



## CENTERTON PLANNING COMMISSION

April 20, 2021 @ 6:00 PM  
AGENDA

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*Public comment period after the introduction of each agenda item*

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES –**
  - A. Planning Minutes – 04/06/21
4. **RATIFICATION OF ADMINISTRATIVE APPROVALS**
  - A. **TS21-03 Puga Property** – Fish Hatchery Rd (R3, proposed C3/4.49Ac/3 Lots, 1.678 Ac, 1.4 Ac, 1.4 Ac)
  - B. **HOP21-12 D&S Mobile Detailing** – Services Offered for Mobile Vehicle Detailing; R2, 3310 Oak Tree, Lot 113 Oak Tree Subdivision
  - C. **HOP12-13 Titan Virtual Tours** – Office Use Only for Video & Photo Services; R3, 510 E. Centerton Blvd. Apt 1613, Stoneleigh Apartments
5. **OLD BUSINESS**
6. **NEW BUSINESS**
  - A. {PUBLIC HEARING} **REZ21-09 Kashiom Investments, LLC – A1 to R3-Duplex** – 7.89 Ac; 8660 Rainbow Farm Rd
  - B. {PUBLIC HEARING} **REZ21-10 Puga Prop - R3 to C3** - 4.49Ac; W. Fish Hatchery Rd
  - C. {PUBLIC HEARING} **REZ21-13 Steinlage - A1 to R3-Duplex** - 8.2 Ac; NE/c of Brookside Rd & Daisy Rd
  - D. **SUB18-05 Blossom Hills Final Plat** – Kimmel Rd, west of Womack (R2/23.8 Ac/74 SF Lots)
  - E. **SUB21-03 Silver Leaf Subdivision Prelim Plat** – 12910 Bush Rd. (R3-SF / 52.98Ac / 201 SF Lots)
  - F. **SUB21-04 Williamson Minor Subdiv.** – 12368 Bullock Rd (COUNTY / 9.03 Ac / 2 Lots, 7.03 Ac, 2 Ac)
  - G. **DEV20-07 Diamond Wash** – 1810 E Centerton Blvd (C2 / 0.99 Ac)
  - H. **DEV21-04 Ace Hardware, F.L. Davis** – Tract B of Copper Oaks, NW corner of Centerton Blvd and Copper Oaks Dr (C2 / 1.45 Ac)
7. **OTHER BUSINESS**
  - A. Northwest Arkansas National (XNA) Airport Overlay District Discussion
  - B. April Dept Reports
8. **ANNOUNCEMENTS**
  - A. **AML Virtual Planning Training: 4/6, 4/13, 4/20 & 4/27 @ 3:00 PM** (on-demand recording available)
  - B. **Next Tech Review Meeting: 04/29/2021 @ 2:00 PM**
  - C. **Next PC Meeting: 05/04/2021 @ 6:00 PM**
  - D. **AEDC Site Development Course: Thursday, 05/06/2021 @ 4:00-6:00 PM**
  - E. **Next Council Meeting: 05/11/2021 @ 6:00 PM**
9. **ADJOURN**

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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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



**PLANNING COMMISSION  
MINUTES OF MEETING  
APRIL 20, 2021**

**(1) CALL TO ORDER –**

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

**(2) ROLL CALL –**

Those Present and answering Roll Call were Jeff Seyfarth, Joey Ingle, Devin Murphy, Jerry Harris, John Sessoms, Ben Lewis and Craig Langford. Amber Beale and Tony Davis were absent. 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, Fire Marshal Paul Higginbotham and City Engineer John Wary. Director of Public Works Rick Hudson and Centerton Utilities Director Frank Holzkamper were not present.

**(3) APPROVAL OF MINUTES -**

Chairman Jeff Seyfarth introduced the Minutes of the Planning Commission Meeting from 4/02/2021 and asked the Commissioners if they had any questions or concerns. There were none.

**Craig Langford made a motion to Approve the April 2, 2021 Planning Commission Meeting Minutes, with a 2<sup>nd</sup> from John Sessoms. All Commission Members voted in favor and the motion carried.**

**(4) RATIFICATION OF ADMINISTRATIVE APPROVALS –**

- A. **TS21-03: Puga Property** – Fish Hatchery Road (R-3 Proposed C-3 / 4.49 Acres / 3 Lots, 1.678 Acres, 1.4 Acres, 1.4 Acres)
- B. **HOP21-12: D&S Mobile Detailing** – Services Offered for Mobile Vehicle Detailing, R-2; 3310 Oak Tree Drive, Lot 113 Oak Tree Subdivision
- C. **HOP21-13: Titan Virtual Tours** – Office Use Only for Video & Photo Services, R-3, 510 E. Centerton Blvd. Apt 1613, Stoneleigh Apartments

**John Sessoms made a motion to Ratify the Administrative Approvals as presented, with a 2<sup>nd</sup> from Jerry Harris. All Commission Members voted in favor and the motion carried.**

**(5) OLD BUSINESS - None**

**(6) NEW BUSINESS -**

- A. **{PUBLIC HEARING} REZ21-09: Kashiom Investments, LLC – A-1 to R-3 Duplex – 7.89 Acres; 8660 Rainbow Farm Road –**

Chairman Jeff Seyfarth introduced the item to the Commission.

Binod, of Kashiom Investments, LLC, addressed the Commission, giving a brief overview of the request to rezone 7.89 acres on Rainbow Farm Road from A-1 to R-3 Duplex. He said they plan to build 2-family duplexes on this property, in accordance with the city's medium-high density approval for this area.

City Planner Donna Wonsower addressed the Commission, giving an overview of the Rezone Request of 7.89 Acres on N. Rainbow Farm Road, from A-1 to R-3 Duplex. She said the intent is to build a duplex subdivision, with a minimum lot area of 8500sf. She detailed the requirements as listed in the PC Report. She said there will be 80' ROW on N. Rainbow Farm Road. She said there are public water lines currently available, but public sewer is not currently available. She said, however, there is public sewer currently being installed with Brookside Estates to the southwest. She said there is A-1 zoning currently adjacent to the south, east and west, with C-3 to the north. She said Brookside Estates is R-3 to the southwest. She said this request may be considered compatible as a transition between the higher-density residential neighborhood and the commercial property, and the adjacent agricultural property. She said the request is consistent with the medium/high density use designated on the Adopted Land Use Plan. She said there are several Comprehensive Plan implementation items that may be consistent with the request, and some that are not consistent. She said the Comp Plan recommends looking at duplexes on a case-by-case basis, assuming that they can be integrated into the character of a given neighborhood.



**John Sessoms made a motion to Open the Public Hearing for REZ21-09: Kashiom Investments, LLC, with a 2<sup>nd</sup> from Joey Ingle. All Commission Members voted in favor and the motion carried.**

Chairman Jeff Seyfarth opened the meeting to Public Comments.

**Public Comments:**

**Lori Abshire – 3301 N. Rainbow Farm Road** – She opposed the request. She said she is adjacent to the requested property and asked if a decision had to be made tonight. Chairman Seyfarth said the request will be approved, denied or tabled this evening. Abshire expressed concern with consistency with the current uses, as there are single-family developments all up and down the street. She questioned the density. She said it almost looks like “Spot Zoning”, to place duplexes in the middle of all of this single-family housing. She also stated a concern with the intent of developer to build and sell these duplexes. She asked that PC either deny or table this request until they can come out and look at this property before voting in favor of duplexes.

**Leslie Coberly – 5600 Brookside Road** – She opposed the request. She said she is directly west of the requested property and agrees with Mrs. Abshire. She said she does not believe that duplexes can be integrated into the character of this neighborhood. She expressed concern with duplexes being detrimental to the value of the neighborhood, and also had a concern with safety around the pond on the corner of her property. She asked that PC deny this request for duplexes and said she would be in favor of single-family homes.

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

**Jerry Harris Beale made a motion to Close the Public Hearing for REZ21-09: Kashiom Investments, LLC, with a 2<sup>nd</sup> from Joey Ingle. All Commission Members voted in favor and the motion carried.**

Chairman Seyfarth asked the Commissions to consider the five (5) rezone criteria items:

- 1) **Is the rezoning consistent with the Adopted Comprehensive Plan (including the Adopted Land Use Plan) – YES.** Chairman Seyfarth pointed out that the Land Use Plan designates this area as medium-high density use. He said duplex or single-family would both be Residential Use. **PC was in agreement that the request is considered consistent with the Comprehensive Plan.**
- 2) **Is the proposed rezoning compatible with the surrounding area and zones - YES.** Chairman Seyfarth said he feels that being a Residential Use, he sees it as being somewhat compatible. He said there is Residential Use in the corner and there is Commercial Use next



to it, giving us a buffer. **PC was in agreement that the request is compatible with the surrounding area.**

- 3) **Would all of the permitted uses in the new zone be compatible in this location and surrounding areas? - YES.** Chairman Seyfarth said these are proposed as residential duplexes on regular lots and would be permitted. **PC was in agreement that the request is compatible.**
- 4) **Would the Rezoning provide a benefit to one land owner, but not be considered for other similar properties in this area? - NO.** Chairman Seyfarth said this area is designated for medium-high density Residential Use and we are not making an exception here. **PC was in agreement the there is not a non-shared benefit for this request.**
- 5) **If the public is opposed, why? Are the objections based upon factual information relating directly to this request or opinion based? Does any factual information presented apply to this rezoning situation? YES.** Chairman Seyfarth said we did hear from a couple of neighbors, regarding compatibility and safety and he hopes the developer is listening tonight. He said we did not necessarily hear any facts tonight. **There were no additional comments from PC.**

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

**Joey Ingle made a motion to Approve REZ21-09: Kashiom Investments, LLC – A-1 to R-3 Duplex – 7.89 Acres; 8660 Rainbow Farm Road, with a 2<sup>nd</sup> from Craig Langford. There was a Roll Call. All Commission Members voted in favor and the motion carried.**

**B. {PUBLIC HEARING} REZ21-10: Puga Properties – R-3 to C-3 – 4.49 Acres; W. Fish Hatchery Road –**

Chairman Jeff Seyfarth introduced the item to the Commission.

Alfredo Puga, the applicant, addressed the Commission, giving a brief overview of the request to rezone 4.49 acres on W. Fish Hatchery Road from R-3 to C-3. He said they are asking for a rezone at this time, to develop a house or small store in the future.

City Planner Donna Wonsower addressed the Commission, giving an overview of the Rezone Request of 4.49 Acres on W. Fish Hatchery Road, directly across from the Fish Hatchery, from R-3 to C-3. She said no development is currently planned. She said there is a concurrent Tract Split, which was approved administratively, earlier in this meeting. She described the C-3 zoning district including possible uses. She said the property is almost entirely included in a Flood Zone and provided a diagram. She said a Flood Permit would be required for any type of development on this property. She said 40' of ROW is being dedicated on Fish Hatchery Road with the Tract Split per the Master Street Plan. She said

any street improvements would be addressed with required development approval. She said Public Water & Sewer are available on the property. She said Access Management would be required onto Fish Hatchery as a major collector, and due to the Flood Zone. She listed the surrounding zoning as A-1 and R-3. She said the request for Neighborhood Commercial may be considered compatible at the edge of residential neighborhoods, but PC should consider the impacts of Commercial land use in such close proximity to the Fish Hatchery, and also the impact of the Flood Plain. She said the parcels are designated as Low/Medium Density on the Land Use Plan. The request would not necessarily be considered compatible with the Comprehensive Plan, although the Comp Plan does allow for neighborhood-scale commercial at intersections adjacent to residential areas to help improve direct access to goods and services. She said we did receive comments from residents of the Dogwood Subdivision, regarding traffic, safety, pollution, consistency, flooding and the types of uses allowed in C-3.

