1 1.52 Ac / Tract 2 3.46 Ac)- *Owner: Matt & Tara Klamm; Surveyor: Lazaro Paya*
 - **Contingent on rezone**
 - E. **DEV21-03 Dairy Queen-Extension-**NE corner of Hwy 102 and Copper Oaks Dr (Zoned C-2 / 1.37 Ac)- *Developer: John S. Odom; Engr: Reyling Design & Consulting, Todd Reyling*
 - **Request for extension of 04/06/2021 PC preliminary approval**
 - F. **DEV21-19 Moe’s Entry off Hwy 102 –** 580 E Centerton Blvd; *Developer: Lakeview Plaza, LLC, Mark Deihl ; Engr: Harrison French & Associates, Emma Hernon*

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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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-Ext 302) to verify if an item of interest remains scheduled to be heard on this date.

- G. **SUB22-03 PRAIRIE BROOK PH2-FINAL PLAT**-NE/C of Tycoon and Bush Rd (Zoned R3-SF / 30 Buildable SF Lots / Lots 36-65 / 5.33 Ac)- *Developer: Schuber Mitchell Homes, Art Elivo; Engr: Anderson Engineering, Molly Robb*
 - **Final Plat**
 - **Bonds**

- H. **SUB21-19 Ambe Estates-Preliminary**-5660 N Rainbow Farm Rd (23 Duplex Lots / 7.89 Ac / Zoned R3-D) -*Developer: Rohit Chaturvedi and Binod Gupta; Engr: MSE|HALFF, Larry Grelle*
 - **Preliminary Plat**
 - **Adjacent Street Agreement**

- 7. **OTHER BUSINESS**
 - A. **Hyman Property Concept**-SW Corner of Cutberth Ln and future Wolverine Dr-(Zoned A1 / 27.15 Ac / Concept) *Engr: Sand Creek Engineering, Dan Cole*
 - **Cutberth Rd improvements**

- 8. **ANNOUNCEMENTS**
 - A. **Next Tech Review Meeting: 04/28/2022 @ 2:00 PM (Zoom)**
 - B. **Next PC Meeting: 4/19/2022 @ 6:00 PM**
 - C. **Next Council Meeting: 4/12/2022 @ 6:00 PM**

- 9. **ADJOURN**

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**PLANNING COMMISSION
MINUTES OF MEETING
APRIL 5, 2022**

(1) CALL TO ORDER –

The Meeting of the Centerton Planning Commission was called to order by Planning Commission Chairman Jeff Seyfarth at 6:55 p.m.

(2) ROLL CALL –

Those Present and answering Roll Call were Jeff Seyfarth, Joey Ingle, Amber Beale, John Sessoms, Ben Lewis, Jerry Harris, Tony Davis, and Devin Murphy. Craig Langford was 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, City Planner Erik Nystrom, Director of Public Works Lance Johnson, City Engineer Alan Craighead, and Fire Marshal Paul Higginbotham.

(3) APPROVAL OF MINUTES –

Tony Davis made a motion to Approve the Planning Commission Meeting Minutes from 3/01/2022 and 3/15/2022 with a 2nd from Joey Ingle. All Commission Members voted in favor and the motion carried.

(4) RATIFICATION OF ADMINISTRATIVE APPROVALS –

- A. TS22-05 AR GAME AND FISH- W. Fish Hatchery Rd (Zoned R-2 / 76.39 Ac / Tract 1 31.19 Ac / Tract 2 36.90 Ac / Tract 3 8.30 Ac)-Owner: Arkansas Game and Fish Commission, Kevin Mullen; Surveyor: Steve Parish**

Tony Davis made a motion to Ratify the Administrative Approvals as presented, with a 2nd from Devin Murphy. All Commission Members voted in favor and the motion carried.

(5) OLD BUSINESS – None

(6) NEW BUSINESS –

A. {PUBLIC HEARING} REZ22-05 RC Morningside, LLC-NE/C of Bliss, and Keller Rd (R3-SF to R4-MF / 12 Ac)- *Developer: Rausch Coleman, Jesse Fulcher*

Chairman Jeff Seyfarth introduced the item to the Commission.

Will Clark, Attorney from Fayetteville, was present to speak on behalf of the owner. He summarized the timeline of the property history:

- Property was purchased in 2018 when property was zoned R3 (inclusive of multifamily)
- ORD2021-59 was passed in August 2021 splitting the R3 zoning designation into multiple zoning districts and designating this parcel as R3-SF
- Client decided to litigate in Benton County Circuit court which has been filed. Two claims have been filed: 1) Inverse condemnation claim and illegal taking without just compensation and 2) Violation of 2015 Arkansas Private Property Rights Act
- After filing lawsuit, a copy was provided to the city and a meeting was held with the mayor, city attorney, and Planning staff about alternative options. The mayor suggested a rezoning.

