



CENTERTON PLANNING COMMISSION
February 1, 2022 @ 6:00 PM
AGENDA

Public comment period after the introduction of each agenda item

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES –**
 - A. Planning Minutes – 01/07/2022
 - B. Planning Minutes-- 01/18/2022
- 4. RATIFICATION OF ADMINISTRATIVE APPROVALS**
 - A. **HOP22-01 Cloud Cait**-420 Kate Dr-Crafts (Zoned R2 / Sienna @ Cooper Farms 1 Subdivision)
 - B. **HOP22-02 Carols Creative Custom Crafts**-655 Brimwood St-custom crafts (Zoned R2 / Brimwood Ph1)
 - C. **HOP22-03 Tami's Swim and Safety**-1232 Bradley St-home swim lessons (Zoned R3 / Ridgefield Subdivision)
 - D. **HOP22-04 Northpoint Bookkeeping LLC**-102 Skinner St-virtual bookkeeping (Zoned R2 /Laynebridge Subdivision)
- 5. OLD BUSINESS**
- 6. NEW BUSINESS**
 - A. **{PUBLIC HEARING} REZ21-35 THROOP MARQUESS** -10999 HWY 72 W (A1 to RTH-MF12 / 7.73 Ac)
Applicant: Newell Development, Rachel Sizemore
 - B. **{PUBLIC HEARING} CU22-01 Schuber Mitchell -Temp Parking**-Orchard Park Subdivision Ph3 Lots 70 & 71 (Zoned R3 / 0.22 Ac each lot) *Applicant: Schuber Mitchell Homes, Oscar Sarceno*
 - C. **VAC21-08 SEBOURN**-2930 Laurel Circle, Oak Tree Subdivision- 15' vacation of 25' rear yard DE, and UE (Zoned R2 / 0.4 Ac) *Owner: Charles and Jennifer Sebourn*
- 7. OTHER BUSINESS**
 - A. **Vaughn Rd, S Tycoon and W. Tycoon Rd Improvements Discussion**-PT of NE/C of Vaughn Rd and future S Tycoon Rd (Zoned R3-SF and R3-D/ 80 Ac) *Developer: Schuber Mitchell Homes; Engr: HALFF, John Wary*
- 8. ANNOUNCEMENTS**
 - A. **Next Tech Review Meeting: 02/03/2022 @ 2:00 PM (Zoom)**
 - B. **Next Council Meeting: 2/08/2022 @ 6:00 PM**
 - C. **Next PC Meeting: 2/15/2022 @ 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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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
FEBRUARY 1, 2022**

1. CALL TO ORDER

The Meeting of the Centerton Planning Commission was called to order by Planning Commission Chair Jeff Seyfarth at 6:03 p.m.

2. ROLL CALL

Those Present and answering Roll Call were Jeff Seyfarth, Joey Ingle, Amber Beale, John Sessoms, Craig Langford, Jerry Harris, Ben Lewis, Tony Davis, and Devin Murphy. Others in attendance for the city were Planning Assistant/Recorder Laura Crite, City Attorney Brian Rabal, Planning Director Lorene Burns, Senior Planner Dianne Morrison Lloyd, City Planner Donna Wonsower, City Planner Erik Nystrom, Director of Public Works Lance Johnson, Fire Marshal Paul Higginbotham, Mayor Bill Edwards, and City Engineer, Alan Craighead.

3. APPROVAL OF MINUTES

Chair Jeff Seyfarth asked for a motion to approve minutes from both the 1/7/22 and 1/18/22 Planning Commission Meetings. Chair Seyfarth noted that there was a small update to the 1/18/22 minutes, removing Paul Higginbotham and John Wary from the attendees and replacing John Wary with Alan Craighead, City Engineer.

Joey Ingle made a motion to approve minutes from both the 1/7/22 and 1/18/22 Planning Commission Meetings, with a Second from Devin Murphy. All Commission Members voted in favor and the motion carried.

4. RATIFICATION OF ADMINISTRATIVE APPROVALS

- **HOP22-01 Cloud Cait** - 420 Kate Dr-Crafts (Zoned R2 / Sienna @ Cooper Farms 1 Subdivision)
- **HOP22-02 Carols Creative Custom Crafts**-655 Brimwood St – Custom Crafts (Zoned R2 / Brimwood Ph1)
- **HOP22-03 Tami’s Swim and Safety**-1232 Bradley St - Swim Lessons (Zoned R3 / Ridgefield Subdivision)
- **HOP22-04 Northpoint Bookkeeping LLC**-102 Skinner St - Virtual Bookkeeping

(Zoned R2 / Laynebridge Subdivision)

John Sessoms made a motion to Ratify the Administrative Approvals as presented, with a Second from Tony Davis. All Commission Members voted in favor and the motion carried.

