



CENTERTON PLANNING COMMISSION

July 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** – None
4. **RATIFICATION OF ADMINISTRATIVE APPROVALS**
 - A. **TS22-11 Bynum (Cutberth & Wolverine)- PLA-12561** Cutberth- (Zoned A1 / 27.08 Ac / Tract 1 27.95 Ac / Tract 2 6.14 Ac)
 - B. **TS22-14 Casey Family Trust-PLA-11474** Walters Rd- (County / Pending Annexation / Tract 1 1.69 Ac / Tract 2 1.54 Ac / Tract 3 2.19 Ac / Tract 4 20.23 Ac) *Applicant: Swope Engineering, Phil Swope; Rep: A&K Commercial, Ryan King; Engr: Swope Engineering, Phil Swope (Planner: Dianne Morrison Lloyd)*
5. **OLD BUSINESS**- None
6. **NEW BUSINESS**
 - A. **{Public Hearing} CU22-06 Walgreens Pharmacy-NE/C** of Copper Oaks and Centerton Blvd-(Zoned C2 / 1.22 Ac / Pharmacy/Marijuana Dispensary Use) *Owner: 3 States, LLC; Engr: CEI, Chris Harty (Planner: Donna Wonsower)*
 - B. **{Public Hearing} MOV22-01 Fair Street Village**-280 Fair St-(Zoned R3-MF / 1.50 Ac / Move in a 2000 yr model Clayton Manufactured Home) *Applicant: Centerton Village, LLC, Guy Torelli, Mitchell Nichols (Planner: Dianne Morrison Lloyd)*
 - C. **SUB22-11 Prairie Brook Ph3-Final Plat-NE/C** of Tycoon and Bush Rd-(Zoned R3-SF / 9.31 Ac / 48 SF Lots / Lots 66-113) *Owner: Schuber Mitchell Homes, LLC, Arturo Elvio; Engr: Anderson & ECE, Molly Robb (Planner: Dianne Morrison Lloyd)*
 - **Final Plat**
 - **Maintenance Bonds**
 - D. **VAC22-02 Parker Vacation**-1671 Whippoorwill Ln-(Zoned R2 / Quail Ridge Subdivision / vacate 15' of 25' rear yard BSB, DE and UE) *Owner: David Parker (Planner: Dianne Morrison Lloyd)*
 - E. **VAC22-03 Buttle Vacation**-1050 Sawtooth Ct-(Zoned R2 / Lot 169 Oak Trees Subdivision / Vacate 5' of the 7' side BSB, DE, UE) *Owner: Kirk & Kelly Buttle (Planner: Donna Wonsower)*
 - F. **SUB22-06 Huber Place-Preliminary**-8801 S Tycoon Rd- (Zoned R3-SF & C2 / 107.6 Ac / 362 SF Lots) *Owner: Dzurik Properties, Kevin Dzurik; Engr: HALFF, John Wary (Planner: Donna Wonsower)*
 - **Preliminary Plat**
 - **Adjacent Street Agreement to be considered 7/19**

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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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

7. OTHER BUSINESS

A. ***SUB21-22 Pines Ph2 Corrective Plat and SUB22-05 Pines Ph3 Corrective Plat***-1105 Walters Rd
(Zoned R3-SF) Owner: Schuber Mitchell Homes, LLC. Engr: HALFF, John Wary (Planner: Erik Nystrom)

B. **Fee Schedule**

8. ANNOUNCEMENTS

A. **Next Council Meeting: 07/12/2022 @ 6:00 PM**

B. **Next PC Meeting: 07/19/2022 @ 6:00 PM**

C. **Next Tech Review Meeting: 07/21/2022 @ 2:00 PM (Zoom)**

9. ADJOURN

NOTE: Although every effort on the part of the Planning Dept.is made to assure every Agenda is accurate and precise, periodically, for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice. Citizens are encouraged to call City Hall/Planning Dept. (479-795-2750-option 4) to verify if an item of interest remains scheduled to be heard on this date.



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

1. CALL TO ORDER

The Meeting of the Centerton Planning Commission was called to order by Planning Commission Chairman Jeff Seyfarth at 6:40 pm.