Will Clark reiterated that multifamily was a permitted use until August 2021. He stated that the surrounding area was developed by Rausch Coleman and that the remaining 12-acres was planned to be developed as multifamily all along and that multifamily plans had been submitted in 2020 to Planning staff. Will Clark further stated that neighbors purchasing the adjacent homes had purchased them with the full knowledge that multifamily was a permitted use. He also stated that the plans were to develop a smaller style of multifamily complex and again reiterated that the plans had been multifamily throughout its ownership. He then stated that their request was for a rezoning to avoid litigation.

Jesse Fulcher, Rausch Coleman, noted that the staff report stated that there were several items under suitability that were “consistent” with the Comprehensive plan. He acknowledged that the rezone is a higher density than the land use plan calls for, but stated that the plan is broad, and the Planning Commission has the ability to look at the best use of individual parcels at the rezoning stage.

Jesse Fulcher declared that the rezoning to multifamily would align with the Comprehensive Plan’s goal to provide a variety of housing options. He stated that the street stub-out could be discussed and its benefit would be reviewed. He maintained that parking could be set behind the apartments and the multifamily structures would be

placed adjacent to the main roads away from the single-family structures. He discussed compatibility of the three-story structures in the neighborhood versus taller structures.

Jesse read a summary of previous comments that had been presented at the Comprehensive Plan regarding housing affordability, and mix of housing, and argued that the multifamily would be consistent with this intent. He also went through several comments that were presented at previous rezoning discussions of this parcel, including traffic, street improvements, and housing vouchers. He noted that these will be market rate apartments and reiterated that the use could be compatible with the Comprehensive Plan.

Senior Planner Dianne Morrison Lloyd gave the staff report, including the following:

- The property was zoned R3 and was included in the R3 zoning update in August 2021.
- The property was approved as R3-SF by Planning Commission on 07/20/2021 and by City Council on 08/10/2021.
- Outline of R4-MF zoning code requirements, including residential compatibility standards
- Master Street Plan adjacent streets
- McKissic Springs Loop Trail along property line
- Water and Sewer availability
- Potential wetland. Wetlands assessment required prior to construction.
- Adjacent zoning and Existing Uses: Surrounded on most sides by single family, with some agriculture and RTH-MF12 nearby. The requested rezoning is not considered compatible, as it allowed up to 18 units per acre. Most of the area nearby is approximately 6 units per acre.
- Land Use Plan Compatibility: Designated low-medium density residential with medium-high density residential to the west. R4-MF is not considered consistent with the comprehensive plan due to the maximum allowable density of 18 units per acre.
- Suitability of Comprehensive Plan Implementation Items
- Public Hearing Comments included in Packet: Majority discussed compatibility, traffic, infrastructure, etc.

John Sessoms asked Alan if he had any comments. Alan stated that any comments he had were covered by Dianne in her report.

Jeff Seyfarth noted that there were eleven (11) comments provided and that he had received an additional comment that was not received in time to add to the packets.

John Sessoms made a motion to open the public hearing with a 2nd from Devin Murphy. All were in favor and the motion carried.

Public Hearing:

Bill Edwards, Mayor of Centerton: Bill summarized the events of the rezoning hearings:

- The city held two public hearings on the rezonings for the R3 change. At the first meeting, there was no public comment. The recommendation to City Council was to designate this parcel as R3-SF. Council sent the ordinance back after the developer contacted the city.
- Second public hearing was held. Planning Commission discussed for approximately an hour before making the same recommendation. The Planning Commission at the time recommended a rezoning request to the developer.
- After the second public hearing, the developer had an additional chance to speak. The City Council discussed for about an hour and stayed with the recommendation, also recommending a rezoning request.
- Concern is that the public and the neighbors have ample opportunity to speak and present their case before the Planning Commission and City Council.
- Also discussed a Planned Unit Development, but developer prefers the rezoning route

Cara Ducharm: Expressed concerns over the multifamily units degrading over time. Calculated general numbers of cars based on maximum number of residents and approximately two cars per resident, and noted increased impact costs on roads, infrastructure, schools, as well as the increased traffic flow and decreased property values. Cara expressed particular concern over section of Bliss where road narrows near Bob Glenn.

Natalie Casey: Concern over privacy and property values. She stated that when she purchased her property, she was under the impression that the parcel in question was single-family and could not be multifamily. She added that the apartments by the ball field are going to make turning left increasingly difficult already.

Amy Rochette, City Council: Amy echoed the mayor's statements regarding the public hearings. She asked why houses could not be built instead of apartments?

Patti Meisenbacher, Morningside Ph1 POA President: Disagreed with the attorney who stated that anyone who purchased a home was aware of the multifamily designation of the parcel. Morningside Dr, Forest Dr, Napa Ave, and Joseph Way were completed by 2018, two years prior to Rausch Coleman's purchase of the parcel. She stated that she and her husband had specifically asked what would be done with the land and that they were told "Rausch Coleman didn't own the land, had no intention of buying it, and they believed it would be constructed as nursing homes." She stated that despite high growth in the neighborhoods, the surrounding infrastructure has not seen improvements and cannot handle such an increase of residents. She stated that many were told that only single-story homes would be built, streets would not extend, and that the land where Morningside Estates is currently on would not be built on. Patti states these promises were not kept. She added that the apartment does not add any amenities and does not

match the aesthetic of the neighborhood. She stated that she has a petition including approximately 50 signatures against the rezoning. She further stated that the screen mentioned earlier is not effective as the trees are still small and will be small for decades.

Richard Witten: Concern about impact of developments on the roads with additional vehicles, particularly with all the other developments happening nearby.

Jen Hicks: Lives adjacent to Pomeroy Apartments adjacent to backyard. Stated that of nine original owners, only two remain. Jen noted that three moved specifically due to privacy concerns because of the new apartments. Jen claimed that she would not have purchased her home if she were fully aware of the existing zoning around her. She insisted that what matters is current homeowners and what the law is now.

Ruben Williams: Concern about infill of roads and impact of traffic on turning

Jason Boswell: Adjacent to property in questions. Jason noted that he is a first-time homebuyer and encouraged the Planning Commission to vote no due to persistent infrastructure issues and density concerns. He also expressed safety concerns for children playing in streets.

Douglas Peveto: Concerned about infrastructure capacity, particularly Kinyon Rd as it is a dirt road. Douglas also expressed concerns about the integrity of Rausch Coleman's promises and the leeway within the R4-MF zoning code.

Mary Vawter: Stressed that she will be able to see the apartment buildings from her backyard. She disclosed that she and her husband had moved here from Southern California to be in a more rural area. Mary noted that she agrees with previous statements by others, and while she is not against renters or multifamily units it does not fit here. She commented that of the eight floor plans in the later phases of Rausch Coleman homes, only one is two-story. She reiterated that three-story apartments are not compatible. In addition, she noted concerns about thoroughfare traffic and parking adjacent to her home.

Michael Commet: Michael maintained previously stated concerns over traffic, infrastructure, and sidewalks. He stated that the city needs businesses, not homes to pay for needed improvements. He also stated that the citizens do not want this and asked the developer to work with the community rather than litigating. Michael noted that the Comprehensive Plan fixes a lot of issues and that it needs to be worked with.

Tiffany Dominguez: Agreed with previous comments. Asked the Planning Commission to stay with previous decision of single-family residential.

Rick Dominguez: Rick mentioned trash concerns with the high-density apartment complex. He insisted that an apartment complex would not be consistent with a small-town feel.

JD Huddleston: Acknowledged that there are traffic concerns and that kids need places to play but claimed that Centerton needs to acknowledge the property rights of Rausch Coleman. He stated his property values have been skyrocketing and noted he had no concerns over his values decreasing due to an adjacent apartment complex.

Tyler Addison: Noted that laws are subject to change over time and that it is the job of public bodies such as the Planning Commission to evolve. He noted that we are all subject to laws as they evolve.

Toni Ross: Stressed that the Planning Commission should look at the economic effect on the infrastructure, schools, buses, fire, police, and other city service. She stated that after the city can afford to hire more and support more service, then more family can be brought in.

Joey Ingle made a motion to open the public hearing with a 2nd from John Sessoms. All were in favor and the motion carried.

Joey Ingle asked Jesse Fulcher why this specific zoning classification was selected after the mayor encouraged them to come to the Commission with a rezoning request. Jesse stated that this was the only zoning classification that would allow the multifamily apartment-style complexes, as the next ones down were townhome or multiplex style.

Joey Ingle questioned if either Jesse Fulcher or any of Rausch Coleman's representatives were present at the Comprehensive Plan meetings over the multi-year process or at the public hearings for the zoning changes. Jesse stated that they were unaware of the rezoning change, and they happened upon the agenda the day of the meeting. He stated that there was no specific outreach to anyone who might have been rezoned.

Joey Ingle stated that affordable housing is, and should, be included within the Comprehensive Plan; however, the proposed rezoning request is in conflict with the land use plan. Joey noted that the litigious battle does not attempt to meet the requirements of the city and that he would have liked to see a PUD with an underlying zoning that meets the requirements of the land use plan but that allows some give and take. Joey stated that as presented, he is not in support if the R4-MF.

John Sessoms asked for clarification regarding the timing and type of the conceptual drawing submittals to city staff. Jesse Fulcher noted that the retirement home community was a concept prior to their ownership. He stated that they had looked at multiple layouts and had had initial meetings Fall/ Winter 2020 regarding a multifamily concept. Jesse stated that an architect was hired after that meeting.