5. OLD BUSINESS - NONE

6. NEW BUSINESS

Chair Jeff Seyfarth opened the New Business.

A. **{PUBLIC HEARING} REZ21-35 THROOP MARQUESS** -10999 HWY 72 W (A1 to RTH-MF12 / 7.73 Ac) *Applicant: Newell Development, Rachel Sizemore*

Chair Seyfarth introduced the item to the Commission.

- Applicant Mitch with Newell Development addressed the Commission.
 - First time in Centerton. Wanted to introduce themselves to the commission, who they are and intentions for the rezone.
 - Company has been in business for about 15 years. Founded by Jake Newell
 - Started in Fayetteville and other areas in NWA
 - Focus “Pocket Neighborhoods” have built townhomes, single family and some multi-family.
 - Build the neighborhood on SW B St. behind Peddlers Pub in downtown Bentonville
 - Intention was to help address the need for housing in the area, wanted to build a townhome, multi-family pocket neighborhood, with slightly more density for rent.
 - Intent to host club house and or other amenity feature that will benefit to residents and neighbors as well.

- **City Planner, Donna Wonsower**, addressed the Commission, giving a brief description of the request. She read from the PC Report citing the following:
 - **Property is located at 10999 HWY 72 W. Consists of 7.73± acres (PID# 06-00047-215)** Request a rezone from A-1, Agricultural to Residential Townhouse 3+-12 Units (RTH-MF12).
 - Currently owned by the Throops, if the rezone is successful, will be sold to Newell Development LLC who will develop the parcel as a residential townhome development.
 - BZA recommendation is required for Council decision on the request. If PC recommends approval of the rezone, an ordinance will be taken before Council for approval on 02/08/22.

- Each unit is on its own lot and can be sold individually
- The parcel has direct street frontage along W Hwy 72 (major arterial, 100' ROW). Road improvements and ROW dedication would be determined with preliminary plat submittal.
- The NWA Heritage Trail runs along Hwy 72 on the northern property line of the parcel. In **addition**, a proposed shared use paved trail (10') runs along the eastern and southern boundaries of the Lightning Soccer Field nearby.
- The parcels have direct access to existing water mains along W Hwy 72. There is sewer in west of Lightning Soccer Field. An off-site easement would likely be required for access.
- Current zoning is a bit complicated. Commercial to the east and west, with a small sliver of agriculture on the east and south. Benton county is to the north. There is some existing lower density residential nearby. With the proximity of the of the commercial and the fact that there could be some higher density residential, staff believes that this property could be compatible.
- This parcel is designated as "Commercial" on the Comprehensive Land Use Plan. This area is particularly described in the comprehensive plan as having the capacity to serve a larger regional area. In development, emphasis should be placed on capturing commuters on Highway 72 and supporting the Medium/High Density Residential uses to the south. Direct adjacency to single-family neighborhoods also requires appropriate buffering and screening.
- Requested Zoning RTH-MF12 is **not considered consistent** with the current LUP's designation of "Commercial." Residential Uses are not consistent with commercial uses.

Chair Seyfarth requested a motion to Open the Public Hearing

John Sessoms made a motion to Open the Public Hearing for REZ21-35: Throop Marquess – 10999 Hwy 72 West, Centerton (A-1 to RTH-MF12 to R); with a Second from Craig Langford. All Commission Members voted in favor and the motion carried.

Chair Seyfarth opened the meeting to Public Comments.

- **Michael Common** asked why would the Planning Commission take questions from the public before the Planning Commissions have their discussion?
- **Chair Seyfarth** stated that there would be discussion.
- **Michael** asked if public could ask questions after discussion
- **Chair Seyfarth** answered "Yes"

John Sessoms made a motion to Close the Public Hearing for REZ21-35: Throop Marquess- 10999 Hwy 72 West, Centerton (A-1 to RTH-MF12) with a Second from Joey Ingle. All Commission Members voted in favor and the motion carried.