Jerry Harris asked about dealing with a Flood Plain. He asked if the land can be built up. Joey Ingle said you can build it up, but you have to offset the stormwater flow, to reduce downstream risk. He said the type of zoning would not impact it, as it really all depends on what is being developed.

Mr. Puga said they were thinking of possibly building a home on the property, and if everything goes well in 5-10 years, to develop something Commercial.

Chairman Seyfarth told Mr. Puga that he can build something Residential on it as it is today, since it is already zoned R-3. Mr. Puga said they want to rezone it for Commercial. John Sessoms told him that if he rezones it to C-3 (Commercial), he would not be able to build a home there. Mr. Puga said they wish to rezone it for Commercial Use.

**Ben Lewis made a motion to Open the Public Hearing for REZ21-10: Puga Properties, with a 2<sup>nd</sup> from Joey Ingle. All Commission Members voted in favor and the motion carried.**

Chairman Jeff Seyfarth opened the meeting to Public Comments.

**Public Comments:**

**Devin Grant – 561 Dogwood Street** – He opposed the request, expressing concern with vehicle and pedestrian safety on Fish Hatchery Road; light and noise pollution; increased flooding issues for Dogwood Street; as well as inconsistency with surrounding zoning.

**Diana Allen – 201 Blake Drive** – Mrs. Allen asked for clarification of this property in relation to the Lindsey property. Chairman Seyfarth clarified the location for her. Mrs. Allen agreed with Mr. Grant. She also pointed out that the applicant is not very clear in his request.

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



**Joey Ingle made a motion to Close the Public Hearing for REZ21-10: Puga Properties, with a 2<sup>nd</sup> from Devin Murphy. All Commission Members voted in favor and the motion carried.**

Chairman Seyfarth asked the Commissions to consider the five (5) rezone criteria items:

- 1) Is the rezoning consistent with the Adopted Comprehensive Plan (including the Adopted Land Use Plan)? – NO.** Chairman Seyfarth pointed out that this property is in the middle of a street, and not at an intersection. Joey Ingle said the Land Use Plan clearly designates this area for residential and there are no Commercial designations anywhere in this area. **PC was in agreement that the request is not considered consistent with the Comprehensive Plan or surrounding Use.**
- 2) Is the proposed rezoning compatible with the surrounding area and zones? - NO.** Chairman Seyfarth said he does not feel opening up to commercial in this residential area is compatible. **PC was in agreement that the request is not compatible with the surrounding area and zones.**
- 3) Would all of the permitted uses in the new zone be compatible in this location and surrounding areas? - YES.** Chairman Seyfarth said should the Commission decide to approve the request, the types of uses allowed in C-3 may be considered compatible, as they are things the residents might need. **PC was in agreement that the request is compatible in this location.**
- 4) Would the Rezoning provide a benefit to one land owner, but not be considered for other similar properties in this area? - YES.** Chairman Seyfarth said this may provide a benefit because it is not in an area designated for Commercial. **PC was in agreement the there would be a non-shared benefit for this request.**
- 5) If the public is opposed, why? Are the objections based upon factual information relating directly to this request or opinion based? Does any factual information presented apply to this rezoning situation? - YES.** Chairman Seyfarth said we did have some public comments and opposition but did not necessarily provide factual information. **There were no additional comments from PC.**

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

**Joey Ingle made a motion to Deny REZ21-10: Puga Properties – R-3 to C-3 – 4.49 Acres; W. Fish Hatchery Road, based on the compatibility issues, with a 2<sup>nd</sup> from John Sessoms. There was a Roll Call. There was a Roll Call. All Commission Members voted in favor and the motion carried.**



**C. {PUBLIC HEARING} REZ21-13: Steinlage – A-1 to R-3 Duplex – 8.2 Acres; NE corner of Brookside Road & Daisy Road –**

Chairman Jeff Seyfarth introduced the item to the Commission.

Isabel Lane, representing the applicant, addressed the Commission, giving a brief overview of the request to rezone 8.2 acres on the NE corner of Brookside Road & Daisy Road from A-1 to R-3 Duplex. She said they would like to develop approx. 23 duplex units, with a minimum lot size of 8500sf. She said these units would be single-story, with a one-car garage. She said they would have ingress/egress on both Brookside Road and Daisy Road.

City Planner Dianne Morrison Lloyd addressed the Commission, giving an overview of the Rezone Request from A-1 to R-3 Duplex at the corner of Brookside Road and Daisy Road. She said there was a similar rezone request approved earlier this evening for non-adjacent property to the east of this request. She said this property is just north of the Brookside Estates Subdivision, which is currently under construction. She said Benton County Solid Waste is just to the west of this property. She said they are requesting to develop a duplex subdivision, with access to Brookside Road and Daisy Road, which are both designated as Minor Collectors with 80' ROW. She said there is R-3 SF to the south, I-2 and I-1 to the west, and R-3 Duplex just approved to the east. She said this request may be considered compatible with adjacent zoning and uses, as the Land Use Plan designates this area as medium/high density residential.

