



**CENTERTON
PLANNING COMMISSION
MINUTES OF MEETING
APRIL 21, 2020**

(1) **CALL TO ORDER** - The Zoom Virtual Meeting of the Centerton Planning Commission was called to order by Planning Commission Chairman Jeff Seyfarth at 6:06 p.m.

(2) **ROLL CALL** - Those Present and answering Roll Call were Jeff Seyfarth, Joey Ingle, Devin Murphy, Amber Beale, Jerry Harris, Tiffany Morris, Craig Langford and Ty Manning. Others in attendance for the City were Mayor Bill Edwards, City Clerk/Recorder Todd Wright, City Attorney Brian Rabal, Planning Director Lorene Burns, City Planner Dianne Morrison Lloyd, Senior Planner Nicole Gibbs, City Planner Donna Wonsower, Fire Chief Matt Thompson, Director of Public Works Rick Hudson and City Engineer John Wary.

(3) **APPROVAL of the 4/07/2020 Planning Meeting Minutes -**

Chairman Jeff Seyfarth introduced the Minutes of the Planning Commission Meeting from 4/07/2020 and asked the Commissioners if they had any questions or concerns. There were none.

Joey Ingle made a motion to Approve the April 7, 2020 Planning Commission Meeting Minutes, with a 2nd from Devin Murphy. All Commission Members voted in favor and the motion carried.

(4) **OLD BUSINESS - None**

A. DEV19-02: Centerton Retail Center – Reapproval of Plans, Previously Approved 4/16/19 - TABLED

Chairman Jeff Seyfarth introduced the item to the Commission, stating that the Applicant has asked that this item be tabled until the next Planning Commission Meeting.

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

Ty Manning made a motion to Table DEV19-02: Centerton Retail Center – Reapproval of Plans, Previously Approved 4/16/19, with a 2nd from Jerry Harris. All Commission Members voted in favor and the motion carried.

(5) NEW BUSINESS-

A. {PUBLIC HEARING} CU20-01: Woo Pig Mooie – BBQ Smoker – Beckendale Plaza (C-2) -

Chairman Jeff Seyfarth introduced the item to the Commission.

Joey Ingle made a motion to Open the Public Hearing for CU20-01: Woo Pig Mooie – BBQ Smoker – Beckendale Plaza (C-2), with a 2nd from Amber Beale. All Commission Members voted in favor and the motion carried.

Joyce and Jimmy Dooley, the Applicants, addressed the Commission, stating that they are opening a restaurant in Beckendale Plaza and this request is to be able to place a portable building on the east side of the restaurant, that will house a BBQ smoker. Dooley said his lease began January 1, 2020 and is for 3 years. Chairman Seyfarth said we will likely place three (3) years on the Conditional Use Permit, and make it easy for them to renew, without having to come back before the Planning Commission.

City Planner Donna Wonsower addressed the Commission, stating that this Conditional Use Request is for an approx. 10'x20' metal building, to be placed on the east side of the Beckendale Plaza building. She said it has been discussed with both the Fire Department and Building Safety Department and will need to be at least 5' away from the building and at least 23' back from the front of the building. She said it will be about 19' from Stein Street. She said the building will have a metal screen on 3 sides and will have a chimney per fire and building code. She said there are 2 windows on the side of the building that are not currently operable, and staff is asking that the placement of the portable building not cover both of the windows. She said there was initially going to be a dumpster included in the CUP, but they have decided not to place a dumpster at this time, and instead are choosing to use the existing on-site dumpster for the Plaza. She said if they do end up needing to provide a dumpster, Staff requires that there be a concrete pad, with a wall similar to the existing wall. A photo with proposed location was provided. She said the smoker will operate continuously from Sunday evening through Saturday evening.

Chairman Jeff Seyfarth opened the meeting to Public Comments.

Deb Mertz - 1389 W. Centerton Blvd. – Spoke in favor of the Conditional Use.

Joey Ingle made a motion to Close the Public Hearing for CU20-01: Woo Pig Mooie – BBQ Smoker – Beckendale Plaza (C-2), with a 2nd from Tiffany Morris. All Commission Members voted in favor and the motion carried.

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

Planning Director Lorene Burns said her main concern is the dumpster, with there only being one dumpster on-site for the entire Plaza. There was discussion about how other businesses are disposing of their waste. It was decided that waste disposal was an issue for the property owner, not this applicant.