2. ROLL CALL

Those Present and answering to Roll Call were Jeff Seyfarth, Joey Ingle, Devin Murphy, Jerry Harris, John Sessoms, Ben Lewis, Tony Davis, and Brandon Swoboda. Craig Langford was absent. Others in attendance for the city were City Attorney Brian Rabal, Planning Director Lorene Burns, Sr. Planner Dianne Morrison Lloyd, City Planner Donna Wonsower, City Planner Erik Nystrom, City Planner Assistant/Recorder Kayla Craft, City Engineer Alan Craighead, Fire Marshal Paul Higginbotham, and Mayor Bill Edwards.

3. APPROVAL OF MINUTES- NONE

4. RATIFICATION OF ADMINISTRATIVE APPROVALS

- A. TS22-11 Bynum (Cutberth & Wolverine)- PLA-12561** Cutberth- (Zoned A1 / 27.08 Ac / Tract 1 27.95 Ac / Tract 2 6.14 Ac)
- B. TS22-14 Casey Family Trust-PLA-11474** Walters Rd- (County / Pending Annexation / Tract 1 1.69 Ac / Tract 2 1.54 Ac / Tract 3 2.19 Ac / Tract 4 20.23 Ac) *Applicant: Swope Engineering, Phil Swope; Rep: A&K Commercial, Ryan King; Engr: Swope Engineering, Phil Swope (Planner: Dianne Morrison Lloyd)*

There were no questions from the Planning Commission regarding the Administrative Approvals. Planning Commission Chairman Jeff Seyfarth entertained a motion. John Sessoms motioned to approve the Ratification of Administrative Approvals with Joey Ingle as 2nd. No one was opposed.

5. OLD BUSINESS – NONE

6. NEW BUSINESS

- A. {Public Hearing} CU22-06 Walgreens Pharmacy-NE/C** of Copper Oaks and Centerton Blvd- (Zoned C2 / 1.22 Ac / Pharmacy/Marijuana Dispensary Use) *Owner: 3 States, LLC; Engr: CEI, Chris Harty (Planner: Donna Wonsower)*

- Engineer Chris Harty was present to represent Walgreens. He first explained the specs of the store then stated the proposed plan was a new prototype that was slightly smaller than previous Walgreen Pharmacies but would contain all the same product and pharmacy services. He stated that they met all setback requirements as well as site lighting and landscaping requirements.
- City Planner Donna Wonsower gave a brief overview of the site location and progress of the site including updates on infrastructure and utilities. Donna explained the zoning code is for Pharmacy/Medical Marijuana use; however, Walgreens has not specifically requested to be able to sell Medical Marijuana at this location. Due to regulations by the state, they are in the same use category. All public use notices have been sent out and the Planning Department does have a concurrent large scale development application. Donna pointed out the existing trees on the property the Planning Department would like to see preserved during the project if possible. Walgreens does fit with the comprehensive future plan as it is a commercial pharmacy on Centerton Blvd but will need to meet residential compatibility standards. If Walgreens decides to sell Medical Marijuana in the future, it will need to meet all applicable laws. Developmental plans will be presented later to the Planning Commission.
- Joey Ingle asked why the pharmacy needs to be conditional when the area of the pharmacy is not in a use-by-right zone and if all locations are conditional. Donna clarified that due to state regulations medical marijuana dispensaries can not be treated differently than other typical pharmacies, so they use the same code.

Jeff Seyfarth entertained motion to open the public hearing. Ben Lewis motioned to open the public hearing with John Sessoms as 2nd. No one opposed.

- Jerry and Sharron Crowns from 1281 Kensington stated their concerns about a dispensary at the Walgreens. City Planner Donna Wonsower confirmed Walgreens has not requested to also be a dispensary at this time; however, the code for pharmacy and dispensary are the same so the pharmacy is conditional. If Walgreens wanted to convert to also include a dispensary, they would have to follow all applicable laws and request a change in their conditional use. It is the understanding of the Planning Department that the dispensing of Medical Marijuana is not a condition listed in the Walgreens conditional use so Walgreens would have to reapply for updated conditional use in order to dispense Medical Marijuana in the future.
- Developer Ben Horton confirmed Walgreens is a pharmacy, not a dispensary.

Jeff Seyfarth made last call for public to speak. Joey motioned to close the public hearing and Tony 2nd the motion. No one opposed.

- Jeff Seyfarth brought up concerns about business hours and how changing the hours impacts conditional use. Donna Wonsower explained it is possible to include business hours as a condition, but not required. Chris Harty did confirm at this time Walgreens has no plan to make this location a 24-hour store.
- Joey Ingle brought up concerns about landscaping and the proximity of the Walgreens to a residential area. Joey requested additional landscaping to act as a buffer for the residential area.
- Jeff Seyfarth requested more detailed information regarding deliveries and the turn radius of delivery trucks due to the proximity of entrances into subdivisions and traffic flow to be included in developmental plans.
- Planning Department Staff and Commission agreed to leave store hours out of conditions for use.

With no additional questions or concerns, John Sessoms motioned to approve conditional use 2206 Walgreens Pharmacy with Tony Davis as 2nd. In the Roll Call Vote, Joey Ingle, Devin

Murphy, John Sessoms, Ben Lewis, Tony Davis, Brandon Swoboda and Jeff Seyfarth approved and Jerry Harris denied. Motion passed 6-1.

B. {Public Hearing} MOV22-01 Fair Street Village-280 Fair St-(Zoned R3-MF / 1.50 Ac / Move in a 2000 yr. model Clayton Manufactured Home) Applicant: Centerton Village, LLC, Guy Torelli, Mitchell Nichols (Planner: Dianne Morrison Lloyd)

- Property co-owner Mitchell Nichols was present to speak with the assistance of an interpreter (Sign Language Interpreting Network, LLC). They are retroactively requesting permission to move a 2000-year mobile home on space #2. The home is 18x45 and has a pad, upgraded amp electric, and water and everything is already set up.
- City Planner Dianne Morrison Lloyd gave the staff report. On June 1st, 2022, the Building Safety department notified the Planning Department staff that the home was moved onto space #2 in addition to a second structure that had been previously moved onto space #3. Staff has not received a moving permit for the structure in space #3. Guy Torelli was notified in December, 2021 and March, 2022 that any structure would require city approval and permitting. The City of Centerton has previously granted retroactive moving permits in 2020; however, in that case the applicant was unaware they needed a permit. This applicant had previously been made aware of the proper procedures required to move a structure from one location to another.
- Dianne explained the Fair Street Village Mobile Home Park is entirely in a flood zone, and City Planning and Flood Permit Director Lorene Burns has received flood permits, pending approval. Dianne pointed out the new structures do comply with the setback requirements.
- The Planning Department included a list of requirements the applicant must complete in order to be considered within code, including council approval. The structures cannot be hooked up to utilities until the permits are acquired.
- Lorene Burns explained the applicant had a misunderstanding about what was required to move the homes, as the rules differed from other cities such as Rogers. Mitchell Nichols confirmed they paid a \$100 application fee for a permit and upon receiving a receipt they thought they had been approved. Due to low availability for manufactured homes, and the housing market, the applicants needed to obtain the home before everything else was settled. Planning staff received the application on 05/19/2022 then home was moved into space on June 1, 2022.
- Lorene Burns confirmed there was a lot of communication between the applicants and various departments regarding what steps the applicant needed to take, including direction from the Building Safety department that stated in March, 2022 they could not move more structures into the park without following the proper steps. Mitchell Nichols clarified he is one of three owners of the property and the owner of the home in space #3. It was then clarified that for the current Planning Commission meeting, the Commission was only considering the home on space #2.
- Lorene asked applicant if they have moving permits from the state to move the homes, to which the applicant stated they used a reputable moving company so they should have obtained those permits. Lorene requested the applicant send those permits for additional clarification.

Jeff Seyfarth entertained a motion to open the public hearing. John Sessoms motioned to open the public hearing with Joey Ingle as 2nd. There were no comments from the public. Joey Ingle motioned to close public hearing for MOV22-01 Fair Street Village-280 Fair St-(Zoned R3-MF / 1.50 Ac / Move in a 2000 yr. model Clayton Manufactured Home) with John Sessoms as 2nd.

- Tony Davis was concerned about liability if the Planning Commission approved the motion with the additional uncertainty regarding the Flood Permits and missing land surveys/requirements, the Planning Commission agreed they needed further clarification of the state of the land and mobile home. It was agreed that fines would be accrued through Building Safety, not the Planning Commission.

Joey Ingle made a motion to approve MOV22-01 Fair Street Village with John Sessoms as 2nd. In Roll Call vote, all members voted to approve with no opposition. City Planner Dianne Morrison Lloyd clarified the permit will need to also be heard by City Council on July 12th, 2022, for only space #2, with the recommendation of the Planning Commission. The process for space #3 is a separate process.

C. SUB22-11 Prairie Brook Ph3-Final Plat-NE/C of Tycoon and Bush Rd-(Zoned R3-SF / 9.31 Ac / 48 SF Lots / Lots 66-113) Owner: Schuber Mitchell Homes, LLC, Arturo Elvio; Engr: Anderson & ECE, Molly Robb (Planner: Dianne Morrison Lloyd)

- **Final Plat**
- **Maintenance Bonds**
- Arturo Elvio was present to give a project overview, with Dianne Morrison Lloyd giving the staff report.
- It was outlined that this is phase 3 of 5 phases and all required adjacent street agreements were approved in phases 1 and 2. The final drainage report will not be required until the final phase (phase 5) is complete. Current drainage information has been approved, and the pond is being used as a sediment basin. Waivers were granted with preliminary plat. There are 20-ft utility easements along all interior streets. Adjacent Street Improvements were all complete and approved in previous phases. A performance bond of \$75,740 was provided for drainage report and staff has approved warranty bonds for streets/drainage (100% for 2 years) for this phase of \$434,942.60, and Water and Sewage bond (50% for 1 year) that totals \$241,116.00 (120,558.00). All staff comments have been addressed.

Jeff Seyfarth entertained a motion for SUB22-11 Prairie Brook Ph3-Final Plat. Ben Lewis made the motion to approve SUB22-11 Prairie Brook Ph3-Final Plat with Devin Murphy as 2nd. No members opposed.

D. VAC22-02 Parker Vacation-1671 Whippoorwill Ln-(Zoned R2 / Quail Ridge Subdivision / vacate 15' of 25' rear yard BSB, DE and UE) Owner: David Parker (Planner: Dianne Morrison Lloyd)

- No person was present to represent the applicant.
- Dianne Morrison Lloyd gave the staff report. There have been some email issues and the applicant may not have received the email about the meeting. Staff has received confirmation from 2 utility companies that there are no utilities in the easements, the other utility companies were sent reminder emails on 06/28/2022. All public hearing notices have been posted. One neighbor is opposed to the vacation, as they believe the easements are necessary for drainage. The POA has stated it support of the request. The request will still need to be heard by City Council.
- The Planning Commission also had questions/concerns about the impact on drainage, and the staff confirmed there would be no impact on the drainage and there was no defined swale
- Based on the information provided, staff proposed approval contingent on sign offs from remaining utility companies.

Joey Ingle made the motion to approve VAC22-02 Parker Vacation-1671 Whippoorwill Ln-(Zoned R2 / Quail Ridge Subdivision / vacate 15' of 25' rear yard BSB, DE and UE) contingent on sign offs from the remaining utility companies, with John Sessoms as 2nd and no opposition.

- E. **VAC22-03 Buttle Vacation-1050 Sawtooth Ct-(Zoned R2 / Lot 169 Oak Trees Subdivision / Vacate 5' of the 7' side BSB, DE, UE) Owner: Kirk & Kelly Buttle (Planner: Donna Wonsower)**
- Chairman Jeff Seyfarth recused himself from this agenda item .
 - Kirk and Kelly Buttle previous provided the project report in the Board of Zoning Meeting with a request for a variance. The building setbacks are dedicated utility and drainage easements, and the couple is requesting a vacation of 5-ft of the 7-ft setbacks dedicated to those easements. According to Kirk, there are currently no utilities in the easement.
 - Donna Wonsower gave the Staff Report and it was clarified the vacation is only for the 5-ft of impact, not a full strip. It was noted Kirk will need to have the overhangs considered as well, as they were not previously considered.

Joey Ingle entertained motion. John Sessoms motioned to approve VAC22-03 Buttle Vacation-1050 Sawtooth Ct-(Zoned R2 / Lot 169 Oak Trees Subdivision / Vacate 5' of the 7' side BSB, DE, UE) with Jerry Harris as 2nd. There was no opposition.

