



CENTERTON PLANNING COMMISSION
February 2, 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 – 01/19/21

4. RATIFICATION OF ADMINISTRATIVE APPROVALS

- A. **TS20-17 Copeland Tract Split** – 430 S. Main St (A1 / 39.87 Ac / 2 Lots, 19.5 Ac & 19.46 Ac)
- B. **HOP21-03 J Kluver Business Consulting, LLC** – 1071 Bliss St – Online Only Purchasing & Resale of Household Merchandise (R3 Zoning)

5. OLD BUSINESS

6. NEW BUSINESS

- A. {PUBLIC HEARING} **REZ20-29 Bland Family Trust** – 30.93 Ac from A1 to RTH-MF, pt. of SW/C Keller Rd & Kinyon Rd
- B. {PUBLIC HEARING} **REZ20-30 Myers Trust** – 40.06 Ac from A1 to R3-SF, NW/C Keller Rd & Kinyon Rd
- C. {PUBLIC HEARING} **REZ21-01 KHM2S2 Prop** – 9.98 Ac from A1 to RTH-D & C1, at 1425 N. Main St
- D. {PUBLIC HEARING} **PUD20-02 Copper Oaks Cottage Homes Ph 2** – Lot 116 Copper Oaks Subdiv., 100 Copper Oaks Dr (R3 / 0.89Ac)
- E. **VAC20-07 Partial Easement Vacation** – Lot 116 Copper Oaks Subdiv., 100 Copper Oaks Dr, Utility & Drainage Esmt Reduction from 50' to 25' Front and 25' to 20' Rear (R3/ 0.89 Ac)
- F. **DEV20-08 Copper Oaks Cottage Homes Ph 2** – Lot 116 Copper Oaks Subdiv., 100 Copper Oaks Dr (R3 / 0.89 Ac / 10 Units)
- G. **DEV20-06 Sitton Group, Shared Drive** – 1810 E Centerton Blvd (C2 / 3.46 Ac)

7. OTHER BUSINESS

8. ANNOUNCEMENTS

- A. **Next Council Meeting: 2/09/2021 @ 6:00 PM**
- B. **Next PC Meeting: 2/16/2021 @ 6:00 PM**
- C. **Next Tech Review Meeting: 02/25/2021 @ 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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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.



**CENTERTON
PLANNING COMMISSION
MINUTES OF MEETING
FEBRUARY 2, 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 6:03 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, Amber Beale, John Sessoms, Ben Lewis, and Tony Davis. Others in attendance for the City were Mayor Bill Edwards, City Attorney Brian Rabal, City Clerk/Recorder Todd Wright, Planning Director Lorene Burns, City Planner Dianne Morris Lloyd, Senior Planner Nicole Gibbs, City Planner Donna Wonsower, Director of Public Works Rick Hudson, Fire Marshal Paul Higginbotham and City Engineer John Wary. Centerton Utilities Director Frank Holzkamper was not present.

(3) Approval of the 1/19/2021 Planning Meeting Minutes -

Chairman Jeff Seyfarth introduced the Minutes of the Planning Commission Meeting from 1/19/2021 and asked the Commissioners if they had any questions or concerns. Craig Langford made note of a typo in the adjournment of the meeting listing himself in the motion.

Craig Langford made a motion to Approve the January 19, 2021 Planning Commission Meeting Minutes, with a 2nd from Amber Beale. All Commission Members voted in favor and the motion carried.

(4) RATIFICATION OF ADMINISTRATIVE APPROVALS –

- A. TS20-17: Copeland Tract Split – 430 S. Main Street (A-1 / 39.87 Acres / 2 Lots, 19.5 Acres & 19.46 Acres) Jerry Harris Recused himself from this item.**
- B. HOP21-03: J Kluver Business Consulting, LLC – 1071 Bliss Street – Online Only Purchasing & Resale of Household Merchandise (R-3 Zoning)**

Amber Beale made a motion to Ratify the Administrative Approvals as presented, with a 2nd from John Sessoms. All Commission Members voted in favor and the motion carried.

(5) OLD BUSINESS – None

(6) NEW BUSINESS -

- A. {PUBLIC HEARING} REZ20-29: Bland Family Trust – 30.93 Acres from A-1 to RTH-MF, Part of SW/C Keller Road & Kinyon Road –**

Chairman Jeff Seyfarth introduced the item to the Commission.