John Sessoms asked what was being planned by Bentonville in the area. Joey Ingle said single-family residential developments are being built non-adjacent, to the southwest of this property.

**John Sessoms made a motion to Open the Public Hearing for REZ21-13: Steinlage, with a 2<sup>nd</sup> from Joey Ingle. All Commission Members voted in favor and the motion carried.**

Chairman Jeff Seyfarth opened the meeting to Public Comments.

**Public Comments:**

**Leslie Coberly – 5600 Brookside Road** – She opposed the request, expressing concern with density, size and quality of proposed housing, and protection of existing Oak trees on her property line. She also stated that the city put in drainage on Brookside Road to keep drainage on the north side, feeding it west, to the creek, as the natural flow. She said the water currently does not flow west but collects on her property. She said that has been addressed with French drains, but now collects on the proposed property. She said that drainage will need to be addressed, to keep it from coming back onto her property.

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

**Joey Ingle made a motion to Close the Public Hearing for REZ21-13: Steinlage, with a 2<sup>nd</sup> from John Sessoms. All Commission Members voted in favor and the motion carried.**

Chairman Seyfarth asked the Commissions to consider the five (5) rezone criteria items:

- 1) Is the rezoning consistent with the Adopted Comprehensive Plan (including the Adopted Land Use Plan) – YES.** Chairman Seyfarth said the Land Use Plan designates this area as medium/high density residential use, and duplexes are residential. **PC was in agreement that the request is considered consistent with the Comprehensive Plan.**
- 2) Is the proposed rezoning compatible with the surrounding area and zones - YES.** Chairman Seyfarth said this could serve as a buffer from the Industrial Use and there is Residential Use across the street. **PC was in agreement that the request is compatible with the surrounding area.**
- 3) Would all of the permitted uses in the new zone be compatible in this location and surrounding areas? - YES.** Chairman Seyfarth said they are requesting a Residential Use. **PC was in agreement that the request is compatible in this location.**
- 4) Would the Rezoning provide a benefit to one land owner, but not be considered for other similar properties in this area? - NO.** Chairman Seyfarth said this request is for residential use and the Land Use Plan designates this area as residential. **PC was in agreement the there is not a non-shared benefit for this request.**
- 5) If the public is opposed, why? Are the objections based upon factual information relating directly to this request or opinion based? Does any factual information presented apply to this rezoning situation? - YES.** Chairman Seyfarth said there was a comment about size of the duplexes, but we do not know what the size of the structure will be. He said the tree concern could be resolved between the developer and other property owner, and the drainage would be dealt with during the development process. John Sessoms said he has never seen where a tree was split on a property. Joey Ingle said we would likely try work with the developer to try and keep that natural buffer, while going through the development phase. Isabel Lane said she does not know who has ownership of which trees, but they intend to keep as many trees standing as they can. Sessoms said we try to prioritize tree preservation and green space with the developments in our city.

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 REZ21-13: Steinlage – A-1 to R-3 Duplex – 8.2 Acres; NE corner of Brookside Road & Daisy Road, with a 2<sup>nd</sup> from Joey Ingle. There was a Roll Call. All Commission Members voted in favor and the motion carried.**

**D. SUB18 –05: Blossom Hills Final Plat – Kimmel Road, West of Womack Road (R-2 / 23.8 Acres / 74 SF Lots) –**

Chairman Jeff Seyfarth introduced the item to the Commission.

Phil Swope with Swope Engineering addressed the Commission, giving an overview of the Final Plat for a 74 Lot Single-Family subdivision on Kimmel Road. He said everything has been installed as planned.

City Planner Donna Wonsower addressed the Commission, giving a brief overview of the Final Plat for the Blossom Hills Subdivision. She said we have received the Covenants and Staff has reviewed them. She said there is an addendum regarding drainage and streets, with drainage swales on private lots. She said we have received the following bonds:

- **Streets – (100% for 2 years): \$462,885.00**
- **Drainage – (100% for 2 years): \$315,024.00**
- **Water – (50% for 1 year): \$ 248,322.00 (\$124,161.00)**
- **Sewer – (50% for 1 year): \$244,694.00 (\$122,347.00)**

She said the applicant has asked for a Special City Council Meeting for tomorrow, pending approval this evening. She said 30' ROW has been dedicated along Kimmel Road. She said the Adjacent Street Agreement has been updated to account for a portion of sidewalk along the NW portion of Churchill Road and to remove sidewalks that have been installed along Kimmel Road with the subdivision construction. She said the new fee-in-lieu of improvements is \$87,009.21. She said the Drainage Report has been received and the engineer is recommending approval contingent upon outstanding comments. She said the Preliminary Plat approval recommended that an off-site Drainage Easement be acquired from the property to the north. She said in-lieu of getting that agreement, two (2) letters were sent by certified mail to the property owner, but they were not signed or acknowledged by the property owner. She said the removal of the Carroll Electric pole and service line on the west side of the property has been acknowledged with proof of payment and Carroll Electric intends to remove them upon receipt of the Final Plat. She said the City Attorney's recommendation is that the City file and record a document exhibit with the Final Plat, stating that no Building or Grading Permits will be issued for those lots until the completion of the Carroll Electric removal. She said all remaining site work has been completed and remaining Staff Comments are generally minor. She detailed some of the remaining comments and said Staff otherwise finds the Plat in conformance with our Municipal Codes.

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

Joey Ingle asked for clarification about the drainage easement and notification regarding drainage to the north, wanting to know if there will be flow that is not currently present, and if it is for the outfall of the pond. John Wary said we asked for something in writing to notify



the property owner to the north, that this development is coming in and that the drainage would be coming onto his property generally as it was prior to this development. Phil Swope said there is not any change in flow.

**Joey Ingle made a motion to Approve SUB18:05: Blossom Hills Final Plat – Kimmel Road, West of Womack Road (R-2 / 23.8 Acres / 74 SF Lots), contingent upon all outstanding Staff Comments, with a 2<sup>nd</sup> from Jerry Harris. All Commission Members voted in favor and the motion carried.**

**E. SUB21 – 03: Silver Leaf Subdivision Preliminary Plat – 12910 Bush Road (R-3 SF / 52.98 Acres / 201 SF Lots) –**

Chairman Jeff Seyfarth introduced the item to the Commission.

John Wary addressed the Commission, giving an overview of the Preliminary Plat for a 202 Single-Family Lot subdivision with a Clubhouse Lot and Detention Lot, on the north side of Bush Road. He said they will be dedicating 40' of ROW and are proposing improvements to Bush Road. He said they will be doing the same improvements that the Prairie Brook Subdivision is doing on Bush Road, with widening, curb & gutter and a 10' trail. He said the MSP also shows a Minor Arterial running up the east side of this property, and they are dedicating 45' ROW. He said they are proposing a fee-in-lieu of improvements and will be doing some improvements at the intersection of Bush Road and Wade Road, with a fee-in-lieu for the remainder of Wade Road.

City Planner Dianne Morrison Lloyd addressed the Commission, giving a brief overview of the Preliminary Plat. She showed the property on an aerial view, to show the surrounding developments. She said they are planning on 2 phases, with Phase 1 to the southwest (Lots 1-128 and Tract A for detention) and Phase 2 (Lots 129-203) to the northeast. She said this was rezoned in March of this year and the average lot is 0.2 acres. She said they will be connecting to public sewer south of Bush Road and water on Bush Road. She said there is no floodplain shown on this property, but there was some potential wetland shown. She said they contracted with Habitat Architects and there appears to be no jurisdictional features on the property. She said they have two (2) intersections with Bush Road, and they will connect with the Prairie Brook Subdivision on Blue Stem Drive, to the west. She said they show a stub-out at the north end of the subdivision onto Wade Road. She said they will improve Bush Road to meet up with what is being done for the Prairie Brook Subdivision. She said they are dedicating 45' ROW for Wade Drive. She detailed the proposed improvement for Bush Road. She said they are proposing to only construct 100' of Wade Drive and detailed that proposal. She said that 100' improvement is estimated at \$45,754.70, and they are proposing a fee-in-lieu of the remainder of improvements to Wade Drive for \$235,597.39, to be paid when Phase 2 is completed. She said this proposal has not been approved by Staff or City Engineer. She said the Planning Staff is not in support of the agreement as submitted. She said the Drainage Analysis has been reviewed and approved by CEI. She said they had some comments on the last submittal, but have been addressed, and will not hold up the

project. She said they are proposing a community clubhouse, and a walking trail with benches and landscaping around the detention pond.

Nicole Gibbs stated that Planning Staff feels the Wade Drive connection will become crucial with all the development happening in this area and that improvements should be considered rather than fee-in-lieu. She said this property almost reaches Centerton Blvd to the north. She said once that connection is made, it will provide alternate routes from Tycoon and Vaughn Roads. She detailed the area and surrounding developments. She said a fee-in-lieu of improvements would put it back on the City to complete those improvements in the future, and is not sure that is reasonable, due to the impact of this development.

Chairman Seyfarth said we may need to get some guidance from Public Works Director Rick Hudson at a later time (he was not available for this meeting). Gibbs said that Staff did not feel that this decision needs to hold up approval for the subdivision, as we can bring the Adjacent Street Improvement Agreement back to PC for discussion at a later meeting. She said we have done that in the past with other subdivision approvals, and that Hudson had previously stated he was fine with that option.

Joey Ingle said his only question was regarding the Street Improvement. He said he agreed with Staff, that a fee-in-lieu affects the timeline of the street getting built, by putting it back on the city. He said he feels the only way we are going to get these streets built in the future is to get them built with the development. He said there are a lot of cities that do not allow a fee-in-lieu of improvements. He said he proposes that we put it back on the developer, as the entire Wade Drive half-section will be paid for with this development, and he recommends that we put it back on the engineer and the developer to come up with a proposal that accomplishes that. He said maybe it makes sense to build the half-section up to the Westridge southern line with Phase 1 or coordinate with Westridge and build it all the way through to the north side of Westridge. He said maybe they could defer the remainder to Phase 2, and a deferral is something we could consider, but some other cities do not allow a deferral.

John Wary said that does make sense and he thinks the developer understands the position of the city. He stated that construction of the road adds time to the project and the developer prefers a fee-in-lieu. He said they have met with Rick Hudson on multiple occasions. He said the proposal is what Hudson asked for, and that he would support a fee-in-lieu. He said he is fine with discussing this at a later date. He asked if PC had a preference if they are willing to work with Staff. He said it sounds like PC would prefer construction of the road. He referenced the section of the Code regarding a fee-in-lieu. Joey Ingle said Rick Hudson may have information that we do not have. He said the burden from a fee-in-lieu just falls back on the city, and he would prefer to see the road built.

Wary said one of the concerns they had, was that if the road gets built now, without the connection to Hwy 102, it will get little use, possibly allowing the asphalt to deteriorate up to 30-50%. He said his preference is not to build it if it is not going to get used. Chairman Seyfarth said the rear lots of this subdivision and others would likely use that road. He said it is an important street. He recommended coming back and discussing it with Hudson. Joey

Ingle agreed. He also asked the City Attorney to look into the legality of use and possible expiration/refund of a fee-in-lieu.

Nicole Gibbs said the street improvement is ultimately a PC decision, with Staff recommendation. Ingle said we are not trying to hold up the project. He said the developer is welcome to speak to the Director of Public Works, or they can propose an alternate solution tonight. Ben Lewis agreed with Ingle, putting the burden on the developer and not the city. John Sessoms said we don't know the shifting priorities of the city and putting the burden back on us could be a big risk when unplanned issues arise, such as our recent winter weather, which put a major burden on the Street Department. Ingle said the need for this road is driven by this development and shifting the responsibility back on the city is wrong, in his opinion. He said he feels it is the developer's responsibility as improvements for his subdivision. Jerry Harris agreed with Seyfarth about the other developments being able to use Wade Drive.

John Wary said the developer understands that the majority of Staff and PC would prefer road improvements and would ask that PC consider approval of the subdivision, contingent upon coming back to PC with a proposal for Wade Drive.

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 SUB21:03: Silver Leaf Subdivision Preliminary Plat – 12910 Bush Road (R-3 SF / 52.98 Acres / 201 SF Lots), contingent upon outstanding Staff Comments and a Wade Drive Street Improvement Plan, with a 2<sup>nd</sup> from John Sessoms. All Commission Members voted in favor and the motion carried.**

**F. SUB21-04: Williamson Minor Subdivision – 12368 Bullock Road (COUNTY / 9.03 Acres / 2 Lots, 7.03 Acres, 2 Acres) –**

Chairman Jeff Seyfarth introduced the item to the Commission.

Don Williamson addressed the Commission, stating that he is requesting to split two (2) acres of his property for a family member to build a house. He said a drainage letter was sent to the city.

City Planner Donna Wonsower addressed the Commission, giving a brief overview of the request. She said the reason this request has to be a subdivision is because the property has been previously split, creating over three total tracts. She said a Tract Split in 2019 created the 9.03 acre parcel, which is being divided again now. She said the current division is creating a 7.03 parcel and a 2 acre parcel. She said we do not currently have specific codes for a Minor Subdivision; however, that is essentially what this request is. She said this property is outside of the Centerton city limits, but within our Planning Area. She said there is no zoning in the County, but the proposed Tract 3A would conform to our Residential



Estate (R-E) zoning requirements and Tract 3B would conform to our R-1 zoning requirements. She said Bullock Road is designated as a Major Collector, with 80' ROW and is currently gravel. She said staff recommends that the requirement for ROW dedication be waived at this time because the impacts of this division may not warrant dedication, but asked that planned future ROW be shown on the Plat. She said the request is for construction of one house and the area is not being developed. She said we did receive the Drainage Letter today but have not had time to review it. She said Engineering recommends approval of the request, contingent upon review. She said no UE are shown on the Plat, and none being required at this time. She said the property has access to Centerton Water and private septic systems. She said Staff Comments are minor in nature and Staff finds the Plat to be generally in conformance with Municipal Code, contingent upon the remaining comments being satisfied. She said this will go before City Council for their signature.

Joey Ingle said we are not requiring dedication of ROW in this instance but asked how we could accept ROW in the County. Wonsower said the Subdivision Code says that Subdivisions are required to dedicate ROW, but because this is such a small subdivision, PC can waive those requirements. Nicole Gibbs said we would normally have the County Judge sign off on any ROW dedications in the County, but none are being proposed with this request. She said this has to go to City Council because they have to accept Subdivision Plats.

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 DEV21:04: Williamson Minor Subdivision – 12368 Bullock Road (COUNTY / 9.03 Acres / 2 Lots, 7.03 Acres, 2 Acres), with all outstanding Staff Comments and approval of the Drainage Letter, with a 2<sup>nd</sup> from Jerry Harris. All Commission Members voted in favor and the motion carried.**

**G. DEV20-07: Diamond Wash – 1810 E. Centerton Blvd. (C-2 / 0.99 Acres) –**

Chairman Jeff Seyfarth introduced the item to the Commission.

Daniel Patillo addressed the Commission, giving an overview of the proposal to build a full-service express car wash at 1810 E. Centerton Blvd. He said there is a Jiffy Lube being proposed on the west side of their property and there is a future out-lot north of them. He said there will be a shared-access drive. He said they currently have another car wash in east Bentonville, near the Sam's Club and NWACC.

City Planner Dianne Morrison Lloyd addressed the Commission, giving an overview of the proposal for a car wash on the east side of this property on E. Centerton Blvd. She said PC recently approved the shared-access drive. She said the property is zoned C-2 and is located in the city of Centerton but is serviced by Bentonville Utilities. She said we will have a joint pre-construction meeting with both cities, if approved. She said there is 65' of ArDOT ROW

existing on Centerton Blvd and no more is being required at this time. She said there is already sidewalk along that portion of Centerton Blvd. She said there will not be access from Centerton Blvd directly to this property, as it will be from the shared-access drive. She said there are no flood plains on the property, but there may potentially be a Riverine Wetland, so we are requiring a Wetlands Assessment. She said they will have access to Bentonville utilities. She said they are meeting our Code for Parking Requirements, with 26 total parking spaces, 2 of which are ADA compliant. She said 17 of those spaces are external vacuum spaces, available only after going through the car wash. She said the remaining 9 spaces are accessible from the shared-drive. She said they are proposing a privacy fence along the east side of the property, but will not block the view from Centerton Blvd. She said they are providing trees and shrubbery and will also have grass on-site. She said the Site-Lighting Plan does meet our Code. She said they are proposing a pylon sign and will be required to get a Sign Permit. She said the drainage is controlled within the access drive and detention will be on the northwest side of the access drive, north of the possible-future Jiffy Lube. She said the plans are in general compliance with our Municipal Codes, contingent upon remaining Staff Comments being addressed. She said MSE is asking that a DE be shown on the Tract Split, where the drainage goes across or under the road, to the detention pond.

Chairman Seyfarth asked for clarification about direction for traffic coming off Centerton Blvd. Patillo said there will be signage pointing to the rear of the property and also a gate on the right side of the entry, only allowing traffic to exit the car wash.

Joey Ingle asked about parking along the shared-drive, expressing concern with the safety of people trying to back out of those parking spaces onto the shared-drive, while traffic is coming in off a highway. He asked if they could be angled and made internal to the site. Patillo said those parking spaces would mostly be for employee parking. He also said the shared-drive only serves this Car Wash, Jiffy Lube and the future development to the north. Ingle was still concerned with the amount of potential traffic on the shared-drive. Nicole Gibbs said they tried to work through this issue in previous meetings and said the only access to the angled parking is by going through the car wash. There was discussion. Patillo said the access drive is not a through-road; it is a shared-access private drive. Ingle said the issue is with the traffic coming off the highway. City Clerk Todd Wright pointed out the traffic issues further down Centerton Blvd., with the shared drive with Popeye's and the apartments. Ingle agreed. Patillo said the employees would only be leaving those spaces twice a day. John Sessoms asked about the possibility of flipping the employee parking to the north and bringing the angled vacuum parking to the south to shift the parking further from the highway. Ingle said PC is not trying to hold the project up and he would be willing to approve it contingent upon the parking issue, to provide better safety for the employees. Ingle asked if the swap would affect the vacuum operation. Patillo said it would not affect it but would affect the ADA parking for access to the building. Ingle recommended moving them a couple of spots to the north. He said we are just trying to get the head-in parking away from the highway. Patillo said he understood that.

Chairman Seyfarth said we are allowed the opportunity to approve things with Staff approval afterwards. He said if we cannot get Staff approval, it would be brought back to PC. He said

he doesn't think this is an easy decision, as there may be other factors and calculations to keep in mind. Patillo said they will see what they can do to shift them around.

Ingle asked Patillo if they could add some trees along Centerton Blvd. to break things up. Patillo said their proposal meets City Code. Lloyd said she told the developer that PC likes to see some additional landscaping, so they did add some low-height items along the drive for the Car Wash. Ingle said he feels we are missing the mark, by not adding some trees along Centerton Blvd. John Sessoms said the proposal is for the bare minimum, and there is a lot of space that could be utilized. Chairman Seyfarth said the Code allows for us to give input and ask for additional landscaping. Ingle said you will not see a landscape plan like this anywhere else in the area. He said it is pretty barren, as far as trees go, and screening from the highway. Patillo said he prefers not to block his business from the highway and asked for some specific guidance from PC. He said his Bentonville car wash had specific requirements. Ingle agreed, stating that Patillo has gone through the process with Bentonville and had an idea of what would be expected. He said we are not asking for him to block his business from the highway. He asked if they could cluster some trees in the southeast corner of their property, stating that it would be better than what is being proposed. Patillo said they would look at what they could do in that corner.

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 DEV20:07: Diamond Wash – 1810 E. Centerton Blvd. (C-2 / 0.99 Acres), with any outstanding Staff Comments, additional landscaping along the highway frontage and an effort to move the employee parking away from the highway, with a 2<sup>nd</sup> from John Sessoms. All Commission Members voted in favor and the motion carried.**

**H. DEV21– 04: Ace Hardware – Tract B of Copper Oaks, NW corner of Centerton Blvd. and Copper Oaks Drive (C-2 / 1.45 Acres) –**

Chairman Jeff Seyfarth introduced the item to the Commission.

Terry Buress addressed the Commission, giving an overview of the proposal for an 11,000-12,000 sf facility to be used by FL Davis Ace Hardware. He said the property owner owns both lots and they will be using the existing shared-access drive off of Centerton Blvd., which will allow for future development to the west. He said they have added an access from Copper Oaks Drive, allowing for good circulation around the site.

City Planner Donna Wonsower addressed the Commission, giving a brief overview of the proposal for an Ace Hardware commercial development in Tract B in the Copper Oaks Subdivision, at the northwest corner of Centerton Blvd. and Copper Oaks Drive. She said the Site Plan includes landscaping and site lighting. She asked that PC approval includes Staff Comments as applicable. She said retail large-scale over 4000 sf and all of its uses are



permitted in the current C-2 zoning district. She said all the zoning requirements are being met with this proposal. She said Copper Oaks Drive is a Local Street with 50' ROW and Centerton Blvd. is a Major Arterial with a 100' ROW. She said both streets already have existing improvements. She said there is already a 5' sidewalk along Centerton Blvd. and the plans show a sidewalk being installed on Copper Oaks Drive, connecting the sidewalk on Centerton Blvd. to the sidewalk for the Copper Oaks Cottage Homes Phase 1. She said site entries have been discussed, as well as pedestrian access from the sidewalk to the building. She said an ArDOT Permit will be required for the access onto Centerton Blvd. She said we will need a shared-access easement to be recorded prior to final site approval, for the section along the adjacent property. She said this proposal meets our Parking Requirements, with a total of 59 stalls, including 3 ADA stalls. She said they will need additional hydrants and striping to meet Fire Code. She said we have received a Drainage Letter and there are a couple of items that still need to be worked out. She said the engineer recommends approval. She said pole-mounted and building mounted lights are shown on the Site-Lighting Plan, but the southwest corner looks a little dark at the entrance off Centerton Blvd. She said Staff feels more lighting may need to be added here. Buress said there is a light pole with 2 heads in that southwest corner, but they will look at it more closely. She said Staff Comments have been resolved on the Landscape Plan. She detailed the consistencies and inconsistencies with the Comprehensive Plan, as listed in the Staff Findings and PC packets. She said this request is generally consistent with the Comprehensive Plan.

Chairman Seyfarth asked if there is a dock door, as well as clarification on how deliveries are made. Mr. Buress said there is an overhead door in the rear, but it is not at dock height. He said the trucks would unload in the rear and pull through. He said the turn radius shows to be sufficient.

Joey Ingle asked if they would be willing to add some ornamental landscaping along Copper Oaks Drive and Centerton Blvd. Buress said they could work with that. Ingle said he is fine with clustering them to the east, on the frontage.

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 DEV21:04: Ace Hardware – Tract B of Copper Oaks, NW corner of Centerton Blvd. and Copper Oaks Drive (C-2 / 1.45 Acres), with all outstanding Staff Comments, additional ornamental landscaping along Copper Oaks Drive and Centerton Blvd, and additional lighting at the southwest entrance, with a 2<sup>nd</sup> from John Sessoms. All Commission Members voted in favor and the motion carried.**

## **(7) OTHER BUSINESS**

- **Northwest Arkansas National (XNA) Airport Overlay District Discussion** – Senior Planner Nicole Gibbs said Staff needs PC directive, based on the recent Rezone discussion from the last PC meeting. She said as far as any development around the

airport, we don't really have anything in our Code to reflect that discussion, at this time. She said the rezone that was recommended for approval by PC, was approved by the City Council without the included conditions. She said the City Attorney advised that conditions cannot be placed on the rezone itself. She said we will need to look at some existing code amendments. She said Bentonville has an existing Overlay District for XNA, including the map we looked at during our PC meeting. She said Bentonville worked with XNA to develop those regulations. Chairman Seyfarth recommended that Staff pursue working on a code for that area. John Sessoms agreed, stating that we need something in our code to be able to work with. Gibbs said that Staff is looking at getting some things written up and holding a joint workshop with Planning, Staff, and the City Council, to be able to work through it together.

She said we could also look at some of the recent discussions around the Master Street Plan and Land Use Plan amendments. She said PC has seen the MSP revision. She said the City Council brought up the recommendation of amending the Land Use Plan at the time of Rezone Requests being approved, which are not consistent with the LUP. She said Bentonville is also considering this changed. Joey Ingle asked if it would be like a "running" Land Use Map. Gibbs said it would. She said she feels that this deserves a larger discussion, as it potentially opens a "can of worms". There was discussion.

Joey Ingle asked what the status of the Landscape Ordinance was. Gibbs said Planning was asked to hold off. Mayor Edwards said it is part of Title 15 and Staff and Council still have some concerns. He said they were asked to put their concerns in writing, so we can move forward. He said we could discuss it in our workshop. Joey Ingle said he hopes those that may be listening-in have an understanding of the Landscape Ordinances for the surrounding cities and realize that we are not trying to make it more restrictive, but to beautify the city. He said we are having an infill of Commercial Use and are losing an opportunity every time one of those goes through, and we do not have an ordinance in place. He said it should be a high priority. Mayor Edwards agreed.

Gibbs said the second Code Amendment discussion that came up recently, was regarding the R-3 District and how there are designations for Single-Family, Duplex and Multi-Family. She said we have been designating those uses as a policy, with the knowledge that we need to do a Zoning Code overhaul. She said we had to wait on the Comp Plan adoption so that we can move forward with code revisions that are consistent with the Plan. She said the R-3 district does specify different requirements for each type of use, but technically, it is one district. She said their directive in the interim before the overhaul of the entire zoning code is to pull out each of those into their own district, creating an R3SF, R3-D, R3-MF, and R4-MF and getting it amended pretty quickly, so that there are no difficulties in the future. She said our Multi-Family is a bit of a mess, so we would likely pull out our High-Density Residential into four different districts. She gave details. She said we are going to get some help from Juliet Richey, with Garver, so that we can get them done. City Clerk Todd Wright said this will help us get to what we were trying to achieve anyway. He said it was not meant to restrict developers, as much as it was to give some comfort to surrounding property owners, and a way for us to have a better



understanding of what was being presented to us. He said this points us in the right direction. Joey Ingle agreed. Gibbs said that we need to start with a Zoning Audit to get the process started for a study on how to revise our Zoning Code holistically, according to the Comp Plan recommendations. There was brief discussion about Multi-Family housing options. PC was in favor of all of the items Gibbs discussed. Gibbs said the goal for the zoning quick fixes is to hold a public hearing on 6/01/21, and to take it to City Council on 6/08/21. PC agreed.


- **April Planning Department Reports** – Senior Planner Nicole Gibbs stated that the Department Reports are included in Dropbox for PC review.

**(8) ANNOUNCEMENTS-**

- **4/21/2021 – Special City Council Meeting @ 5:30 PM**
- **4/27/2021 – AML Virtual Planning Training @ 3:00 PM**
- **4/29/2021 - Tech Review Meeting @ 2:00 PM**
- **5/04/2021 - Planning Commission Meeting @ 6:00 PM**
- **5/06/2021 – AEDC Site Development Course @ 4:00PM**
- **5/11/2021 – City Council Meeting @ 6:00PM**

**(9) ADJOURN-**

**John Sessoms made a motion to adjourn the meeting at 9:18 pm, with a 2<sup>nd</sup> from Craig Langford. All Commission members voted in favor and the motion carried.**



**Jeff Seyfarth – Chairman  
Centerton Planning Commission**

Minutes prepared by:  
Todd Wright