Planning Director Lorene Burns stated that a duplex concept was submitted in early 2020 and a multifamily concept was provided in June 2020, though the zoning at the time required a 75' setback which was causing some issues. Jesse Fulcher stated that the plans submitted did show a 75' setback as required.

John Sessoms noted that there are records showing receipt of a concept, but that there are also records of non-multifamily plans. Jesse Fulcher clarified that multiple options had been looked at for the parcel including single family, duplexes, and multifamily.

Planning Director Lorene Burns corrected her previous statement. The duplex plans were provided on 12/17/2019. The multifamily concept was provided on 6/15/2020. Another version of the multifamily concept was provided in October 2020, at which time staff was working on the comprehensive plan. John Sessoms confirmed that there had been several versions of the plans for the property over the time the Comprehensive Plan was being developed and was available to the public.

Planning Director Lorene Burns stated that due to the issues with the R3 zoning, the standard practice has been to designate the use with the rezoning per the public notice. Chairman Seyfarth noted that this discussion was held at the last rezoning discussion. As far as staff and the commission can tell, when the parcel was first designated R3, it was designated indicating a “single-family” use, which is why the Planning Commission maintained that zoning in its previous decision.

Jesse Fulcher claimed that they were informed by staff that multifamily was an allowable use. Chairman Seyfarth stated that this was not a part of the previous rezoning discussion and that at the original rezoning, it was designated as R3-SF.

Tony Davis clarified that their job as Planning Commission is to look at the specific parcel in question and make the decision on what the best use for the parcel based on the current Comprehensive Plan. Tony agrees that the parcels are not consistent with the land use plan and stated that other issues can be handled in a different venue. Tony noted that there is not a buffer between the high-density and the single-family around it.

Chairman Seyfarth agreed with Tony, and further stated that they must look at intent and the full rights granted by the R4-MF zoning district outside of any promises or assurances given.

Amber Beale asked for clarification on the timing of the R3-SF zoning. Chairman Seyfarth stated that it was originally zoned R3-SF from what staff can find and was specifically designated to remain R3-SF after two public hearings.

JD Huddleston asked for clarification on the zoning process. Chairman Seyfarth outlined the timeline of this specific parcel, the public notice requirements of the rezonings, and the Comprehensive Plan zoning change.

Will Clark read a number of emails clarifying dates:

- 12/20/2019, Email from Planning Director Lorene Burns: “...Therefore, the property could be considered for single-family, duplex, or multifamily.”

- 2/19/2020, Email from Senior Planner Dianne Morrison Lloyd: “Maximum density for R3-MF is 11-15 units per acre dependent upon the number of stories (2 or 3 per building).”
- 2/19/2020, Email from Planning Director Lorene Burns: “We have found that twelve units per acre is the max that has typically worked. My personal opinion is that this multifamily development will work better for this property than the duplex concept.”
- 2/19/2020, Email from Planning Director Lorene Burns: “It would be acceptable to submit as a residential development without a PUD as long as it adheres to all of the R3-MF requirements.”

Will Clark stated that under the private property act, any ordinance that reduces private property value by more than 20% is considered an illegal taking by Arkansas law. Will Clark attested that an appraiser has determined the value of the property has been reduced by 54% (\$595,000) as a result of the inability to develop the property as a multifamily development.

Chairman Seyfarth asked if Will Clark knew when the property was published as R3-SF. Will answered that he did not, but that in February of 2020, Rausch Coleman was told the property could be developed as multifamily.

The Planning Commission discussed that the intent, whether multifamily or not, could not be a factor in their decision tonight and should be handled in a separate venue, and the only factor they could consider was whether the R4-MF was the best land use for the parcel now.

Chairman Seyfarth asked the Commission to look at the following items.

- **Is the rezoning consistent with the adopted Comprehensive Plan (including the adopted Land Use Plan)? If not, why?- NO.** The proposed multifamily rezoning request is completely surrounded by single family. As previously noted, there are no buffers between the multifamily and single-family and the density is significantly higher than the surrounding single-family.
- **Is the proposed rezoning compatible with the surrounding area and zones?- NO.** The existing zoning adjacent to the proposed request is all single-family.
- **Would all the permitted uses in the new zone be compatible in this location and surrounding areas?- NO.** While the use is residential, multifamily is not allowable in the adjacent single family-residential areas.
- **Would the rezoning provide a benefit to one landowner, but not be considered for other similar properties in this area? NO.** The same

considerations are completed for any who request a rezoning request; however, it could be considered a benefit to a single landowner as it would be granting a use that is inconsistent with the Comprehensive Plan. Joey Ingle noted there are some other properties in the area where a higher density would fit; however, there would be different considerations for those properties.

- **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.** There was substantial public opposition to the proposed rezoning request, including concerns regarding traffic, noise, property values, utilities, safety, etc. The increase of traffic is a fact. Decrease of values was not backed up by factual information.