- F. **SUB22-06 Huber Place-Preliminary-8801 S Tycoon Rd- (Zoned R3-SF & C2 / 107.6 Ac / 362 SF Lots) Owner: Dzurik Properties, Kevin Dzurik; Engr: HALFF, John Wary (Planner: Donna Wonsower)**
- **Preliminary Plat**
 - John Wary was present to give an overview of the project. He described phases 1 and 2 with improvements to Tycoon Rd and the addition to Huber Road to connect the phases.
 - Donna Wonsower gave the staff overview, pointing out a 100-ft electrical easement and an 80-ft gas easement. There are 4 phases, and a proposed major arterial and 10-ft side path. Centerton Utility had minor comments on the first review and will not review again but had concerns that the drainage was not designed for any commercial lots. When the commercial lots are developed, they will have to build out their own drainage system.
 - A discussion regarding Right of Way dedication began, with Donna stating they had received new information that contradicted previous information in that only the ROW adjacent to phases 1 and 2 would be dedicated at this time. Staff would prefer to see all right of way dedicated with phase 1. The staff and commission also discussed the accesses for the commercial lots off of Tycoon. Staff and Commission requested shared access on Huber be required with development of lots to specify intent.
 - Joey Ingle brought up discussion about street trees on Huber and Tycoon and proposed John Wary refer to information about trees that can be placed 30-ft to 50ft apart.
 - There was discussion regarding who is responsible for developing the 10-ft trail along Dorsey-Lee and it was agreed that it will be the responsibility of the developers of this project if the trail has not already been created by phase 4.

Joey Ingle motioned to approve of SUB22-06 Huber Place-Preliminary-8801 S Tycoon Rd- (Zoned R3-SF & C2 / 107.6 Ac / 362 SF Lots) contingent on shared access for the two commercial lots north of Huber, street trees along Tycoon and Huber and the full right of way dedication with the first phase. Jerry Harris was second with was no opposition.

7. OTHER BUSINESS

A. SUB21-22 Pines Ph2 Corrective Plat and SUB22-05 Pines Ph3 Corrective Plat-1105

Walters Rd (Zoned R3-SF) *Owner: Schuber Mitchell Homes, LLC. Engr: HALFF, John Wary (Planner: Erik Nystrom)*

- John Wary explained that there is the potential that one lot may be converted and used as an access to future subdivision phases to the west. In order to ensure that ROW would be available, they would like to adjust the setbacks on lots 83, and 115 to accommodate a potential street with future development through lot 84.
- There was intense discussion about how these changes will impact the lots, as they may have been presold. The Planning Commission asked John Wary if the potential future property owners were made aware of the new adjustments. John Wary confirmed the lots in phase 3 have not been presold yet.

John Sessoms moved to approve SUB21-22 Pines Ph2 Corrective Plat and SUB22-05 Pines Ph3 Corrective Plat-1105 Walters Rd (Zoned R3-SF) with Ben Lewis as 2nd. There was no opposition.

B. Fee Schedule

- Commission questioned the viability of the small-scale development fee and the definition. Joey Ingle explained in Bentonville, small scale developments do not go through the Planning Commission for things like parking lot developments, but instead would pay a flat fee. Staff and Commission agreed the details of the fee would need to be fleshed out.
- Initially the Commission was concerned about the staff proposal for the Large-Scale Development fee of \$800 which is higher than other surrounding cities. City Engineer Alan and Planning Staff explained Centerton no longer contracts out engineering work that previously accrued additional costs, so the fee was increased to include staff review of City Engineer. Other cities have a lower Large-Scale development cost because developers pay more in engineering fees outside of the large-scale development cost.
- Joey Ingle raised concern that the reinspection fee being a flat fee as that does not incentivize developers to complete tasks without a large amount of reinspection. The Commission spoke of considering a fee per department per reinspection after two inspections. Lorene Burns brought up concerns regarding the technology required to track which departments attend a reinspection. Commission proposed a higher flat rate fee of \$500 or 50% of application fee until appropriate technology was available.
- Commission proposed a fee for special meeting requests of at least \$2,500 and spoke

against the viability of an encroachment fee.

8. ANNOUNCEMENTS

- A. Next Council Meeting: 07/12/2022 @ 6:00 PM**
- B. Next PC Meeting: 07/19/2022 @ 6:00 PM**
- C. Next Tech Review Meeting: 07/21/2022 @ 2:00 PM (Zoom)**

9. ADJOURN

Devin Murphy made a motion to adjourn the meeting at 9:21 PM, with a Second from John Sessoms. All Commission members voted in favor the meeting was adjourned.



**Jeff Seyfarth – Planning Chair
Centerton Planning Commission**

Minutes prepared by:
Kayla Craft