Joey Ingle made a motion to Approve CU20-01: Woo Pig Mooie – BBQ Smoker – Beckendale Plaza (C-2), as presented, without the dumpster and for a 3-year Time Period, with a 2nd from Jerry Harris. There was a Roll Call. All Commission Members voted in favor and the motion carried.

B. TS20-03: Christian Life Center – Gamble Road (R-3 / 10 Acres) -

Chairman Jeff Seyfarth introduced the item to the Commission.

James King, the Applicant and Pastor of Christian Life Center, addressed the Commission, stating that this request is for a Tract Split of their approx. 10 Acre property into a 3 Acre Parcel and a 7 Acre Parcel. He said they plan to use the 3 Acre Parcel for their Sanctuary in the not to distant future.

City Planner Donna Wonsower addressed the Commission, stating that the 3 Acre Parcel will be for the church and the other 7 Acre Parcel will be sold in the future, and developed into a Duplex Lot Subdivision. She said the Zoning is R-3 and both Parcels will be maintaining access to street frontage through either Gamble Road (Collector w/ 60' ROW and 10' Trail Section) and/or Zachary Lane. She said the surrounding zones are R-3 and R-1. She said the property is currently an open field that has had fill and debris placement over the years, as well as previous drainage issues. She said the National Wetlands Inventory shows a creek and a pond (which has likely been filled in) and will likely require a Wetlands Jurisdictional Study. She said the Adopted Land Use Plan shows this area as High-Density Residential, so a Tract Split here makes sense. She said there is Water & Sewer adjacent to this property. She said Staff finds the Plans to generally be in conformance with our Code.

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

Tiffany Morris made a motion to Approve TS20-03: Christian Life Center – Gamble Road (R-3 / 10 Acres), with any Outstanding Staff Comments, with a

2nd from Amber Beale. All Commission Members voted in favor and the motion carried.

C. TS20-04: Kuhlman Property – 9503 Rebel Road (11.12 Acres) COUNTY -

Chairman Jeff Seyfarth introduced the item to the Commission.

The Applicant was not present.

City Planner Dianne Morrison Lloyd addressed the Commission, stating that this property is owned by Jeffery Kuhlman, and is in the County, just outside of our City Limits. She said the property is 11.12 Acres, and they are requesting to split into 3 Tracts of 3.75 Acres, 3.67 Acres and 3.70 Acres. She said there is no zoning in the County. She said they are not currently dedicating ROW, but they do show a 30' Future ROW for both Rebel Road and Shipe Road. She said all 3 Tracts have frontage on Shipe Road and Tract 3 also has access on Rebel Road. She said there are a few "clean-up" comments left. She said the request conforms to Centerton Municipal Code.

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

Ty Manning asked what the Minimum Lot Size is. Planning Director Lorene Burns said our Minimum is 2.5 Acres Outside of City Limits, and the County has a 1 Acre Minimum.

Amber Beale made a motion to Approve TS20-04: Kuhlman Property – 9503 Rebel Road (11.12 Acres) COUNTY, with a 2nd from Ty Manning. All Commission Members voted in favor and the motion carried.

D. TS20-06: 2188, LLC Property – Hwy 279 South / Vaughn Road & Fish Hatchery Road (79.99 Acres) -

Chairman Jeff Seyfarth introduced the item to the Commission.

George Duquesne, of Blew & Associates, representing the Applicant, addressed the Commission, stating that this request is to split the 79.99 Acre Tract into 3 Tracts.

Senior Planner Nicole Gibbs addressed the Commission, stating that this property is located on the northeast corner of Fish Hatchery Road and Hwy 279 South. She said the request is to split a 79.99 Acre Parcel into 3 Tracts of 8.3 Acres, 31.19 Acres and 36.9 Acres. She said this is for PC action, and the Plat is proposing ROW Dedication (40' on both Fish Hatchery Road and Hwy 279 South), so this would go to City

Council for their approval at the 5/12/2020 meeting. She said the property is currently zoned R-2 (Medium-Density Residential), and this Plat conforms to those requirements. She said there is a Proposed Utility Easement on the North property Line, but we received Comments that this may be addressed in an existing easement, so it might not be a requirement. She said there is a 100' Overhead Electric Easement that goes through the southeast corner of the 80 Acres, and it is shown on the Plat. She said there are Wetlands shown on the Plat, so Wetlands Designation will be required at the time of development. She said there are a few outstanding comments, but Staff finds this request in conformance with Centerton Municipal Code.

Public Comments:

Dianna Allen - 201 Blake Drive - Mrs. Allen asked what the Wetlands Designation does for the property. Nicole Gibbs said the Wetland Designation, at this stage, is pulled from U.S. Fish & Wildlife Inventory. She said they will have to get a determination of whether they are jurisdictional, at the time of development. Allen also asked about the previously discussed Collector Road on the north of this property. Director of Public Works Rick Hudson said the Collector Road is still on the Adopted and Proposed Master Street Plans. He said we will need those connections to the south, as this area continues to develop. Allen asked what kind of development is being planned. Chairman Seyfarth said we do not know of any development plans at this time, but they are limited to what the R-2 Zoning allows.

Destin Cacioppo – 215 Monroe Street – Mr. Cacioppo asked Blew & Associates what the intended use of Tract 1 and Tract 2 are. George Duquesne, representative, said they don't have a final Development Plan at this point. Cacioppo asked about the Wetlands shown, and how it would impact development. Seyfarth said that would come from Wetlands Determination. Cacioppo asked if they could still separate the Tracts without sharing their intention with the City. Seyfarth said they could. Cacioppo asked about types of development and the possibility of allowing access specifically to Monroe Street or Bradley Street. Seyfarth said this is simply a Split of the Land at this point. He said any future development would have to come back to the Planning Commission. Cacioppo stated that he was opposed to any access to those streets, as are other property owners in the area. Cacioppo asked if there was a time frame for development. Duquesne said there was not, at this time.

Josh Trollinger – 203 Blake Drive – Mr. Trollinger encouraged the City to try and hang on to Wetlands and to preserve them as much as possible. He also opposed a Connector Road.

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

Jerry Harris asked if the dispute over the ownership of the 2 Acres on this property by Arkansas Game & Fish was ever resolved. Nicole Gibbs said that she believed they worked something out, but she will follow up.

Joey Ingle made a motion to Approve TS20-06: 2188, LLC Property – Hwy 279 South / Vaughn Road & Fish Hatchery Road (79.99 Acres), with any Outstanding Comments, with a 2nd from Tiffany Morris. All Commission Members voted in favor and the motion carried.

E. SUB19-05: Maple Estates Phase 2 Preliminary Plat – 1240 Silver Maple / R-2 / 53 Lots / 15.5 Acres -

Chairman Jeff Seyfarth introduced the item to the Commission.

Diego Garcia, of Harrison French & Associates, representing the Applicant, addressed the Commission, stating that this request is for approval of the Preliminary Plat of Phase 2 of Maple Estates. He said there are 52 Buildable Residential Lots and 1 Unbuildable Lot to be used for Detention. He said they are requesting Waivers for:

- 1) **2' HGL for Storm Pipes.** It cannot be accomplished due to the outflow elevation of BWHS and existing grades to the outfall of the pond.
- 2) **18" cover below pavement for storm pipes.** They will be using RCP pipe.
- 3) **10' Maintenance Area around all sides of detention pond (Lot C).** They are requesting 5' maintenance area, due to existing road tie-ins.
- 4) **10' Maintenance Area around north side of detention pond (Lot B).** They are requesting 5' maintenance area, due to property line encroachment issues with Lot 66. Lot B will be replatted with the Phase 2 Final Plat.

Senior Planner Nicole Gibbs addressed the Commission, stating that this is Phase 2 for Maple Estates. She said we previously had a Phase 1 A, B and C. She said this Phase connects to Phase 1B. She said there are 53 Residential SF Lots being proposed, with one new Detention Lot (C), with Detention Lot (B) originally platted with Phase 1A but is being required to be replatted with the Final Plat of Phase 2. She said they are Zoned R-2 (Medium-Density Residential) and they received a Variance in 2016, permitting a 10' Lot Width Reduction to a minimum of 70', as long as they still meet the 8500sf Lot Area Requirement. She said there is an off-site Drainage Easement being proposed on the south side, to connect into the High School's Drainage system. She said they are proposing off-site Adjacent Street Improvements along Wolverine Drive and Cutberth Lane. She said the existing agreement has been modified to require them to do Adjacent Street Improvements in this phase, to the portion of Cutberth Lane that connects to Sugar Maple Street, and the Phase 1 portion

of Maple Estates, along with the Wolverine Drive improvements along this Phase of Maple Estates. She said part of the original agreement for the subdivision design, they were able to use Wolverine Drive basically as an internal street; they are required to build a modified half-street improvement along Wolverine Drive, which basically amounts to a Local Street. She said they will build that road section along with the Cutberth Lane section as well. She said the Adjacent Street Improvement Agreement is up for PC approval this evening. She said they also have Waiver requests for Drainage Requirements, and an added Waiver for an encroachment issue with the platted Detention Lot B and Lot 66 of Phase 1C. She said there is an overlap in the northeast corner of the Detention Lot. She said Staff has discussed the possibility of keeping the Lot 66 Lot Line, and replatting Lot B, maintaining that north line throughout Phase 2. She said this does create the encroachment into the maintainable area of the pond, which is the reason for that Waiver Request, also up for approval this evening. She said the new pond also has limited maintainable area, but they have met 5' on all sides, which will be along the rear lots of the Phase 2 lots. She said they are currently in the process of acquiring the extra ROW needed for Wolverine Drive, and that Proof of Ownership will be required prior to construction. She said there are some minor Staff Comments, but Staff is fine with the Waiver Requests as proposed, as well as the Adjacent Street Agreement, as revised and agreed to.

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

Planning Director Lorene Burns stated that they will need to include Detention Lot B with this Preliminary Plat Phasing.

Public Comment-

Cody Harper - 1050 Silver Maple Street - Mr. Harper asked if the Drainage Waivers will have a negative effect on existing drainage issues in the subdivision. City Engineer John Wary addressed Harper, stating that the proposed Drainage Plan for Phase 2 will not affect the drainage in Phase 1 at all. He said the Detention Pond in Phase 2 will be interconnected with the Detention Pond in Phase 1, but they are pretty much independent of each other. Director of Public Works Rick Hudson addressed Harper, stating that the biggest drainage issue in Phase 1 was to the north / northeast of Harper's property and that has been corrected with the development of the Ashmore Property, through underground storage, connecting just to the west of Harper's property, and the final connection is being made with drop inlets this week. Hudson said the developer can fill in the ditch on Harper's property, which was built to temporarily correct the original issue.

Joey Ingle made a motion to Approve SUB19-05: Maple Estates Phase 2 Preliminary Plat – 1240 Silver Maple / R-2 / 53 Lots / 15.5 Acres, with the Waivers as presented, with a 2nd from Tiffany Morris. All Commission Members voted in favor and the motion carried.

F. SUB20-01: Brookside Estates Preliminary Plat – Southwest Corner Brookside Road and Rainbow Farm Road (R-2 / 142 SF Lots / 39.93 Acres) -

Chairman Jeff Seyfarth introduced the item to the Commission.

Jason Ingalls, of Expedient Civil Engineering, representing the Applicant, addressed the Commission, stating that this request is for a Preliminary Plat of 142 SF Lots and they have addressed the majority of Staff Comments. He said the Rezone Request of this property was approved a couple of months ago. He said he believes the drainage issues of the properties to the north of this property, as well as properties along Rainbow Farm Road will be improved with this development.

Senior Planner Nicole Gibbs addressed the Commission, stating that this is roughly 40 Acres, at the corner of Brookside Road and Rainbow Farms Road, and was rezoned to R-3 SF (High-Density Residential) in February of this year. She said there are wetlands being shown on the Plan and Determination will be required prior to construction. She said there is an off-site Drainage Easement being proposed in the southwest corner of the property, which will discharge into the Little Osage Creek Flood Plain Area, which will be required prior to construction. She said there are 4 Waiver Requests for this project, regarding drainage. She said they are asking to do round Storm Boxes, a change in pipe material, shorter Curb Inlet Spacing and an increase in peak discharge at NW discharge point. She said they are proposing improvements to Brookside Road and Rainbow Farm Road, as well as dedicating ROW for a planned future extension of Shell Road, along the south property line. She said they are also allowing for a little taper for bridge construction that will need to cross over the creek in the future. She said the Adjacent Street Improvement had not been solidified and approved by Staff, as of this afternoon. Ingalls agreed, stating that the Geotechnical Engineer is behind, so they are still awaiting that report. He said he is willing to work that out to the satisfaction of the City. Rick Hudson said we are close, but just awaiting that Geotech Report. Gibbs asked Burns if we would need to bring that back to PC for approval. Burns recommended that we do. Ingalls said that the Ashmore Subdivision was approved prior to that agreement being approved, setting a precedent. He said if the Subdivision is approved tonight, he should be back before PC in 2 weeks, and should have that agreement. He said they will not be starting construction before then. Burns stated that we are just saying that the agreement will need to come back to PC for approval. Gibbs said a Lift Station is being proposed in the SW corner of the site, as well as a Forced Main that extends along the frontage of the western lots, and then up Daisy Road, connecting at Kimmel Road. She said Lot A is a proposed Park, but also routes drainage through that lot, to the creek. She said there is some challenging topography for a traditional Park. Ingalls said it would still be owned by the POA until something could be done with it. He said it is pretty much just a ravine that accepts drainage, as a natural discharge for water. He said it might be a nice feature to have with a Park. John Wary spoke about

the Peak Flow Waiver, stating that there is an area north of this property, which currently drains across Brookside Road onto the neighbor. He said they are planning to build an improved channel from this development to the creek, which will carry the 100-Year Flood Event. He said with this design, they are going to increase the water going to the west. He said the Code technically does not allow an increase, thereby creating the need for this Waiver Request. He said Staff supports this Waiver, as he is picking up the water that had been draining to the north. He said the plan is to construct an open channel from the northwest corner of the property and carry that water west, to the creek. He said one Condition is that they have to acquire a Drainage Easement from the property owner to the west. Gibbs said that would be required prior to construction. Wary agreed. Gibbs said there are some remaining Staff Comments and the Drainage Analysis has not received Engineer's approval. Wary said it is close, with only minor comments, as long as the Drainage Easement is acquired. Gibbs said the only big question at this point is the Adjacent Street Improvement to Rainbow Farm Road, but we can bring that back to PC at a later time.

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

Joey Ingle asked about some of the requirements associated with the Waiver Requests, such as the Square Storm Drain Box Requirement (He said everybody builds Round Storm Boxes these days), Storm Drain Material is typically ADS HDPE and the Curb Inlet Spacing is dictated on spread, so he wasn't sure why we are seeing these Waiver Requests. Rick Hudson said the Planning Staff wanted to document these and to clean up paperwork, and we recognize the need to clean up our Codebook.

Jerry Harris asked about the existing pond on the northeast corner of the property, which floods onto Brookside and Rainbow Farm Roads. Ingalls said they will be filling that pond in and carrying that water to the west.

Joey Ingle made a motion to Approve SUB20-01: Brookside Estates Preliminary Plat – Southwest Corner Brookside Road and Rainbow Farm Road (R-2 / 142 SF Lots / 39.93 Acres), with the 4 Waiver Requests and any outstanding Staff Comments, with a 2nd from Craig Langford. All Commission Members voted in favor and the motion carried.

G. SUB20-03: Short Minor Subdivision Final Plat – Short Road (A-1 / 422 Acres) -

Chairman Jeff Seyfarth introduced the item to the Commission. The Applicant was not present.

City Planner Donna Wonsower addressed the Commission, stating that this Minor Subdivision Parcel is 422 Acres and the plan is to split the Parcel into 5 large Tracts. She said the 5 Tracts will be (1) 112 Acres, (2) 62 Acres, (3) 40 Acres, (4) 134 Acres and (5) 79 Acres. She said each Tract will have access to either Short (Minor Arterial w/ 90' ROW) and/or Punkin Hollow (Major Arterial w/ 100' ROW) Roads. She said this property expands into 3 Planning areas of Centerton, Bella Vista and Bentonville. She said neither Centerton nor Bentonville are asking for ROW Dedication at this time, but Bella Vista is asking for 60' ROW. She said we are waiting to see if the Plat meets Bella Vista's standards, and then will need the Benton County Judge's signature. She said this is just for PC action and does not require City Council approval. She said we are not asking for any Street Improvements because this is just a family splitting the property into 5 Lots. She said there are Rural Water Mains on the property, as well as Fiber and Power, and there is Septic with the existing house. She said we are not asking for any Septic locations to be shown with this plan, because the properties are so large. She said there are several dry creek beds that are shown on the National Wetlands Inventory Map and are shown on the plans. She said this Plat has been further detailed onto some 200-Scale Plans. She said the Staff Comments are generally for clean-up, but overall, this request generally meets Centerton Code. She said we are still awaiting Bella Vista, but both Bentonville and Bella Vista are in support of Centerton making the final decisions.

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

Joey Ingle made a motion to Approve SUB20-03: Short Subdivision (Minor) Final Plat – Short Road (A-1 / 422 Acres), with any Outstanding Comments, with a 2nd from Tiffany Morris. All Commission Members voted in favor and the motion carried.

H. SUB19-12: Bliss Street Duplex Subdivision Preliminary Plat – 864 Bliss Street (RTH-D / 54 Lots / 7.98 Acres) {For Discussion Only of Design and Proposed Waivers / Variances} -

Chairman Jeff Seyfarth introduced the item to the Commission.

Christian McGuire, of Bates & Associates, representing the Applicant, addressed the Commission, stating that this request is for a preliminary Plat of a 50 Lot Subdivision along Bliss Street. He said the property is zoned RTH-D (Duplex or Twin Homes). He said they are proposing 50 Units on 8.1 Acres, or a density of 6.1 Units/Acre. He said they are also requesting 4 Waivers and 4 Variances, up for discussion this evening, to be able to develop the 50 Lots. He said the main Variance Request is for the Reduced Lot Widths in the interior Lots, from 42.5' to 40'; and also, the Variance Request to Reduce the Side Setbacks from 10' to 7'. He said they have an issue with the Corner Lots meeting the 80% Frontage Requirements. He said they are also

asking for Waivers on the Maximum Width of the Driveways exceeding $\frac{1}{2}$ of the Lot Width; Driveway closer than 30' to the beginning of a curb intersection radius (there is a driveway at 25' along the outbound lane); the 10' maintainable area around the pond (they were able to get 8'). He said he was able to remove the Waiver Request for the 100-year WSEL in the 20' Utility Easement, by resizing the pond.

City Planner Donna Wonsower addressed the Commission, stating that we received a new Submittal yesterday and, she has gone through the Report and put a list together of the points for discussion.

Waiver #1 (100-Year WSEL Intrudes Into 20' Utility Easement): Wonsower said the 100-year Flood Elevation has been removed from the 20' Utility Easement, but the top slope of the pond is still intruding into the Utility Easement, with the new plan provided by the Applicant. She provided an illustration.

Waiver #2 (10' Maintainable Area): Wonsower said the maintainable area can be in a Utility Easement when it is flat, but the north side of the pond falls into Private Lots. McGuire said it technically does encroach, but he would be open to putting in a Drainage Easement along the Lot 31 and Lot 50 portion of the 8' Berm to make sure no structures are built over it. He said it would not affect the buildable area of those lots. Ty Manning said the overall feel of the development is that they are just trying to cram a whole bunch of lots in, by shrinking the lots and changing the setbacks, and this is evidence of that. McGuire said the change in Lot Widths is only for the Interior Lots. He said the Outside Lots still maintain their Lot Widths, as well as the "Intent of the Code" for setbacks. He said they end up with a space left over if they go with the 42.5' Lot Widths in the Interior Lots. He said this allows Lots 39, 40, 41 and 42 to work. He said it still maintains the Minimum Lot Area and overall Density Requirements of the Zoning. Joey Ingle agreed with Manning, saying he didn't disagree with some of the Waivers, but did have issue with the 4 Variances. He recommended possibly going the PUD route if they are just trying to cram lots into the space.

Waiver #3 (Maximum Width of Driveways Exceeding $\frac{1}{2}$ of Lot Width): Wonsower said Planning received new plans yesterday, with new exhibits. She said Public Works supported and Fire had no comment on the previous plans, but they have not seen the new plans yet. She pointed out where drives for Lots 12, 20 and 21 on the new plans will affect Setbacks and Utility Easements, and that Lot 21 appears to encroach on the Fire Access Lane. She said Planning Staff is in support of this Waiver only where it will work and not interfere with the Utilities and Fire Lane. Ty Manning also questioned the lack of Green Space. Wonsower said that City Staff has not had a chance to review this latest set of Plans yet.

Waiver #4 (Driveway Closer the 30' to the Beginning of Curb Intersection Radius): Wonsower said this is for the Drive with Lots 1 and 2 on the west side. She said we have received plans for both a single-drive and double-drive approach, and

Staff would prefer a 20' Drive on each Lot. She said we are recommending a Waiver Request on the beginning of the Curb Intersection Radius, rather than the 20' single drive. Ty Manning said this is just more evidence of the issues with the design of this development. Jeff Seyfarth also expressed concern with possible on-street parking and congestion. McGuire said they are not proposing any on-street parking and are providing the required amount of Parking per Unit required by Code. He said he understood the sentiment about trying to fit too much, but they are just trying to play with the geometry they have to work with, having the 2 entrances. He said the Maximum Impermeable Lot Coverage will not exceed the 40% requirement per the RTH-D code, thus providing for the required Green Space, and he included a Table in the Preliminary Plat. He said the density of the development they are proposing is 40% below the maximum allowed by Code. Joey Ingle stated that if they did not reduce the lot widths, they might have enough room for the pond and to fix some of the driveway issues. McGuire said they are issues because they do not quite adhere to Code, but they have solutions to make everything work, as far as functionality goes. Jerry Harris pointed out that Public Works has not yet had a chance to look at the new plan. Seyfarth said he thought some input from them would be good.

Variance #1 (Lot Width Reduction to 40' from 42.5' for All Interior Lots and Lot 2): Wonsower said the idea for Lot-Width Reduction is so that they could then reduce the Side Setback to still fit in the House Plan. Joey Ingle said they then get all the benefits of the bigger lot just by reducing the Setback. Wonsower stated that 2 Variances (#1 and #2) were intended to go together so that the house plans would still be able to fit on the smaller lot widths. She said this was a suggestion because the Detention Pond just wasn't fitting, and this would still allow for the required Buildable Area in the Lots that they needed.

Joey Ingle said he did not know how they had any leg to stand on, in the Variance process, as it all seems self-imposed, dictated by this layout. Ty Manning agreed. He said it seems like a waste to go through all of these Variances, when the problem is trying to put 50 Lots in here. He said they need to give up some of these lots. Joey Ingle agreed. Chairman Seyfarth asked McGuire if he wanted a chance to respond to any of this and reminded him that "Hardship" is a big factor in the Variance Approval process. He said he wanted to make sure that McGuire had some good guidance to be able to come back to us in the future. Ty Manning agreed, recommending that they take it back to Design, reduce the number of Lots, and then bring it back to us for a couple of Variances because of some extenuating circumstances. He said he does not see any extenuating circumstances currently. McGuire added that the Dedication of ROW from the property line kind of edged into them more than expected, as they typically dedicate from the center of the street. He said it cut into the property 6' on the west and 3' on the east. He also said lining up the east entrance with Sun Meadow Drive and having to add the Fire Access Drive, added some challenges to the development design. Lorene Burns said this piece of property has been brought to the City several times, with different layouts. She said the last presentation was for 40 Lots, with an access to Sun Meadow and an access to Gamble Road, where the Fire

Lane is being proposed. She said there was going to be a Clubhouse at the Entrance, and the detention pond was going to be in the southwest corner. She said the dedication of ROW from the property line was in the original design. She also said this property is zoned as Residential Townhouses, where each unit is its own Single-Family Unit. She recommended that they might rezone either R-2 Duplex or R-3 Duplex. She said they have tried everything to get the Detention Pond to fit, and things just are not working with it being so tight. Chairman Seyfarth told McGuire that what is being proposed is very tight, and they are asking for a lot of Variances and a lot of Waivers to fit things in, on what sounds like from a completely financial perspective. He encouraged him to go back and rework this. He said a handful of Variances or Waivers are easier for us to consider for approval. McGuire thanked everyone for their feedback.

(6) OTHER BUSINESS-

A. Bentonville Rezone RZ20-0016 A-1 to C-2; NW Corner of East Centerton Blvd & Tater Black Road -

Planning Director Lorene Burns addressed the Commission, stating that: Bentonville Planning notified us on this Commercial Rezone on Centerton Blvd. and Tater Black Road. She said that it fits within our Land Use Plan.

B. Comprehensive Plan -


Planning Director Lorene Burns addressed the Commission, stating that: she and Nicole Gibbs met with Houseal Lavigne and they are working on some new dates.

(7) ANNOUNCEMENTS-

- **5/05/2020 - Planning Commission Meeting @ 6:00 PM**
- **5/19/2020 - Planning Commission Meeting @ 6:00 PM**

(8) ADJOURN-

Jerry Harris made a motion to adjourn the meeting at 8:28 p.m., with a 2nd from Devin Murphy. All Commission members voted in favor and the motion carried.



**Jeff Seyfarth – Chairman
Centerton Planning Commission**

Minutes prepared by:
Todd Wright