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

John Sessoms made a motion to Approve REZ22-05 RC Morningside, LLC-NE/C of Bliss, and Keller Rd (R3-SF to R4-MF / 12 Ac), with a 2nd from Joey Ingle. Planning Director Lorene Burns did a roll call vote. All members voted “No,” and the motion failed with eight (8) “No” votes and zero (0) “Yes” votes.

A short break was called between items “A” and “B.” Chairman Seyfarth called the Planning Commission back to order.

B. {PUBLIC HEARING} PUD21-01 CEDAR RIDGE PUD AMENDMENT- Hwy 72 (Zoned R3-SF / 20.27 Ac) -Developer: JS Fenwick, LLC, Brandon Woodrome; Engr: Expedient Civil Engineering, PLLC, Jason Ingalls

Chairman Jeff Seyfarth introduced the item to the Commission.

Isabel Lane with Fenwick Properties gave a brief presentation of the amendment proposal, including the following:

- A waiver for the fee-in-lieu requirement for AR Hwy 72 as their contact with ArDOT has stated improvements will not be required for a driveway connection
- Waive requirement to build or provide fee-in-lieu for Heritage Trail
- Open Space requirement of 50.01% per previous PUD agreement. PUD code requires 25%. New request is 40%.
 - Isabel noted that they had planned to include three acres surrounding cave as part of open space but cannot per staff interpretation of code.
- Request to reduce approved landscaping from one tree per 200sf of canopy lost (1,196 trees) to 51 trees, approximately 1 tree per lot with the exception of lots with an appurtenance in the way.

City Planner Donna Wonsower gave the staff report, noting the following:

- History of the approved PUD
- Open space requirements exhibit. City Planner Donna Wonsower noted areas that were previously designated as part of the approved PUD and that are being removed per the PUD proposal. She further noted that the three acres surrounding the cave is not part of this parcel and cannot be included as part of the PUD open space.
- Slope map. City Planner Donna Wonsower noted that the total open space over 15% is 50.1%, which is slightly above the 50% requirement; however due to the proposed use as soft surface trails the requirement is not as critical, and staff supports the approval.
- Open space dedication requirements
- Landscaping requirements, including screening along Hwy 72. Staff is amenable to reducing amount but would like to see more than one tree per lot (additional trees along the highway, in rear of lots, etc.)
- Discussion of traffic safety review
- Street Improvements Waiver discussion. Staff would like to see a fee-in-lieu for the Heritage Trail as the soft surface trails are what allowed the open space to count for the PUD and are a separate consideration.

Joey Ingle asked to see an exhibit of the Heritage Trail's proposed route and if the trail will fall within the ROW. Planning Director Lorene Burns noted that the trails can be completed either within or outside of a ROW. City Planner Donna Wonsower noted that there is some challenging topography in this area and staff would be amenable to either design.

Chairman Seyfarth requested a motion to open the public hearing, reminding the meeting of the PUD approval last year and clarifying what changes were being requested.

Amber Beale made a motion to open the public hearing with a 2nd from Devin Murphy. All were in favor and the motion carried.

City Planner Donna Wonsower read a summary of an email from Jon Davis regarding the alignment of the entry of Cedar Ridge with Versailles and concerns for the health of the cave.

Joey Ingle made a motion to open the public hearing with a 2nd from Devin Murphy. All were in favor and the motion carried.

The Commission discussed the proposal to waive construction/fee-in-lieu improvements for AR Hwy 72 and Heritage Trail. Public Works Director Lance Johnson stated that he has not heard anything from ArDOT on widening Hwy 72. He noted that whenever Hwy 72 is widened, it will be a long stretch of road and that he is not concerned about a fee-in-lieu for the road. Lance stated that his concern is primarily the Heritage Trail and providing that future connection.

Joey Ingle asked for clarification on the Trailblazer involvement. Senior Planner Dianne-Morrison Lloyd noted that NWA Regional Planning Commission is working on updating the NWA Regional Trail Plan, which would include the Heritage Trail. Public Works Director Lance Johnson stated that he will be meeting with the Trailblazer tomorrow and that the trail connection will be getting close soon. Joey noted that the grades and future location need to be worked out on the plans for the fee-in-lieu to be feasible but that he is supportive of a fee-in-lieu.

Tony Davis asked for clarification on maintenance responsibilities for the trails. Public Works Director Lance Johnson stated that the soft surface trails will be private ownership and maintenance. There was discussion about public access and parking to the trails per the PUD requirement for public access. Planning Commission agreed that a fee-in-lieu would be necessary for the Heritage Trail.

Planning Commission agreed that a reduction of the open space requirements from 50.01% to 40% would be acceptable.

There was discussion regarding the street trees. The Commission noted that the Hwy 72 frontage, excluding the area to be removed for clear sight triangles, will need to be planted at one tree per twenty linear feet of street frontage. The total frontage, including the area to be cleared for sight triangles, will be used for calculating total number of trees to be planted. Clustering of trees shall be used. The trees along the highway shall be in addition to the 51 trees planted internal to the subdivision.

Planning Commission agreed that Hwy 72 improvements would not be required except for the Heritage Trail.

Planning Commission agreed that the slope requirement for open space exceeding 50% by 50.1% was acceptable.

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

Joey Ingle made a motion to Approve PUD21-01 Cedar Ridge PUD Amendment: Maple Estates Phase 3 - Preliminary – NE of the Intersection of Wolverine Drive & Silver Maple (56 SF Lots / 15.54 Acres / Zoned R2), with the Preliminary Plat and Adjacent Street Agreement, with a 2nd from John Sessoms. All Commission Members voted in favor and the motion carried.

C. SUB21-11 CEDAR RIDGE PATIO HOMES – PRELIMINARY PLAT - Hwy 72 W (56 SF Lots / 20.03 Ac / Zoned R3-SF)- Developer: JS Fenwick, LLC, Brandon Woodrome; Engr: Expedient Civil Engineering, PLLC, Jason Ingalls

- **Preliminary Plat**
- **Adjacent Street Agreement**

Chairman Jeff Seyfarth introduced the item to the Commission.

Jason Ingalls, Expedient Civil Engineering, gave a brief presentation of the project.

City Planner Donna Wonsower gave the staff report, first confirming that the Commission was comfortable allowing staff to approve the plans contingent on changes made to comply with the PUD amendment just approved. The Commission agreed.

- Outline of PUD history and compliance with PUD code
- Traffic Safety Review
- Wetlands Assessment, including intermittent stream and two ephemeral streams. No 404 permits required if intermittent stream not impacted.
- Technical Assistance Letter from US Fish and Wildlife Services. Additional coordination recommended in letter. Staff recommended developer reach out to Fish and Wildlife for stated coordination due to cave proximity.
- Electrical line / easement relocation
- Drainage report approval
- Drainage pond adjacent to Hwy 72
- Low-Impact design techniques
- Plan updates per PUD amendment

John Sessoms asked for clarification regarding the technical assistance letter from US Fish and Wildlife. City Planner Donna Wonsower pointed out the letter in the packet and summarized the letter as general guidance with further steps to be taken.

There was discussion regarding the inflow pipe and detention pond fencing. It was determined that the inflow pipe shall be extended to flow under the fence line to avoid impeding the 100-year storm events.

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

Joey Ingle made a motion to Approve SUB21-11: Cedar Ridge Patio Homes Preliminary Plat - Hwy 72 W (56 SF Lots / 20.03 Ac / Zoned R3-SF) with the Preliminary Plat and Adjacent Street Agreement, with a 2nd from John Sessoms contingent on remaining staff comments. All Commission Members voted in favor and the motion carried.

- D. TS22- 04 KLAMM- 14044 LC Hickman Rd (Zoned A-1 / 7.99 Ac / Tract 1 1.52 Ac / Tract 2 3.46 Ac)-Owner: Matt & Tara Klamm; Surveyor: Lazaro Paya**
- **Contingent on rezone**

Chairman Jeff Seyfarth introduced the item to the Commission.

Sarah Klamm presented the project, stating that they would like to build on the other lot.

City Planner Erik Nystrom presented the staff report, including the following:

- Tract split within city limits
- Access within tract B through ingress/egress easement through tract A
- Utilities on tract B through utility easement through tract A
- No wetlands or flood zones

Sarah Klamm stated that they have started vertical constructed but have not gotten far.

There was discussion about the zoning requirements and why the property was not previously rezoned when the agricultural lot was split to 5 acres. Planning Director Lorene Burns noted that Centerton's code allows for agricultural lots to be split to a minimum of five acres but no lower. There was further discussion regarding the tract split timeline.

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

Ben Lewis made a motion to Approve TS22- 04 KLAMM- 14044 LC Hickman Rd (Zoned A-1 / 7.99 Ac / Tract 1 1.52 Ac / Tract 2 3.46 Ac), with a 2nd from Jerry Harris. All Commission Members voted in favor and the motion carried.

E. DEV21-03 Dairy Queen-Extension-NE corner of Hwy 102 and Copper Oaks Dr (Zoned C-2 / 1.37 Ac)- Developer: John S. Odom; Engr: Reyling Design & Consulting, Todd Reyling

- **Request for extension of 04/06/2021 PC preliminary approval**

Chairman Jeff Seyfarth introduced the item to the Commission.

City Planner Donna Wonsower noted that there are no changes to the plans acquiring a second tenant in order to get financing started. Because of this, Dairy Queen is requesting some additional time.

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

John Sessoms made a motion to Approve DEV21-03 Dairy Queen-Extension-NE corner of Hwy 102 and Copper Oaks Dr (Zoned C-2 / 1.37 Ac)-, with a 2nd from Devon Murphy. All Commission Members voted in favor and the motion carried.