Ben Lewis made a motion to Open the Public Hearing for REZ20-29: Bland Family Trust – 30.93 Acres from A-1 to RTH-MF, Part of SW/C Keller Road & Kinyon Road, with a 2nd from Joey Ingle. All Commission Members voted in favor and the motion carried.

Nick Goedereis of TriStar Contractors addressed the Commission, giving a brief overview of the Rezone Request for 30.93 Acres for development of individually deeded Townhomes. He said they will be putting a Builder's Covenant in place, ensuring the overall highest of standards. He said all exteriors will be a combination of brick or stone, and there will be extensive Landscaping with irrigation. He also detailed expectations for the interiors.

City Planner Dianne Morrison Lloyd addressed the Commission, giving an overview of the request. She listed the acceptable Uses and Requirements for the requested Zoning, including setbacks, density, ROW, surrounding zoning and acceptable Uses. She said this request would be considered compatible with surrounding Zoning and consistent our Master Land Use Plan.

Chairman Jeff Seyfarth opened the meeting to Public Comments. He said we received one (1) e-mail regarding a concern about traffic.

Public Comments:

Donna Wing – 290 Keller Road – Had concerns with Drainage in the area and asked about Driveways onto Kinyon & Keller Roads from this proposed development. She also asked about future widening of Keller Road. Chairman Seyfarth explained that the item tonight is only for the Rezone request, and there would be future public meetings regarding any development.

Greg Harris – 1420 Amore Lane – Expressed concern with rental populations in Multi-Family developments and asked if that was a consideration for PC. Chairman Seyfarth said we would look at transitional areas with the best use of the land, rather than from just a rental or ownership view.

Rachelle Nichols – 360 Keller Road – Expressed concern with traffic, the type of housing being proposed, and issues with internet bandwidth. She preferred the Small-Town appeal of Centerton.

There was discussion about the Covenants of a Development being enforced by the POA.

There was also a discussion about density allowed in this zoning request. Lloyd provided answers.

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 REZ20-29: Bland Family Trust – 30.93 Acres from A-1 to RTH-MF, Part of SW/C Keller Road & Kinyon Road, 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 comprehensive Adopted Land Use Plan- YES. 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. PC was in agreement that the request is compatible with the surrounding residential area.**

- 3) **Would all of the permitted uses in the new zone be compatible in this location- YES. PC was in agreement that the permitted uses are compatible.**
- 4) **Would the Rezoning provide a benefit to one land owner not shared by the whole neighborhood- NO. Commission was in agreement that there is not a non-shared benefit for this request.**
- 5) **If the public is opposed, why- Chairman Seyfarth said there was public opposition, but there was no specific factual information provided.**

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

Amber Beale made a motion to Approve REZ20-29: Bland Family Trust – 30.93 Acres from A-1 to RTH-MF, Part of SW/C Keller Road & Kinyon 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} REZ20-30: Myers Trust – 40.06 Acres from A-1 to R-3 SF, NW/C Keller Road & Kinyon Road –

Chairman Jeff Seyfarth introduced the item to the Commission.

Joey Ingle made a motion to Open the Public Hearing for REZ20-30: Myers Trust – 40.06 Acres from A-1 to R-3 SF, NW/C Keller Road & Kinyon Road, with a 2nd from Jerry Harris. All Commission Members voted in favor and the motion carried.

Wes Pinkley addressed the Commission, giving a brief overview of the Rezone Request for 40.06 Acres of Residential High Density Single-Family Development on Keller & Kinyon Roads. He said they are proposing 140 R-3 Single-Family lots, similar to what they are proposing in the Brookside Subdivision.

City Planner Dianne Morrison Lloyd addressed the Commission, giving an overview of the request. She said the property was annexed into Centerton on 12/08/2020 as A-1. She said they are requesting R-3 SF and listed the acceptable Uses and Requirements for the requested Zoning, including Density, Lot Size, ROW, Surrounding Zoning and acceptable Uses. She said this request would be considered compatible with surrounding Zoning and our Adopted Land Use Plan.

Chairman Jeff Seyfarth opened the meeting to Public Comments, stating that we received one (1) e-mail with a concern about traffic.

