



**CITY OF CENTERTON
SPECIAL
CITY COUNCIL MEETING
FEBRUARY 23, 2023**

(1) Roll Call -

The Special City Council Meeting was called to order by Mayor Bill Edwards at 6:16 p.m. Those Present and answering roll call were Mayor Bill Edwards, Misty Elam, Darren Warren, Josie Reed, Keith Higginbotham, Justin Cowgur and Amy Rochette. Those present and not answering roll call were City Clerk Todd Wright, City Attorney Brian Rabal, Assistant Financial Director Shannon Zappettini and Planning Director Lorene Burns.

(2) Ordinance 2023-15 – AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO TONY STEELE FROM MEDIUM DENSITY RESIDENTIAL (R-2) TO NEIGHBORHOOD COMMERCIAL (C-3).

Mayor Edwards addressed the Council, stating that the City Council voted at the 2/14/2023 City Council Meeting to reconsider this Ordinance to rezone property at the corner of Seba Road and N. Main Street. He gave a brief history of the property, stating that the 2009, 2013 and current Land Use Plans designate this property as Light Commercial Use. He said that the properties to the north and west of this property are already zoned C-3. He stated that he notified the 35 adjacent property owners by Certified Mail, regarding tonight's meeting and posted signs on the property. He said the Agenda was also posted online and on the City Website. He said there were nine (9) e-mails opposing the rezone, with the majority citing the proposed Use and one (1) e-mail in favor.

Mayor Edwards stated that Council is only hearing the request to rezone the property at this meeting.

Mayor Edwards opened the meeting to Public Comment –

Robert Anderson – 124 Skinner Street – Lives just south of the property. Spoke in favor of the rezone request, citing a long-time expectation of retail business on this

property. Stated that retail establishments generate taxes at a higher rate than residential homes. Stated that Main Street is a State Highway and infrastructure improvements will only occur if the State identifies a need and receives State or Federal funds. Stated he felt a silent majority of residents support the possibility of a retail service establishment in this location. He encouraged voting for the rezone.

Leah Knight – 101 Skinner Street – In support of Business coming to town, but not in this location. She expressed concern with a possible future Consolidated Bus Stop System for students, creating more pedestrian, bicycle and car traffic on the roads. She would support Commercial Use in this location if the infrastructure was in place. Concerned with pedestrian and traffic safety.

Todd Wright – 1047 Tarah Knolls Circle – Stated that he lives two blocks west of this property, and as a 20-year Centerton resident, Commercial Use has been on the Land Use Plan for this property the entire time. Stated that the rezone applicant (Mr. Steele) developed the properties to the north, south, east and west of this property, with all of these developments be a positive addition for the city. Stated that Mr. Steele is a local property owner. Stated that the properties adjacent to this request are already zoned for Commercial Use. Stated that he has children in the local schools. Stated that he is excited for any kind of Commercial services that can serve the residents of this area of the city.

John Sessoms – 1320 Tuscany Drive – Lives just north of this property. In support of the rezone request, for the availability of Commercial and Retail Use, which is very limited with the growth of the north side of Centerton. Stated that the path to infrastructure improvement is to show the City and State that there is a need for improvement. Stated that Commercial Use could show that need.

Diana Allen – 201 Blake Drive – In support of the rezone request, with both sides of the street already zoned for Commercial Use. Agreed with John Sessoms' statement.

Jason Steele – 1001 Walker Street – Lives just west of this property. In support of this rezone request.

Cindy Zumstein – 1092 Main Street – Read the “Purposes” section of the city’s Zoning Regulations. Expressed concern with currently congested streets and potential for increased traffic. Expressed concern with increased pedestrian and vehicle traffic from a possible future Consolidated Bus Stop System for students. Stated that Council voted to deny this rezone request on 1/10/2023 by majority. Stated that this meeting undermines the City Council and sets a precedent for future decisions to be challenged. Asked that City Council follow the Zoning Regulations and vote against this request, due to lack of infrastructure for commercial development at this time.

Brian Riley – 116 Brookshire Lane – Questioned holding a Special Meeting after the request had been denied. Mayor Edwards stated that the City Council voted to bring it back. Mr. Riley stated that he read the Comprehensive Plan and said it is only a guide. Reminded Council of their fiduciary duty to the citizens of the city. Stated that a rezone

to Commercial Use would not maintain property values for property owners. Opposed the rezone request.

Chris Mooney – 1325 N. Main Street – Questioned the Planning Commission’s process. Believed this property to be on the 2nd most prominent corner in the city. Wished for something better in this location. Expressed concern with children having to pass by a possible convenience store in this location.

Shannon Zappettini – 840 Napa Avenue – In support of the rezone request. Stated that residents say they don’t want to be just a bedroom community, and want more Commercial Use, but now that Commercial Use is being offered, they don’t want that. She stated that she doesn’t want Centerton to be a bedroom community, and she wants more taxes, to provide better services for residents.

Crystal Penner – 1501 Aniston Drive – Stated that she does not want to be a bedroom community, but does not support this rezone request at this time. Stated that she would like to have commitments from the State to improve Main Street before we encourage additional development.

Don Casteel – 1010 Walker Street – Lives a few blocks from this property. Is in favor of the rezone request. Feels that it will be rezoned Commercial eventually. Spoke in favor of Mr. Steele, being a local resident. Stated that Commercial Use on this property would service the residents already living in this area, not increasing traffic greatly. Stated that we cannot continue to wait on the State, before allowing the city to grow.

Bill Dorsey – 600 Joshua Pass – Not against growth. Concerned with effect on property values. Concerned with traffic safety on Main Street. Concerned with lack of infrastructure.