F. DEV21-19 Moe's Entry off Hwy 102 – 580 E Centerton Blvd; *Developer: Lakeview Plaza, LLC, Mark Deihl ; Engr: Harrison French & Associates, Emma Hernon*

Chairman Jeff Seyfarth introduced the item to the Commission.

Jackson Bird gave a presentation of the item, stating that the developer wants to rework the entry to Moe's. In addition, the developer wants to remove the raised triangle at the entry to Lakeview Plaza.

City Planner Donna Wonsower noted that staff received an approved ArDOT permit for the project earlier in the day. Staff has minor comments to the plans but no major concerns.

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

Amber Beale made a motion to Approve DEV21-19 Moe's Entry off Hwy 102 – 580 E Centerton Blvd; *Developer: Lakeview Plaza, LLC, with a 2nd from Joey Ingle. All Commission Members voted in favor and the motion carried.*

G. SUB22-03 PRAIRIE BROOK PH2-FINAL PLAT-NE/C of Tycoon and Bush Rd (Zoned R3-SF / 30 Buildable SF Lots / Lots 36-65 / 5.33 Ac)- *Developer: Schuber Mitchell Homes, Art Elivo; Engr: Anderson Engineering, Molly Robb*

- **Final Plat**
- **Bonds**

Chairman Jeff Seyfarth introduced the item to the Commission.

Arturo Elivo, Schuber Mitchell, stated that he was present to answer any questions.

Senior Planner Dianne Morrison Lloyd gave the staff report including the following:

- Adjacent street improvements completed with Phase I
- Performance Bond amounts for items to be completed before Final Plat of the final phase of Prairie Brook was approved by staff with Ph1. Detention
- Basin: Final Grading, Sod and Riprap: **\$75,740.00**
 - Detention basin will be utilized under sediment basin through all phases
- Covenants approved with Phase 1
- Warranty bonds have been received and approved by staff
 - Streets and Drainage (100% for 2 years): **\$147,597.55**
 - Water and Sewer (50% for 1 year): **\$111,067.00 (\$55,533.50)**
- Record Drawings Bond **\$5,000**
- Approved waivers for detention pond slope, trickle channel, and storm inlet type
- Site work has been completed

- Minor comments on record drawings
- No comments remaining on final plat

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

Joey Ingle made a motion to Approve SUB22-03 PRAIRIE BROOK PH2-FINAL PLAT-NE/C of Tycoon and Bush Rd (Zoned R3-SF / 30 Buildable SF Lots / Lots 36-65 / 5.33 Ac) including bonds, contingent on remaining comments, with a 2nd from Devon Murphy. All Commission Members voted in favor and the motion carried.

H. SUB21-19 Ambe Estates-Preliminary-5660 N Rainbow Farm Rd (23 Duplex Lots / 7.89 Ac / Zoned R3-D) -Developer: Rohit Chaturvedi and Binod Gupta; Engr: MSE|HALFF, Larry Grelle

- **Preliminary Plat**
- **Adjacent Street Agreement**

Chairman Jeff Seyfarth introduced the item to the Commission.

Larry Grelle, Morrison Shipley | Halff, gave a brief presentation of the project, including the following:

- Sanitary sewer, gravity feed is off-site to the west. The plan is to tie into the sewer proposed with the subdivision coming in on Daisy and Brookside.
- Per fire code, a secondary access is provided on the SE corner.
- Adjacent street improvements include 6' street widening, greenspace, street trees, and streetlights. No curb and gutter proposed (drainage swale)

City Planner Donna Wonsower gave the staff report including the following:

- Rezoning history
- Staff recommendation of approval for adjacent street agreement due to proximity of adjacent swale. Street trees and lights will need to be added prior to signing.
- Public water available. Sewer is nearby.
- Drainage report recommended for approval.
- Location of proposed street trees
- One lot is short minimum width requirements; however, it appears to be a simple fix and staff recommends approval of plans contingent on fixing prior to construction

There was discussion regarding the swale versus curb and gutter. Public Works Director noted that there is no curb and gutter nearby and that staff wanted to remain consistent with the area.

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

John Sessoms made a motion to Approve SUB21-19 Ambe Estates-Preliminary-5660 N Rainbow Farm Rd (23 Duplex Lots / 7.89 Ac / Zoned R3-D), with the Preliminary Plat, and Adjacent Street Agreement, with a 2nd from Devon Murphy. All Commission Members voted in favor and the motion carried.

(7) OTHER BUSINESS –

- A. Hyman Property Concept-SW Corner of Cutberth Ln and future Wolverine Dr- (Zoned A1 / 27.15 Ac / Concept) Engr: Sand Creek Engineering, Dan Cole**
- **Cutberth Rd improvements**

Chairman Jeff Seyfarth introduced the item to the Commission.

Tim Sorey gave a brief description of the property's history. He noted that there is a portion of Wolverine that has been constructed at the southeast access point of the proposed development that would enable access on the eastern side of the development. Tim Sorey noted that future access points along Wolverine would not be viable until Maple Estates Ph3 dedicates ROW but that a secondary access will be necessary due to fire code requirements.

There was some discussion regarding whether Maple Estates Ph3 had any plans to dedicate ROW prior to final plat. At this time, there are none. Tim Sorey indicated that there is a phasing plan that would allow development as ROW is dedicated.

There was discussion about access based on Cutberth Ln ROW. Previous discussion with staff indicated that ROW dedications for Cutberth Ln would need to be provided, but confirmation would be needed with Planning Commission for road improvements. Tim Sorey proposes providing a fire access only to Cutberth Ln for fire code requirements.

Joey Ingle asked for clarification on the Master Street Plan Requirements. Cutberth Ln is designated as a major collector (80' ROW). There was discussion regarding the history of the property to the north, which was dedicated prior to the master street plan.

The drainage and pond outflow were discussed. The detention pond lot layout was clarified, as additional property will need to be acquired so that the pond may be platted as a single lot.

Public Works Lance Johnson expressed concern regarding the intersection width on 20'. He stated that it is his preference for a 24' full width street to Cutberth. Tim Sorey stated that he would like to see the Cutberth entry be gated as Fire Access and Lift Station Access only. Public Works director Lance Johnson reiterated his concern for two public entries, with a preference for Cutberth and Wolverine rather than two entries on Wolverine. Tim Sorey noted that removing the second entrance to Wolverine had been discussed but the developer would prefer to maintain both entrances. Public Works

Director stated that his preference would be that is the entry to Cutberth is fire only, he would prefer to see a fee-in-lieu for Cutberth.

There was discussion about Herbaugh and Cutberth master street plan improvements.

City Engineer Alan Craighead expressed concerns about drainage infrastructure. He noted that half improvements will need to consider how the drainage is handled whether or not the road is built out. There was additional conversation regarding drainage improvements.

The fee-in-lieu timeframe was discussed.

After deliberation, the fee-in-lieu was noted as a half-street-improvement for a far west as the property is owned. The Commission noted that they would be in favor of improvements being made to the Cutberth Ln / Wolverine Dr intersection and removing the cost from the fee-in-lieu total. Tim Sorey was also in favor of this proposal.

In summary:

- Wolverine Dr will be constructed in time with Maple Estates Ph3
- Finish out Wolverine Dr / Cutberth Ln intersection
- Fee-in-lieu for half street improvements for Cutberth Ln
- Fire access to Cutberth Ln

Timing of ROW dedication for Maple Estates Ph3 was discussed. Planning Commission stated that they are not in favor of any further delays of dedications.

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

There was no action taken by the Planning Commission.

B. ADDITION TO AGENDA: Bush Rd Concept- Bush Rd & Nottingham Ln -(Zoned R3-SF / 7.00 Ac / Concept) *Engr: Swope Engineering, Phil Swope*

- **Revised PUD**

Phil Swope presented the item to the Planning Commission. The two acres in the SW corner have been previously approved by the Planning Commission through the PUD process, and the owner is looking to acquire additional five acres to the west to expand the concept. The Land Use Plan called for a maximum density of seven units an acre, which the new concept matches.

Due to concerns of the neighbors at the last hearing, the concept places four single family lots along the main roads with a denser, more affordable interior. There was discussion regarding the adjacent zoning, current land use plan, density, and public comment on the

previous PUD. The buffer's location was deliberated and whether it makes sense on the street, adjacent to the existing homes, or both.

Eric Roberts asked how significant push-back would affect a request. Joey Ingle noted that it is part of the consideration; however, that is part of why a consistent zoning is recommended. Tony Davis noted that amenities (i.e., open space) is required with a PUD which is also considered. The Commission recommended being able to answer neighborhood concerns and explaining the benefits of a PUD.

There was no action taken by the Planning Commission.

(8) ANNOUNCEMENTS -

Planning Director Lorene Burns noted that staff has requested additional time for reviews and would like 1-2 additional weeks. Chairman Jeff Seyfarth stated that the projects need to come to them with comments addressed, and that if there are significant comments it should not be on an agenda.

- **3/24/2022 – Tech Review Meeting @ 2:00 PM**
- **4/05/2022 - Planning Commission Meeting @ 6:00 PM**
- **4/12/2022 – City Council Meeting @ 6:00 PM**
- **4/19/2022 - Planning Commission Meeting @ 6:00 PM**

(9) ADJOURN -

Devin Murphy made a motion to adjourn the meeting at 10:19 pm, with a 2nd from Tony Davis. All Commission members voted in favor and the motion carried.



**Jeff Seyfarth – Chairman
Centerton Planning Commission**

Minutes prepared by:
Donna Wonsower