Chair 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)? If not, why? –NO.** Designated as commercial, especially since it runs along Hwy 72.
2. **Is the proposed rezoning compatible with the surrounding area and zones – NO.** Chair Seyfarth stated that since they are offering housing and there is other housing in that area, he felt it was compatible. Joey Ingle asked if the density is compatible. The commission had some clarifying discussion. Tony Davis agreed with Joey that this request is for higher density than what is currently there. The Commissioners were polled, and the majority agreed that No, it is not compatible. **PC agreed that the request is not compatible with the surrounding area.**
3. **Would all of the permitted uses in the new zone be compatible in this location and surrounding areas? - NO.** Chair Seyfarth said it should be the same as the discussion they just had unless anyone had additional questions or ideas. No one responded. **PC agreed that the request is not compatible in this area.**
4. **Would the Rezoning provide a benefit to one landowner, but not be considered for other similar properties in this area? - NO.** Chair Seyfarth said he didn't think there would be any benefit to this one landowner. It is something we would consider for other properties in the area. **PC agreed that there is not a non-shared benefit for this request.**
5. **If the public is opposed, why? NO.** Chair Seyfarth acknowledged that the only comment was from Michael and that was more about the Planning Commission process. **PC agreed there were no objections.**

Chair Seyfarth asked if there were any questions or comments from the Commission or City Staff before we consider the rezone.

- **Tony Davis** said his only concern was regarding commercial. He stated that he would be willing to consider a different rezone request if they were to put commercial in the front with higher density in the back. He doesn't think that it is the best land use to go with agriculture along highway frontage. Two other commissions agreed with Tony's statements stating that they do not want to give up commercial in that area.

- **Lorene Burns** added that mixed use has been really looked at in this area.
- **Mitch Moore, resident**, asked commissioners to define what they meant by commercial.
- **Chair Seyfarth** clarified that it could be anything listed in the definition of “neighborhood commercial” and the types of businesses allowed there. Adding that things that could serve multiple neighborhoods.
- **Joey Ingle** encouraged them to look at traffic flow in that area since the bypass has gone through.
- **Mitch Moore**. Asked what the impact is to zoning of property in general. Adding that if they played into the addition of commercial because it is important to the residents and the neighborhoods, what type of zoning would be appropriate?
- **Chair Seyfarth** clarified that they owner would be responsible for the entire parcel unless they split it into two separate parcels.
- **Chair Seyfarth** added that there may be some provisions under a PUD that would allow them to discuss how mixed use may work. Or if they split, they could designate the front as commercial with residential on the back.
- **Mitch Moore asked** commission if commercial is on the front would they consider an even higher density housing on the back.
- **Tony Davis** said that due to proximity to the highway, they could consider higher density.

Before moving forward with a motion, Chair Seyfarth asked what would constitute enough of a change that they would not have to wait a year before presenting another rezone to the Planning Commission. Some discussion ensued. Mitch and the commissioners agreed that it was best to request that the issue be tabled. Brain Rabal concurred.

John Sessoms made a motion to Table REZ21-35 Throop Marquess – 10999 Hwy 72 West, Centerton with a Second from Amber Beale. All Commission Members voted in favor and the motion was tabled.

- B. {PUBLIC HEARING} CU22-01 Schuber Mitchell -Temp Parking-Orchard Park
Subdivision Ph3 Lots 70 & 71 (Zoned R3 / 0.22 Ac each lot) Applicant: Schuber Mitchell
Homes, Oscar Sarceno

Chair Seyfarth introduced the project.

Arturo Eccyo, Schuber Mitchell and Robert Gammons, General Manager of Operations,

Schuber Mitchell were there to represent Schuber Mitchell.

- Arturo Eccyo provided an overview stating that they received a special use permit for Lot 69 and are here to discuss parking lot which was a condition for granting the initial special use permit.

City Planner, Erik Nystrom addressed the Commission, citing the following:

- Applicant is requesting a Conditional Use Permit for a temporary parking for Arkansas Schuber Mitchell team located on lots 70 & 71 of Orchard Park Ph 3.
- Only structural change is temporary gravel
- Hours of operation are M – F 7:00 a.m. to 5:00 p.m.
- 3 to 4 permanent employees along with additional personnel and vehicles as needed for meetings.
- Expecting normal amount of traffic with minimal deliveries and noise levels
- Not open to public; only Schuber Mitchell employees
- No signage; no utilities
- Term of approval July 3, 2023, subject to all conditions stated in permit. Approval of this use permit expires after 1 year from the time of discontinuation of the approved use and will require reapplication and reapproval.
- Parking is limited to lots 70 & 71
- Applicant is encouraged to be ADA compliant and will assume responsibility for any issues.

Craig Langford made a motion to Open the Public Hearing for CU22-01: Schuber Mitchell Temporary Parking Lot – Orchard Park Ph 3); with a Second from John Sessoms. All Commission Members voted in favor and the motion carried.

- **Amy Rochette – resident of Big Sky**, asked for explanation of where parking is. She asked if traffic will be coming in from Walters Rd or Hwy 72. Who is parking there? Will there be equipment, dump trucks, etc.?
- **Robert Gammons** responded with the following comments:
 - Idea is to limit street traffic and on street parking. No dump truck or equipment parking allowed. There was an exception made in preparation for snow, some equipment dropped off there
 - No on street parking. Traffic is limited to operational hours and employees as previously stated.
 - Designed to reduce congestion and allow for safer parking.
 - Should wrap up everything by the time the original permit expires.
 - Just spill over parking during stated business hours.
 - Schuber Mitchell is working on commercial spaces to work with
- **Joey Ingle** asked if the intent was to use as a business office.

- **Robert Gammons** replied that this was to be a temporary solution until permanent solution is developed with permanent commercial solution. All lots will be built out as is the rest of the neighborhood
- **Joey Ingle** asked how many cars. **Robert Gammons** responded that the limit is 10 to 14 at any given time. Time between 7 – 8:00 a.m. may be high, however, after which 3 to 4 cars are expected to be the norm.
- **Robert Gammons** also stated that the application was made for two lots, that was not the intention. Only plan to use 1 lot. Driveway for access is on the second lot.
- **Joey Ingle** asked if cars would enter off MacIntosh.
 - **Robert Gammons** replied that he is open to options. 72 allows for entrance right next to lots, so people do not have to traverse through neighborhood.
 - **Dianne Morrison Lloyd** pointed out the none of lots should have access to 72
 - **Robert Gammons** agreed that they would direct to MacIntosh. He does not have control outside of employees.
- **Joey Ingle** asked if they worry about aesthetics. Did they consider greenery as a screen?
 - Robert said they said are using low dust compaction materials. Felt it would be the best blend
 - He said that they did intend to use greenery which will be maintained under standard maintenance agreement from Schuber Mitchell. Robert added that they also met with POA and they agreed.

Chair Seyfarth asked if there were any additional comments, no response.

John Sessoms made a motion to Close the Public Hearing for CU22-01 Schuber Mitchell Temporary Parking Lot – Orchard Park Ph 3; with a Second from Ben Lewis. All Commission Members voted in favor and the motion carried.

Chair Seyfarth clarified that only lot 70 would be used as the temporary parking lot. He added that he would like to see a condition added that they would provide some kind of maintenance so that lot does not track onto the streets and that no heavy equipment will be allowed to park in this lot except under special conditions like snow.

John Sessoms made a motion to Approve CU22-01 Schuber Mitchell Temporary Parking Lot – Orchard Park Ph 3; with the revision to Lot 70 only and conditions regarding no tracking and no heavy equipment parking. There was a Second from Jerry Harris. All Commission Members voted in favor and the motion carried.

- C. **VAC21-08 SEBOURN-2930** Laurel Circle, Oak Tree Subdivision- 15' vacation of 25' rear yard BSB, DE, and UE (Zoned R2 / 0.4 Ac) *Owner: Charles and Jennifer Sebourn*

Chair Seyfarth introduced the project.

City Planner, Donna Wonsower addressed the commission citing the following:

- The request is for Lot 42. It is 0.4 acre and is directly adjacent to a larger parcel owned by Oak Tree Subdivision.
- The purpose of the request is to construct a pool in the rear yard.
- City Council will see this request on February 8th.
- The Oak Tree Subdivision was platted with all BSB's dedicated as Utility and Drainage Easements. The rear yard setbacks on Lot 42 were platted at 25-ft, and therefore, the UE/DE are also 25-ft.
- The rear yard setbacks are currently being used by Century Link. They do not have any issues with the request. If there are any damages to the line all repairs will be at the owner's expense.
- Adjacent Owner and Utility responses were sent out. Comments back from two property owners who stated that they had no objections.
- Generally approved by engineering.
- Still waiting for response from Cox, however this type of delay is typical. If approval is granted, a Vacation Plat is required to be submitted for staff review and approval, to be recorded with the ordinance approving the vacation request.
- **Staff has reviewed the request and considers the proposed reduction from 25' UE/DE to 10' UE/DE sufficient to provide utility corridor connectivity in this area, pending all Franchise Utility responses.**

Tony Davis made a motion to approve VAC21-0-8, contingent on approval by franchise utilities. Second by Jerry Harris. All Commission members voted in favor; the motion carried.

7. OTHER BUSINESS

A. Vaughn Rd, S Tycoon and W. Tycoon Rd Improvements Discussion-PT of NE/C of Vaughn Rd and future S Tycoon Rd (Zoned R3-SF and R3-D / 80 Ac) *Developer: Schuber Mitchell Homes; Engr: HALFF, John Wary*

- John Wary addressed the Planning Commission citing the following
 - Moving into the design phase for new Schuber Mitchell subdivision
 - Previous conversation held with staff regarding adjacent roads, decision made to present to PC and get their recommendation.
 - Currently, there is no east Tycoon Rd; there is a south and a north Tycoon. On the Master Street Plan, West Tycoon does not go all the way to Hwy 279 and is shown as a future connection.
 - East property line is the city limits.

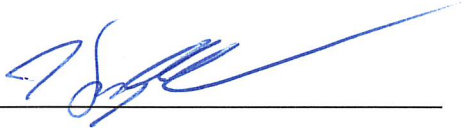
- Property is bound on the south by Vaughn Rd, a minor arterial.
 - 90' right of way, 38' curb and gutter. Intent to do ½ of road improvements on Vaughn Rd. with Phase 1.
 - One entrance w/ Ph 1 and entrance point for fire access in Ph 2, possibly a base road or in Ph 1; whatever Paul Higginbotham needs them to do.
- North/South Tycoon, major arterial. Intent is for developer to build half. John asked if there would there be any support for reducing that road section based on future development plans. Is it realistic to have a major arterial through there?
 - Staff had reviewed and agreed to consider reducing to 38' road when property to the west could provide additional increase to road width.
 - Right away dedication would stay in place, as required.
 - Need to look at grading and drainage plans to make certain that it could be easily connected to and expanded in the future.
 - Size of section to be developed, will be determined in conjunction with Planning Staff.
 - Green space, sidewalk, trail space size and possible reductions to be determined in conjunction with staff.
 - Idea, Joey Ingle – If developer were to develop larger section of road may be able to move trail space to the other side of the road. Do need to look at possibility of trees, under power lines what is possible.
 - Builder proposes building first half with Ph 2 then the rest of it with Ph 3.
 - Paul Higginbotham. Due to the number of units in Ph2 will need to build 20 ft and 75,000 lbs subgrade and base.
 - Will connect to the gravel road that is currently there.
 - Ph 2 will build to the blvd and subgrade and base to meet needs of fire.
- East / West Rd on the north side – Major Collector on the Master plan
 - Talked about developer 1 building half of 30 ft section or modified section
 - Would there be a consideration for reducing 10' trail to 5' trail
 - Waiving requirement to build a road, since east side is Bentonville to see what their plans are for this section
 - Lorene looked at map, no plans noted
 - Donna reached out to Bentonville, no response.
 - Need some kind of street stub to West Tycoon.
 - Joey Ingle: If section doesn't make sense on the Master Street Plan, review and develop plan that makes sense. Will leave to developer and Planning Staff to make recommendations.
 - John, instead of building half, build full with no curb and gutter.
 - Joey Ingle: Not in favor of no curb and gutter. Will never get it if we don't get it with these improvements.
 - Can possibly move trail to the other side, or 10' on one side 5' on the other
 - Dianne, need to add 5' green space or more.
 - Dianne, we have requested 24' min. for other subdivisions. Staff had recommended 30'.
 - Lorene stated that the greenspace behind the sidewalk is where the variable will be adjusted
 - Staff will need to determine if moving trail makes sense

8. ANNOUNCEMENTS

- **Statement of Financial Interest form due now. Email sent from Mayor Bill Edwards**
- **2/3/22 – Tech Review Meeting @ 2:00 PM**
- **2/8/22 – City Council Meeting**
- **2/15/22 – Planning Commission Meeting**

9. ADJOURN

Devin Murphy made a motion to adjourn the meeting at 7:21 pm, with a Second from Tony Davis. All Commission members voted in favor and the motion carried.



**Jeff Seyfarth – Chair
Centerton Planning Commission**

*Minutes prepared by:
Laura Crite, Planning Assistant*