Public Comments: None

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 REZ20-30: Myers Trust – 40.06 Acres from A-1 to R-3 SF, NW/C Keller Road & Kinyon Road, 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 comprehensive Adopted Master Land Use Plan- YES. PC was in agreement that the request is considered consistent with Comprehensive Plan.**
- 2) Is the proposed rezoning compatible with the surrounding area and zones- YES. 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- YES. PC was in agreement that all permitted uses would be compatible.**
- 4) Would the Rezoning provide a benefit to one land owner not shared by the whole neighborhood- NO. Commission was in agreement that there is not a non-shared benefit for this request.**
- 5) If the public is opposed, why- NO. Chairman Seyfarth said there was no public opposition.**

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

John Sessoms made a motion to Approve REZ20-30: Myers Trust – 40.06 Acres from A-1 to R-3 SF, NW/C Keller Road & Kinyon Road, with a 2nd from Jerry Harris. There was a Roll Call. All Commission Members voted in favor and the motion carried.

C. {PUBLIC HEARING} REZ21-01: KHM2S2 Prop – 9.98 Acres from A-1 to RTH-D & C1, at 1425 N. Main Street –

Chairman Jeff Seyfarth introduced the item to the Commission.

Joey Ingle made a motion to Open the Public Hearing for REZ21-01: KHM2S2 Prop – 9.98 Acres from A-1 to RTH-D & C1, at 1425 N. Main Street, with a 2nd from Craig Langford. All Commission Members voted in favor and the motion carried.

Jeff Bates of Bates & Associates addressed the Commission, giving a brief overview of the amended Rezone Request on N. Main Street, for the front 4.05 Acres to be developed as C-3 (Neighborhood Commercial) and the rear 5.32 Acres to be developed as RTH-D.

Nicole Gibbs stated that the Notices sent out referenced C-1, Central Business District, but they are actually requesting C-3, Neighborhood Commercial.

City Planner Donna Wonsower addressed the Commission, giving an overview of the amended request. She gave the location and listed the acceptable Uses and Requirements for the requested Zoning, density, ROW, surrounding Zoning and existing Uses. She also detailed this property as far as the Adopted Land Use Plan is concerned. She said the C-3 request may be considered compatible with the Commercial Use on the Adopted Land Use Plan, but the RTH-D request would not be consistent with the Adopted Land Use Plan. She said it could be considered transitional.

Chairman Jeff Seyfarth opened the meeting to Public Comments.

Public Comments:

Greg Harris – 1420 Amore Lane – Stated that the previous request for Duplexes was considered not compatible with the surrounding neighborhoods, and it was not consistent with the City’s Comprehensive Plan. He also expressed concern with streets and traffic and the effect on surrounding home values. He also felt this could have an effect on other Commercial properties further down the line if approved. He said he hoped this area could be used for Commercial Businesses that can provide services for this area of the city and also provide jobs for residents.

Jerry Tilton – 1580 N. Lexington – Expressed concern with traffic and with duplexes and rental properties in this area. He also asked for clarification of C-3 (Neighborhood Commercial). Chairman Seyfarth listed some of the allowable Uses.

Carmen Avagaro – 1341 Montieri Drive – Pointed out that the Comprehensive Plan designated this area as Commercial Use. She also expressed concern with existing property values, traffic, noise, and safety.

David Carey – 1610 Glastonbury Drive – Asked if a Site Development Plan was presented with this request. Chairman said that is not required and explained why.

Carey expressed concern with traffic, the effect on the “feel” of this area and the effect on the property values of the existing homes.

Steven Hawkins – 1340 Solata Street – Felt this request is not consistent with the current and surrounding Zoning and is not what this area is intended for. He reminded PC that a Commissioner (Tony Davis) at the last meeting pointed out the importance of Commercial Property for the city. He asked the PC to uphold the Comprehensive Plan for this area.

Kelly Westphal – 1320 Chattie Drive – Opposed this request, agreeing with the previous public comments. He also expressed concern with traffic in and out of Main Street.

Jeff Bates said the Developer has asked to withdraw the Zoning Request completely.

Chairman Seyfarth recognized the wishes of the Developer and said no other Public Comments would be needed. He asked for a motion to Table the Item, so that the Developer can issue an official letter of withdrawal to the Planning Staff.

John Sessoms made a motion to Table REZ21-01: KHM2S2 Prop – 9.98 Acres from A-1 to RTH-D & C1, at 1425 N. Main Street, with a 2nd from Tony Davis. All Commission Members voted in favor and the motion carried.

D. {PUBLIC HEARING} PUD20-02: Copper Oaks Cottage Homes Phase 2 – Lot 116 Copper Oaks Subdivision, 100 Copper Oaks Drive (R-3 / 0.89 Acres) –

Chairman Jeff Seyfarth introduced the item to the Commission.

Craig Langford made a motion to Open the Public Hearing for PUD20-02: Copper Oaks Cottage Homes Phase 2 – Lot 116 Copper Oaks Subdivision, 100 Copper Oaks Drive (R-3 / 0.89 Acres), with a 2nd from John Sessoms. All Commission Members voted in favor and the motion carried.

Jeff Bates of Bates & Associates addressed the Commission, giving a brief overview of the Rezone Request, stating that it is basically the same as they are doing across the street. He said it is the same type of plan and they are asking for the same type of Variance Request. He said the homes will look very similar to what has previously been approved as well.

City Planner Donna Wonsower addressed the Commission, giving an overview of the request. She said the owner has requested a PUD, for the construction of ten (10) Single-Family Units, on Lot 116 of the Copper Oaks Subdivision. She said there are

two (2) other projects associated with this PUD Request: a concurrent LSD review and Easement Vacation request. She said Phase 1 was approved in July 2019, for twelve (12) Single-Family homes, on a 1.04 Acre lot across the street and is currently under construction. She said Staff Comments are pretty much wrapped up, other than the Lighting Plan. She detailed the PUD Criteria for this request, regarding: Area, Uses, Ownership, Site Design, Density, Accessory Buildings, Open Space, Architectural Treatment, Landscaping, Sight Lighting, Off-Street Parking, Signs and Suitability. She said all Criteria have been met, other than a Photometric Site Lighting Plan.

There was a brief discussion about parking in the development.

Chairman Jeff Seyfarth opened the meeting to Public Comments.

Public Comments: None

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 PUD20-02: Copper Oaks Cottage Homes Phase 2 – Lot 116 Copper Oaks Subdivision, 100 Copper Oaks Drive (R-3 / 0.89 Acres), with a 2nd from John Sessoms. All Commission Members voted in favor and the motion carried.

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

Joey Ingle asked about putting some landscaping in the buffer to the west. Jeff Bates said there are some utilities and an Easement there, but they could look at putting some shrubs in there. Ingle also asked about the “bump-out” in the sidewalk to the northwest. He noted that there shows to be a light pole in that area.

There was discussion about the PUD Requirement for a Photometric Plan. Bates agreed to get with the developer and get something back to the Planning Staff.

Chairman Seyfarth asked if the Commissioners supported the proposed conditions for the PUD. There was no opposition from PC.

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 PUD20-02: Copper Oaks Cottage Homes Phase 2 – Lot 116 Copper Oaks Subdivision, 100 Copper Oaks Drive (R-3 / 0.89 Acres), with all Outstanding Staff Comments, Lighting Plan, and review of the sidewalk to the north, with a 2nd from John Sessoms. There was a Roll Call. All Commission Members voted in favor and the motion carried.

E. VAC20-07: Partial Easement Vacation – Lot 116 Copper Oaks Subdivision, 100 Copper Oaks Drive, Utility Easement Reduction from 50’ to 25’ Front and 25’ to 20’ Rear (R-3 / 0.89 Acres) -

Chairman Jeff Seyfarth introduced the item to the Commission.

City Planner Donna Wonsower addressed the Commission, stating that the City has previously approved similar Easement Vacation requests for the properties west and southwest of this project. She said all Building Setbacks were dedicated as Utility & Drainage Easements with the Copper Oaks Final Plat. She said the front-yard Setback on Lot 116 was platted at 50’, so the Utility & Drainage Easements were also dedicated at 50’. She said it was intended as Multi-Family at the time. She said notices were sent to all Utilities, and we have heard back from all but AT&T. She said there is a water line that runs in the ROW, but not in the front Easement. She said there are Century Link and Cox Communication lines that run toward the back, but no utilities appear to be where they are requesting the Vacation. She said no utilities are opposed, and all would require that the applicant would be responsible for any relocation. She said most of the certified mailings have been delivered and picked up. She reiterated that the request is for Vacation of 25’ of the front setback and a 5’ Vacation in the rear setback.

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 Recommend Approval to City Council for VAC20-07: Partial Easement Vacation – Lot 116 Copper Oaks Subdivision, 100 Copper Oaks Drive, Utility Easement Reduction from 50’ to 25’ Front and 25’ to 20’ Rear (R-3 / 0.89 Acres), with a 2nd from Craig Langford. All Commission Members voted in favor and the motion carried.

F. DEV20-08: Copper Oaks Cottage Homes Phase 2 – Lot 116 Copper Oaks Subdivision, 100 Copper Oaks Drive (R-3 / 0.89 Acres /10 Units) -

Chairman Jeff Seyfarth introduced the item to the Commission.

City Planner Donna Wonsower addressed the Commission, stating that the property is accessed from Copper Oaks Drive, which has a 50’ ROW. She said most of the improvements are already in place. She said sidewalk will be constructed with development and the City Engineer is still reviewing some minor comments on the Drainage Report. She said the Lighting Plan has already been discussed and a

Landscaping Plan has been provided. She said each unit will have individual trash service. She said everything else was in line.

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

John Sessoms made a motion to Approve DEV20-08: Copper Oaks Cottage Homes Phase 2 – Lot 116 Copper Oaks Subdivision, 100 Copper Oaks Drive (R-3 / 0.89 Acres /10 Units), with a 2nd from Ben Lewis. All Commission Members voted in favor and the motion carried.

G. DEV20-06: Sitton Group, Shared Drive – 1810 E. Centerton Blvd. (C-2 / 3.46 Acres) -

Chairman Jeff Seyfarth introduced the item to the Commission.

City Planner Dianne Morrison Lloyd addressed the Commission, stating that this property is in the Centerton City Limits, and is serviced by Bentonville Water & Sewer and Carrol Electric. She said the Tract Split was re-approved at the last PC meeting after working out service requirements for Bentonville Utilities. She said they are developing three (3) separate Lots; one on the west, one on the east, and one to the north. She said there is an Access Easement running down the center and there is a detention pond on the north side of Tract 1. She said they have ArDOT approval to use the existing Hwy 102 drive, and sidewalks will be installed at each individual Tract, at the time of development. She said there will be no Cross-Access to the Wal-Mart property at this time. She reminded PC about the Flag Lot for Utilities. She said this item is strictly for the shared Access Drive Development. She said there will be separate LSD Plans for each of the three Lots. She said the detention pond will drain to a ditch along Hwy 102 through an existing Open Swale on the west side of the property. She said there are a few Outstanding Comments, and we did ask that they reduce the Building Setback on the Rear Lot to 20', as was approved by PC previously. She said City Engineer John Wary had some remaining comments, but most of the remaining comments were from the City of Bentonville.

Joey Ingle asked what was being constructed. Lloyd said the Access Drive, the Utility connections, as well as the Detention Pond. She said Easements have been dedicated and Emergency Service Access is being provided. She said there will be a dedicated left turn and right turn lane at Hwy 102, with a one-way entrance.

John Wary said the Grading Plan does not clearly show how the Rear Lot is intended to be graded to drain around the West Lot. He said the plan is to swale stormwater from the North Lot, along the property line, to the Hwy 102 ROW. He stated that PC has had previous discussions about this process, asking for Written Notice. Joey Ingle said he

would support this as proposed, as long as Wary agreed with the numbers. Wary agreed.

There was discussion about Centerton and Bentonville attempting to share a Pre-Construction Meeting to coordinate the details of this project.

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 DEV20-06: Sitton Group, Shared Drive – 1810 E. Centerton Blvd. (C-2 / 3.46 Acres), with completion of the Outstanding Staff Comments from both Centerton and Bentonville, with a 2nd from Amber Beale. All Commission Members voted in favor and the motion carried.

(7) OTHER BUSINESS – None

(8) ANNOUNCEMENTS-

- **2/09/2021– City Council Meeting @ 6:00 PM**
- **2/16/2021 - Planning Commission Meeting @ 6:00 PM**
- **2/25/2021– Tech Review Meeting @ 2:00 PM**
- **3/02/2021 - Planning Commission Meeting @ 6:00 PM**

(9) ADJOURN-

Craig Langford made a motion to adjourn the meeting at 8:05 pm, with a 2nd from Devin Murphy. All Commission members voted in favor and the motion carried.



**Jeff Seyfarth – Chairman
Centerton Planning Commission**

Minutes prepared by:
Todd Wright