Joe Zumstein – 1092 Main Street – Asked Council to vote against the rezone request. Would prefer that it remain zoned Residential. Expressed concern with traffic safety. Questioned the Council rehearing the request and setting precedent.

Judy Coffelt – 13980 Shady Acres Road – Stated that the city has a great future, with builders and developers continuing to come here. Stated that we have made already plans on how to develop the city. She said when the property is for sale and people want to develop it, then that is what we should do. She said it has already been discussed. She said Planning and Council all need to work together and act upon our plan. She said we fought to get the schools to come to Centerton to help us grow. She said when we do the right thing and things are brought to light, we should work together to fix them. She said that is what City Council and the Planning Commission are all about. Stated that she is proud of Centerton.

Public Comments were closed.

Jay Williams, Attorney for Steele Development addressed the Council, stating that they have filed a complaint against the City of Centerton. He said a Scheduling Conference is scheduled for 5/01/2023. He said with Council's consideration this evening, we have an opportunity to resolve the zoning issues on this property. He stated that the Comprehensive Plan and the Land Use Plans of 2009, 2010, and 2013 were approved by this Council or its predecessors. He said it has been the plan for many years to rezone this property for Commercial Use. He stated when Main Street and Seba Road were widened in 2018, the city had to file condemnation actions against Steele Development and the properties across the street. He said the properties were assessed and monies were paid into the registry of the court. He said the property across the street hired an appraiser who stated that the highest and best use for this property would be for Commercial Use, and recommended that the residential property across the street should be paid an additional \$40,000.00, which the city agreed to do; on the basis that in fact, this intersection is best suited for Commercial Use, which is what they are asking the Council to do. He asked Council to resolve this pending matter by agreeing that the proper present Use is to rezone it to Light-Commercial Use (R-3).

Council Member Amy Rochette stated that the Land Use Plan and Comprehensive Plan are guides, not set in stone. She questioned having this Special Council Meeting after denying the request previously, stating that she is the only Council Member to vote NO for holding this meeting. She recommended reviewing the Land Use Plan and Comprehensive Plan, due to the large amount of growth the city has experienced. She said she thinks we should listen to the concerns of the citizens who elected us.

Council Member Darren Warren stated that the reason for bringing this request back for review, is that Council needs to look at all possible (C-3) Uses, not just one particular Use that might occur. He agreed that the Land Use Plan is a guide, but pointed out how many times through the years, this property has been reflected as Commercial Use. He said we should also consider that we considered all possibilities and rezoned the properties to the north and west for (C-3) Commercial Use, why would we not consider this property for Commercial Use. He said he understands the property is currently zoned for (R-2) Residential Use, but he can't see houses going there. He said he felt we got hung up on one particular Use in the last Council Meeting. He said even though the Land Use Plan is a guide, it is guiding us in the direction of Commercial Use. He stated that the Planning Commission voted 8-0 in favor of the rezone request and 7-1 in favor of the Conditional Use.

Council Member Justin Cowgur stated that he did not understand the question about how a possible future Consolidated Bus Stop System affects this property, whether it is zoned residential or commercial. He stated that the Casa Castillo property across the street is already zoned Commercial and has plans for expansion. He said the residences around it already understand that. He said tonight's vote is whether we want this property to be zoned Residential or Commercial. He stated that he voted NO the first time Council heard the request. He said the traffic concerns were mostly about the one Conditional Use. He said he believes Commercial Use is the best Use for such a prominent corner in

the city, at some point. He agreed that the Land Use Plan needs to be reviewed now, along with an economic development strategy. He said he would prefer a local developer, such as Mr. Steele. He stated that he focused more on the particular Use the first time he voted. He said we need to focus on road improvements quickly. He said he feels Commercial Use is the best fit for this property, as far as Zoning.

Council Member Josie Reed stated that she voted NO the first time Council voted, and said the lawsuit prompted her to look deeper at the request. She said she was concerned with setting a precedent. She said this is a prime lot at a main intersection, surrounded by Commercial Use. She said she was not in favor of the Conditional Use, but has to vote for the rezone request, not knowing the Use. She said she was hung up on the Use a little bit too much previously.

City Clerk Todd Wright stated that precedent can come from several directions. He said listening to the previous meeting, the discussion was centered on a single Use. He said Council needs to be careful not to set a precedent when hearing a rezone request, in which they are focusing on the Use. He stated that this is a learning experience which unfortunately led to a Special Council meeting. He said as a resident, he would prefer that whatever is developed on this property is a Conditional Use, so the city can set some of the conditions of development, such as screening, added infrastructure, limited hours, etc.

City Attorney Brian Rabal said that in regard to setting precedent, he stated in the last meeting that Council was voting on the Rezone Request, not the Use. He said there were a lot of emotions tied to the Use, during that meeting, which clouded the discussion. He said Council may have learned something from that meeting, in that they really have to focus on what is in front of them, in regard to a vote.

Mayor Edwards asked the Council if there were any other questions. There were none.

Darren Warren made a motion to read the Ordinance by title only, with a 2nd from Justin Cowgur. There was a roll call. All Council Members voted in favor, except for Amy Rochette, who voted NO, and the motion carried. City Attorney Brian Rabal read the Ordinance by title only. Darren Warren made a motion to suspend the rule requiring the reading of the Ordinance on three separate occasions, with a 2nd from Keith Higginbotham. There was a roll call. All Council Members voted in favor, except for Amy Rochette, who voted NO, and the motion carried. Keith Higginbotham made a motion to adopt the Ordinance, with a 2nd from Misty Elam. There was a roll call. All Council Members voted in favor, except Amy Rochette, who voted NO, because she does not believe Commercial Use fits the property, and the motion carried.

(3) Adjourn-

Darren Warren made a motion to Adjourn at 7:21 p.m. with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk