



## CENTERTON PLANNING COMMISSION

June 15, 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 – 06/01/21
4. **RATIFICATION OF ADMINISTRATIVE APPROVALS**
  - A. **TS21-07 Ace Ur Game, LLC Lot Combo** – 8700 Rainbow Farm Rd (C3 / 1.5 Ac and 3.5 Ac to 5 Ac)
  - B. **TS21-06 Callis Tract Split** – 2525 W. Centerton Blvd (Proposed C2&R1 / 5.03 Ac / 2 Lots, 2Ac, 3Ac)
  - C. **HOP21-23 Frank’s Painting** – Office Use and Business Address Only for Painting Services; R3, 710 Dogwood St, Lot 10 Dogwood Addition
5. **OLD BUSINESS**
  - A. **REZ21-14 Cedar Ridge – C2 to R3-SF & A1** – 20.27 Ac; Hwy 72W – Tabled from 5/4/2021 following Public Hearing
  - B. {PUBLIC HEARING} **REZ21-18 Callis Prop – A1 to C2** – 5.04 Ac; 2525 W Centerton Blvd {Tabled from 5/18/21 following Public Hearing for A1 to C2 & R1}
  - C. **DEV21-06 Watercolor MF PH3** – 1709 E Centerton Blvd. (R3MF-PUD / 5.2 Ac / 144 Units) {Tabled from 6/1/21}
6. **NEW BUSINESS**
  - A. {PUBLIC HEARING} **REZ21-20 Anglin Prop – A1 to R3-SF** – 20 Ac; 7728 Vaughn Rd
  - B. {PUBLIC HEARING} **PUD21-03 Cedar Ridge** – Hwy 72 (R3SF-PUD / 20.27Ac / 57 Lots)
  - C. {PUBLIC HEARING} **DEV21-09 Ace Ur Game Batting Cages** – 8700 Rainbow Farm Rd (C-3 / 5 Ac)
7. **OTHER BUSINESS**
  - A. **Title 14 PH 1 Amendments** – Council returned to PC to hear from property owners and further consider recommended zoning map changes for two undeveloped parcels: *See City Council 6/8/2021 draft minutes*
    - 1) 13.88 Acres on NE/C of Bliss St & Keller Rd; owned by RC Morningside (Rausch Coleman)
    - 2) 20.27 Acres on SE/C of N “D” St & Bliss St; owned by Elite18 Homes LLC
  - B. **Proposed Work Session – Title 14 PH2 Amendments: Thursday, 7/15/2021 @ 5:30 PM**
  - C. **City Department Monthly Council Reports**
8. **ANNOUNCEMENTS**
  - A. **07/06/24/2021 ~~CANCELED~~ Joint Work Session – Title 15 Amendment**
  - B. **07/01/2021 Next Tech Review Meeting @ 2:00 PM**
  - C. **07/06/2021 Next PC Meeting @ 6:00 PM**
  - D. **07/08/2021 Next Council Meeting @ 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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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  
JUNE 15, 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 6:01 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, Devin Murphy, Jerry Harris, John Sessoms, Tony Davis, Amber Beale, and Ben Lewis. Joey Ingle and Craig Langford were absent. Others in attendance for the City were Mayor Bill Edwards, City Clerk/Recorder Todd Wright, City Attorney Brian Rabal, Planning Director Lorene Burns, Senior Planner Dianne Morrison Lloyd, City Planner Donna Wonsower, Planning Assistant Leana Stinson, Fire Marshal Paul Higginbotham and Director of Public Works Rick Hudson.

**(3) APPROVAL OF MINUTES -**

Chairman Jeff Seyfarth introduced the Minutes of the Planning Commission Meeting from 6/01/2021 and asked the Commissioners if they had any questions or concerns. There were none.

**John Sessoms made a motion to Approve the June 1, 2021, Planning Commission Meeting Minutes, with a 2<sup>nd</sup> from Devin Murphy. All Commission Members voted in favor and the motion carried.**

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

- A. **TS21-07: Ace Ur Game, LLC Lot Combo** – 8700 Rainbow Road (C3 / Tract 1, 1.5 Acres and Tract 2, 3.50 Acres to 5 Acres)
- B. **TS21-06: Callis Tract Split** – 2525 W. Centerton Blvd. (Proposed C2 / 5.03 Acres / Tract 1, 2.03 Acres and Tract 2, 3.00 Acres)
- C. **HOP21-23: Frank’s Painting** – Office Use Only and Business Address Only for Painting Services; R3, 710 Dogwood Street, Lot 10, Dogwood Addition

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

**(5) OLD BUSINESS -**

- A. **{PUBLIC HEARING} REZ21-14: Cedaridge – C2 to R3-SF & A1 – 20.27 Acres; Hwy 72 West -**

Chairman Jeff Seyfarth introduced the item to the Commission.

**Amber Beale made a motion to bring back REZ21-14: Cedaridge – C2 to R3-SF & A1 – 20.27 Acres; Hwy 72 West, with a 2<sup>nd</sup> from John Sessoms. All Commission Members voted in favor and the motion carried.**

City Planner Donna Wonsower addressed the Commission, giving an overview of the Rezone Request for 20.27 Acres on Hwy 72 from C2 to R3-SF & A1. She stated it is the same request that was heard at the 5/04/2021 PC Meeting. She said the R3-SF request is for 9.93 acres and the A1 request is for the remaining 10.34 acres. She said we have also received a PUD request that will be heard later in the Agenda, for 56 single-family zero lot-line Patio Homes, including the dedication of an 8.02 Acre City Park (in coordination with the Northwest Arkansas Trailblazers). She said the PUD is subject to this Rezone Request and tonight’s Public Hearing. She said the intent here is to develop the parcel as a single-family subdivision. She said the previous Rezone Request was heard on 5/04/2021, with a request to Table by the applicant, so the Rezone Request could be heard along with the PUD. She said the property is adjacent to Hwy 72 to the northeast, which is an existing Major Arterial Road, and is across from Versailles Blvd. She said there are some concerns with the site, with a history of fill, the Civil War Cave to the northeast, and potentially some endangered species habitat. She said there is access to public water, but not public sewer currently. She said the owner/developers plan to coordinate a Sewer Lift Station with an adjacent developer. She said there is overhead electric service that will need to be relocated. She said the neighborhood will be developed as a Conservation Neighborhood, which will preserve a large portion of the site as undeveloped (the A1 area). She listed the

surrounding zonings. She said development of the site does raise some environmental concerns; however, it could serve as a transition from the low-density Versailles Subdivision and the adjacent C-2. She said the A1 could be considered compatible with the surrounding zoning and uses. She said this property is designated as Parks and Open Space on our LUP. The R3-SF would not be considered consistent with the LUP request but the A1 could be considered consistent with Parks and Open Space and Land Use Plans. .

She said we received an e-mail comment from a Jon Davis questioning the whether the park which was proposed on the Comprehensive Plan for this area would be remaining as it now being rezoned for high-density single-family residential use. She said we also received an e-mail from the Versailles POA, opposing the request, due to traffic safety on Hwy 72 at the Versailles Blvd. entrance. The POA also requested that a Traffic Study be done.

Isabel Lane, with Fenwick Properties, addressed the Commission, stating that their intent is to develop 56 two-story single-family, zero lot-line homes, in the range of 1600sf-2200sf. She said it would be low maintenance for homeowners, allows for the dedication of more green space, creates more space to accommodate for existing site issues, and better ingress/egress. She said the LUP does designate this area as Park land and C2, and they feel their proposal is a reasonable compromise. She said it downgrades the C2 to R3-SF and the A1 is a good compromise for Park land. She said the Site Plan does take the traffic volume of Hwy 72 into consideration. She said the plan is still in the conceptual stage. She said more traffic study will be done with the LSD. She also said that they do not plan to develop on any land that is unsuitable.

Chairman Seyfarth asked if there were any comments from the Commissioners.

Jerry Harris pointed out the current zoning of C2, and the portion that is proposed for R3-SF has challenging topography. Lane said they will not be developing on the steep slopes. Harris commented about the challenge of giving up Commercial Land for the city, recognizing that this would be a difficult parcel to develop as Commercial Use.

John Sessoms pointed out Commercial options such as the Wedding Chapel adjacent to this property. He said the LUP designates the area as Parks and Open Space.

Tony Davis asked if the proposed Open Space is being dedicated to the City for development. Isabel Lane said the Open Space is being proposed to be dedicated to the Northwest Arkansas Trailblazers, to develop one mile of bike trails within one month of the filing of the Final Plat.

**John Sessoms made a motion to Open the Public Hearing for REZ21-14: Cedaridge, with a 2<sup>nd</sup> from Ben Lewis. All Commission Members voted in favor and the motion carried.**

Chairman Jeff Seyfarth opened the meeting to Public Comments, reminding PC of the two (2) e-mails mentioned earlier.

**Public Comments:**

**Spencer Wirthlin – 1405 LeChesnay Drive** – He opposed the request, expressing concern with traffic safety at and around the intersection of Versailles Blvd. and Hwy 72. He said he understood that Hwy 72 was a State Highway.

**Lorene Burns** – She said we are looking at improving visibility at that intersection.

**Holly Carmichael – 1311 Royal Ave.** – She opposed the request, expressing concern with density and traffic safety on Hwy 72. She also questioned access to the open space. Isabel Lane said access to the Open Space will be from the future proposed Razorback Greenway.

**Dick Dirks – 1312 Royal Ave.** – He opposed the request, expressing concern with traffic safety on Hwy 72.

**Michelle LeFever – 1420 LeChesnay Drive** – She said she opposes the request, expressing concern with traffic safety on Hwy 72. She supports the proposed trails.

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

**Jerry Harris made a motion to Close the Public Hearing for REZ21-14: Cedaridge, with a 2<sup>nd</sup> from Tony Davis. All Commission Members voted in favor and the motion carried.**

Chairman Seyfarth asked the Commission and Staff if they had any other questions or comments.

**Rick Hudson** stated that the one entrance has good sight lines, but the entrance at the curve would likely need to be realigned to the east.

**Chairman Seyfarth** stated that as much or more traffic could be generated if the parcel was left zoned for Commercial Use. He asked if the rezone were approved, but the PUD was not approved, could this be left open to any type of R3 development. Lorene Burns said that is possible with the current Code.

**John Sessoms** said we cannot create more Commercial Use or Open Space but felt we might not be able to achieve this Open Space without the Residential Use.

**Tony Davis** agreed with Sessoms about the Open Space likely needing the Residential Use, to be achieved. He asked if the Rezone could be contingent upon the

PUD approval. City Attorney Brian Rabal said he would not recommend that, at this time. Lorene Burns said we need to look at adding a PUD Zone to our Code. Davis agreed that the Residential Use is less intensive than Commercial Use.

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) – MIXED.** Chairman Seyfarth said the Land Use Plan designates this area as Parks and Open Space, so the R3 would not be considered consistent. He said the A1 section would be okay. Jerry Harris agreed **PC was mixed about the request being considered consistent with the Comprehensive Plan and surrounding use.**
- 2) **Is the proposed rezoning compatible with the surrounding area and zones - YES.** Chairman Seyfarth said he thinks this is compatible. He said he would consider the A1 compatible and there is also Residential Use in the area. John Sessoms said the R3 would also be a good buffer. **PC agreed 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? - MIXED.** Chairman Seyfarth said R3 would have many uses. He said there is Single-Family Residential Use in the area, but the allowable Uses in R3 might be more intense than the other Residential Uses in the area. **PC was mixed 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 he does not feel that this request would provide a benefit to this property owner, the way we are considering it. He said it is a unique property in a unique area. **PC was in agreement the there would not 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 had public comments, with some concern with traffic safety, He said there have been accidents in this area and a portion of this property is on a curve. He said no traffic counts were presented. There was discussion about the history of commercial zoning in this area, versus the Comp Plan designation of Parks and Open Space. **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.

**John Sessoms made a motion to Approve REZ21-14: Cedaridge – C2 to R3-SF & A1 – 20.27 Acres; Hwy 72 West, with a 2<sup>nd</sup> from Ben Lewis. There was a Roll Call. All Commission Members voted in favor, except for Jerry Harris and Jeff Seyfarth, who voted NO, and the motion carried.**

**B. {PUBLIC HEARING} REZ21-18: Callis Property – A1 to C2 – 5.04 Acres; 2525 W. Centerton Blvd –**

Chairman Jeff Seyfarth introduced the item to the Commission.

**John Sessoms made a motion to bring back REZ21-18: Callis Property – A1 to C2, with a 2<sup>nd</sup> from Jerry Harris. All Commission Members voted in favor and the motion carried.**

City Planner Donna Wonsower addressed the Commission, stating that this Rezone Request and the Tract Split were both tabled at the 5/18/2021 PC Meeting. She said the previous request was for Highway Commercial C2 Use and Low-Density Residential Use, and the new request is for all Highway Commercial C2 Use in the front and non-conforming Residential Use in the rear. She said new notices have been sent, so there is a new Public Hearing. She listed some of the allowable Uses for C-2 and said the Tract Split is for the property in front to be subdivided. She said the front parcel will be sold and the rear parcel will be maintained as a residential property. She said the property is along W. Centerton Blvd. & Hwy 279, which are both designated as Major Arterials on the Master Street Plan. She said a proposed extension of Hwy 279 is being proposed along the western portion of the property. She said the parcel is currently zoned A1 and is being used for a residential home. She listed adjacent A1 zoning and said there is Industrial and Commercial Use to the east. She said Residential Use is non-conforming in a Commercial Zone, and she included some non-conforming Code in the PC packets. She detailed some of that Code. She said the requested zoning may be considered compatible with the surrounding area and uses. She said it could also be considered consistent with the Adopted LUP and with some of the Comprehensive Plan Implementation items.

**John Sessoms made a motion to Open the Public Hearing for REZ21-18: Callis Property, with a 2<sup>nd</sup> from Amber Ben Lewis. All Commission Members voted in favor and the motion carried.**

Chairman Jeff Seyfarth opened the meeting to Public Comments.

**Public Comments: None.**



**John Sessoms made a motion to Close the Public Hearing for REZ21-18: Callis Property, with a 2<sup>nd</sup> from Ben Lewis. All Commission Members voted in favor and the motion carried.**

Chairman Seyfarth asked the Commission and Staff if they had any other questions or comments. There were none.

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 he feels this request is consistent with the Comp Plan and LUP. **PC considered the Commercial request consistent and the Residential request inconsistent with the Comprehensive Plan and the Adopted Land Use Plan.**
- 2) Is the proposed rezoning compatible with the surrounding area and zones - YES.** Chairman Seyfarth said he would consider the request compatible with the surrounding area and zones. **PC considered the Commercial request 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 he feels this would be compatible. **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 he feels this request would not provide a benefit to this property owner. **PC was in agreement the there would not 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? - NO.** Chairman Seyfarth said there were no public comments. **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.

**Jerry Harris made a motion to Approve REZ21-18: Callis Property – A1 to C2 – 5.04 Acres; 2525 W. Centerton Blvd., with a 2<sup>nd</sup> from Amber Beale. All Commission Members voted in favor and the motion carried.**

**C. DEV21-06: Watercolor MF Phase 3 – (R3MF-PUD / 5.2 Acres / 144 Units) –**



Chairman Jeff Seyfarth introduced the item to the Commission.

**John Sessoms made a motion to bring back DEV21-06: Watercolor MF Phase 3, with a 2<sup>nd</sup> from Jerry Harris. All Commission Members voted in favor and the motion carried.**

Senior Planner Dianne Morrison Lloyd addressed the Commission, stating that the applicant has gotten their drainage issues worked out. She said the first two phases have been completed and this request is for Phase 3. She said PC approved the PUD amendment at the last meeting, and the only change was that they proposed a new building, which would encroach into the 50' setback that was approved with the original PUD. She said that was approved at the last meeting. She said they have no adjacent street improvements with this phase. She said the Fee-in-Lieu balance for Greenhouse Road will be due once this phase is completed. She said ROW was previously dedicated and there is no known flood plain or wetlands on this piece of property. She said all utilities will be serviced from Phase 1 & 2. She said they should still have 1.5 parking spaces per dwelling unit for the entire development. She said they do have nice landscaping proposed. She said the proposed site-lighting meets Code. She said the two large detention ponds were completed with Phase 2, and they were approved by Staff, along with the Drainage Report. She said all comments have been addressed.

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

**Ben Lewis made a motion to Approve DEV21-06: Watercolor MF Phase 3 –with a 2<sup>nd</sup> from Jerry Harris. All Commission Members voted in favor and the motion carried.**

**(6) NEW BUSINESS -**

**A. {PUBLIC HEARING} REZ21-20: Anglin Property – A1 to R3-SF – 20 Acres; 7728 Vaughn Road –**

Chairman Jeff Seyfarth introduced the item to the Commission.

Caleb Carr, with Steve Fineberg & Associates, addressed the Commission, giving a brief overview of the request to rezone 20 Acres on Vaughn Road from A1 to R3-SF. He said they are requesting 20 acres to be rezoned to be consistent with the eastern portion of the same parcel, which was approved for R3-SF previously.

City Planner Donna Wonsower addressed the Commission, giving an overview of the Rezone Request. She said PC previously heard this request on 4/06/2021, and the

applicant is requesting to rezone 20 Acres from A1 to R3-SF, to be developed as a single-family subdivision, as part of the entire parcel. She said 80 acres on the east were approved at the 4/06/2021 meeting, with these 20 acres being removed, due to inconsistencies with the LUP's Industrial Land Use designation and potential incompatibility with XNA Airport, including the flight path of the aircraft. She said XNA had representatives at the meeting that offered measures which could be taken with the rezone. She said they stated that they had an obligation due to Federal Grant request requirements, regarding non-compatible Uses (including Residential Use) in proximity to the airport. She said after discussion, this 20-acre parcel was removed from the request, by the applicant. She listed the Uses and Requirements for R3-SF zoning. She said this parcel is bounded by Vaughn Road to the South (existing Minor Arterial Road) and Tycoon Road to the east (proposed extension on the Master Street Plan). She said there is public Water & Sewer available. She said the parcel is outside of the HUD Accident Protection Zone and Runway Protection Zone. She said this parcel does fall into the XNA Overlay District developed by Bentonville and XNA, but that does not fall under Centerton jurisdiction. She listed some considerations for air and noise pollution and reducing Non-compatible Uses when developing in proximity to airports.

She listed the surrounding zonings as R3-SF to the east and south, A1 to the north and south, and some existing Industrial Use in the area. She said the LUP designates this area as Industrial Use. She said Bentonville has Agricultural Use, some Industrial Use, and a High-Density Apartment Complex in the area; and Highfill has Rural Residential, Light and Heavy Industrial and Airport Influenced Uses in the area. She said the R3-SF request may be considered compatible with the surrounding Zoning and Uses; however, the airport and Industrial Uses are a Health & Safety concern for the residents. She said PC discussed making Tycoon Road extension a barrier, with Residential Zoning to the east (given the trends going that way), and keeping properties to the west as Industrial Use, as designated on the Land Use Plan. She said Bentonville's Land Use Plan designates the undeveloped area around the airport as Agricultural and Residential Estate Use, and Highfill does not have an adopted Land Use Plan.

Jerry Harris mentioned that the extension of Tycoon Road was discussed in the last meeting, asking if it would have an affect on tonight's discussion. Chairman Seyfarth said Tycoon Road was mentioned as a buffer, and that there were some potential wet areas on this property. He said there were a couple of factors that played into our decision to recommend Tycoon Road as a buffer.

John Sessoms asked about the Bentonville Overlay District, with the understanding that Centerton does not have jurisdiction. He wanted to know a timeline for Centerton. Wonsower said we really just started looking at it. Planning Director Lorene Burns said it would likely be a couple months before they bring it back to PC. Sessoms just wanted to note that, although it is not in our current Code, we are making efforts to be consistent with neighboring Bentonville, in using that data as a

part of our Code. Lorene Burns said Tycoon Road is a part of the Master Street Plan and that discussion would take place at the time of development. Rick Hudson agreed that the Tycoon Road extension is on the Master Street Plan, and it was discussed as a dividing point, which would come into play at the time of development.

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

**John Sessoms made a motion to Open the Public Hearing for REZ21-20: Anglin Property – A1 to R3-SF, with a 2<sup>nd</sup> from Ben Lewis. All Commission Members voted in favor and the motion carried.**

Chairman Jeff Seyfarth opened the meeting to Public Comments.

**Public Comments:**

**Andrew Branch – Counsel for XNA** – He renewed XNA’s objection to the request, as an incompatible Land Use. He said if the property is approved for rezoning they are asking for an Avigation Easement and something noted on the Plat, to give notice of potential Health & Safety issues to subsequent property owners. Chairman Seyfarth asked if the runway to the west is included in Bentonville’s Overlay. Branch said that is not planned for use as a runway and is not certified as a runway by the FAA. He said they are looking at a future runway to the east, many years down the road. He said it is possible that there is never a second runway.

**Ryan Anglin** – He said they are outside of the 65db level, using the XNA information. He also felt that any Easement should be required to have dimensions. He said he feels that the airport is out of order, by asking for an easement. He said the property is 8300ft from the end of the runway. He said there is a previous rezone approval for a property closer to the airport than his property is.

**Caleb Carr** – He said the eastern portion of this property and the Sunrise property have already been approved for rezone to R3-SF, and they are designated the same as this property. He said he felt not approving this request could create issues for Industrial Use in the area. He stated that the Sunrise property was approved and is closer to the airport.

**Steve Fineberg – 104 S. Main Street, Bentonville** – He expressed concern that a road could be used as a line of demarcation between Residential and Industrial Uses. He said the developer to the east and to the south are both influenced negatively by the Industrial Zoning. He asked PC to consider the financial impact on property owners, developers, and banks.

**John Sessoms Beale made a motion to Close the Public Hearing for REZ21-20: Anglin Property – A1 to R3-SF, with a 2<sup>nd</sup> from Amber Beale. All Commission Members voted in favor and the motion carried.**

Chairman Seyfarth asked if there were any questions or comments from the Commissioners.

**Tony Davis** asked if easement or notification could be included in the rezone request. City Attorney **Brian Rabal** said that would be at the time of development. **Davis** also questioned the lack of dimensions for an easement. He said he agreed with putting a note on the Development Plans. **Andrew Branch** said the Avigation Easement has a description of the property and is just stating to the property owners that they will be at an altitude above the property, interfering with the ability of people to enjoy the full use and enjoyment of the property, due to the noise. He said it does not stop anything from being built or create any physical violation of the space. He said it would provide a defense for the City and the airport against any future complaints by residents.

**John Sessoms** said Tycoon Road would allow a buffer between Residential and Industrial Uses, but this proposal (request) would eliminate any buffer. He said our recent PC training taught us to look for large buffers between Industrial and Residential Use. He said once we lose Industrial and Commercial Use, we cannot get more.

**Chairman Seyfarth** agreed with John Sessoms and said access and buffers are keys to Industrial development.

**Caleb Carr** said there is a demand for Residential Use at this time, but no demand for Industrial Use at this time.

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 said he believed the request was not consistent with our Comprehensive Plan and Adopted Land Use Plan, as it is designated for Industrial Use. He said once we lose it, we cannot get it back. He said there is some Industrial Use in that area currently. **PC was in agreement that the request is not considered consistent with the Comprehensive Plan and the Adopted Land Use Plan.**
- 2) **Is the proposed rezoning compatible with the surrounding area and zones - NO.** Chairman Seyfarth said the property to the south was rezoned to R3 prior to the adoption of our Comprehensive Plan, so it would not have been considered at that time. He said the 80 Acre parcel was approved, understanding that Tycoon Road would create a buffer. He said with the designation of Industrial Use on the LUP, he does not feel that this request is compatible with the surrounding area, with no buffer. **PC was in agreement 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.** Chairman Seyfarth said there is some Residential Use in the area, but it becomes harder and harder to create a buffer for Industrial Use without the buffer of Tycoon Rd. **PC was in agreement that the request is not compatible in this area.**
- 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 area is designated for Industrial Use and we would be making an exception here. **PC was in agreement there is 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? NO.** Chairman Seyfarth said there were no public comments in opposition. He said there is a fact that there will be noise in the area. He said it is a fact that we are considering an Overlay District with XNA. He said we have been instructed by our City Attorney to try and protect ourselves in some way as a City. He said the decibel levels and some other things are also facts, but we really need to consider our protection as a City. Tony Davis said he felt we could be giving a benefit to the property owner to the southeast a benefit that we are not giving this property owner. Seyfarth said we worked on the Comprehensive Plan for over 18 months and considered the importance of Industrial and Commercial Use. He said this was considered with the approval of the 80 acres, which was approved with the understanding of the Tycoon Road buffer. Donna Wonsower said the parcel to the southeast was approved in the middle of the Comprehensive Plan process, but it had not been adopted. She said the proposed designation for Industrial Use was included in the PC Report and was discussed in that meeting. Lorene Burns said we also did not have the Bentonville Overlay District at that time. **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.

**John Sessoms made a motion to Deny REZ21-20: Anglin Property – A1 to R3-SF – 20 Acres; 7728 Vaughn Road, with a 2<sup>nd</sup> from Ben Lewis. There was a Roll Call. All Commission Members voted in favor, except for Tony Davis and Devin Murphy, who voted NO, and the motion carried.**

**B. {PUBLIC HEARING} PUD21-03: Cedaridge – Hwy 72 (R3SF-PUD / 20.27 Acres / 57 Lots) –**

Chairman Jeff Seyfarth introduced the item to the Commission.

Isabel Lane addressed the Commission, giving a brief overview of the request for a PUD for 20.27 acres on Hwy 72. She said the Rezone Request was recommended for approval earlier in this meeting. She said this PUD Request is for 50' minimum lot-widths, with Zero lot-lines on one side and 7' Setbacks on the other side (a diagram was provided). She said they are proposing a Fire Access not accessible by the public. She said they are showing a land-swap with Spring Fever LLC. She said a Bike Trail would come off of the cul-de-sac, leading to the dirt trails.

City Planner Donna Wonsower addressed the Commission, giving an overview of the PUD Request. She said there is a summary of the PUD Code in the PC packets. She said the Residential portion of the PUD is 9.93 Acres for 56 Single-Family Patio Homes. She said the Conservation Area is 10.34 Acres, in coordination with Northwest Arkansas Trailblazers. She provided an illustration of what a Patio Home is supposed to look like and gave details for this particular request. She said there is a history of fill in this area, and test holes have been dug, with those areas to be avoided for development. She said the proposal is consistent with the PUD Ordinance. She said the Uses as proposed, conform to the Rezone Request. She said we are recommending that the Uses be limited to the rezoning, and the Conservation Area be developed as a Trail System. She explained the ownership of the property, with the applicant and Spring Fever LLC.

City Planner Donna Wonsower said there is a small creek that goes through the property, and we are recommending a Wetlands Assessment. She said the Civil War Cave is just north of the property, and some of the water from the cave goes into some of the areas to the north. She said this was shown with dye tests. She said the Benton County Karst Sensitivity Map shows that this site has a high sensitivity to groundwater contamination. She said we are recommending a Karst Study be done prior to any development. A consultation with US Fish & Wildlife Services recommends that a formal site-specific evaluation be done, due to the proximity to the Civil War Cave. She said there is also a potential site for Cave Fish Habitat, and so it is recommended that an Endangered Species Study be performed. She noted this area is part of the Parks & Open Space Plan. She detailed the Land Swap between Cedaridge and Spring Fever LLC; where the Cedaridge Conference Center has committed to dedicating 9.84 acres as Open Space, which will be donated to Northwest Arkansas Trailblazers, who will be developing one mile of Bike Trails within one month of the Final Plat being filed. She said we are requesting a condition that the Northwest Arkansas Heritage (paved) Trail along Hwy 72 be constructed, or a Fee-in-Lieu be paid, as well as that proposed dirt trails be installed, and are publically accessible, and that there be sidewalks within the subdivision which connect to these trails.

City Planner Donna Wonsower said we did receive a Waiver Request for Adjacent Street Improvements on Hwy 72, as it is ArDOT ROW. She said we are asking to see the ROW dedication and that the subdivision be developed with a Traffic Safety Review so that it will not be add further safety concerns. She said we are asking to see that all subdivision streets have internal access without direct access to Hwy 72.. She said some of the slopes on this property are as steep as 69%, and the developer is generally avoiding those areas,



but we are asking to see a Grading Plan with the LSD, along with some finished floor elevations. She said we will also have requirements for driveway maximums and break away slopes. She detailed the Utility availabilities and requirements. She said we are looking at requiring Low-Impact Development for the stormwater, along with some water quality management and waste and chemical controls. She said the lots will be developed to be sold individually, and the property is being developed as a Conservation Neighborhood. She said the lots are being proposed as a reduction from the R3-SF requirements of 6000sf to 4250sf, and the minimum lot width reduced from 60ft to 50ft. She said the density of the area with the units is 5.74 units/acre, or 2.81 units/acre including the Conservation Area. She said we will look at the Open Space area in more detail during the LSD. She said the PUD Requirement is 25% Open Space and they are proposing 51%. She said we will also look at landscaping, site-lighting and architectural finishes in more detail during the LSD. We will also look at a Tree Preservation Plan. She said the proposed parking is consistent with the PUD Code, along with a Condition that it be maintained. She said no signs are being proposed with this development.

**Tony Davis made a motion to Open the Public Hearing for PUD21-03: Cedaridge – Hwy 72, with a 2<sup>nd</sup> from John Sessoms. All Commission Members voted in favor and the motion carried.**

Chairman Jeff Seyfarth opened the meeting to Public Comments.

**Public Comments:**

**Spencer Wirthlin – 1405 LeChesnay Drive** – He opposed the request, expressing a strong concern with traffic safety at and around the intersection of Versailles Blvd. and Hwy 72.

**Dick Dirks – 1312 Royal Ave.** – He opposed the request, expressing concern with traffic safety on Hwy 72. He asked that a Traffic Study be done.

**Holly Carmichael – 1311 Royal Ave.** – She opposed the request, expressing concern with the proposal having missing facts about wetlands and endangered species in the area.

**Ben Lewis made a motion to Close the Public Hearing for PUD21-03: Cedaridge – Hwy 72, with a 2<sup>nd</sup> from John Sessoms. All Commission Members voted in favor and the motion carried.**

Isabel Lane addressed the Commission and public, stating that this is only a Concept Plan at this point, and they are open to options regarding the ingress/egress with Hwy 72. She said their survey shows that the Civil War Cave is not actually on their property, and the Department of Interior has cleared them in regard to endangered species. She said the Cave Fish have not actually been found in this area.



Chairman Seyfarth questioned the drainage of some of the lots. Brandon Woodrome said they have held off on drainage and grading until they heard from PC regarding this Concept Plan. He said they will move forward with those things after PC agrees to the general layout.

John Sessoms asked about public access to the Trails and Green Space. He was concerned with parking, as people try to access those trails. He said we would really like to look at that in detail during the LSD.

There was lengthy discussion about what is being proposed regarding public access and parking.

There was discussion about the requested reduced lot size, two (2) smaller lots, building spacing/layouts on the lots, and fencing options. Chairman Seyfarth recommended having as large of a setback as possible, understanding that they are requesting a 7' minimum. He said we would prefer not to see 7' on all of the buildings. Isabel Lane said she understood.

Brandon Woodrome said they are open to any Conditions placed by the Planning Commission.

Chairman Seyfarth asked PC if there was any opposition to the Waiver Request for Hwy 72, as it is an ArDOT road. PC had no issue with the waiver request. Seyfarth said he thinks the Traffic Study is a good idea, especially in this area. PC agreed.

Chairman Seyfarth asked the Commission and Staff if they had any other questions or comments. There were none.

**John Sessoms made a motion to Approve PUD21-03: Cedaridge – Hwy 72 (R3SF-PUD / 20.27 Acres / 57 Lots), pending a Traffic Study Review, Drainage Considerations and Public Access Considerations, with a 2<sup>nd</sup> from Ben Lewis. There was a Roll Call. All Commission Members voted in favor, except for Jerry Harris, who voted NO, and the motion carried.**

**C. DEV21:09: Ace Ur Game Batting Cages – 8700 Rainbow Road (C-3 / 5 Acres) –**

Chairman Jeff Seyfarth introduced the item to the Commission.

City Planner Donna Wonsower addressed the Commission, stating that there is a concurrent Lot Combo, which was approved administratively. She said all of those comments have been addressed. She said this was rezone from A1 to C3 in June 2020, and they received a Conditional Use Permit for a Recreational Facility in November 2020. She said the development is being proposed in two phases, with Phase 1 consisting of using the metal building for 200sf of Office and the existing restroom, which will be

remodeled to be ADA compliant. She said they will have 13 parking spots on the existing gravel addition. She said there will be a trash enclosure added, as well as 9 outdoor batting cages on a concrete pad. She said there will be a 5' wide gravel pedestrian access added from the parking lot to the batting cages. She said there is landscaping and site-lighting for the pedestrian route and parking area. She said Phase 2 will be future improvements: extending public sewer, removing, and abandoning the existing septic system, enclosing all 9 batting cages, a new metal building, adding indoor recreational equipment in the existing shop building, and extending the parking the parking lot east to the north of the batting cages. She said the Building Safety Department received an e-mail last week, requesting clarification on the proposed enclosure of the batting cages and the ADA remodel of the restroom. She said we have not received any plans for Phase 2 yet. She said PC will need to decide if Phase 2 will require Plans, or if the descriptions will be sufficient. She said N. Rainbow Farm Road is a Major Collector, with 80' ROW. She said it is currently a gravel road, and the combination of parcels will allow the entire parcel direct access to the road. She said they are proposing to dedicate 40' ROW. She said the current ROW is variable. She said we did receive a Waiver Request for improvements to N. Rainbow Farm Road until Phase 2, except for the ROW dedication, as the improvements to the property are minor in Phase 1. She said there are public water lines available, but sewer is not adjacent to the property at this time, but it is coming. She said ADH has approved the existing septic system to be used, with conditions. Centerton Utilities included a condition regarding damage. She said if it is damaged, the owner will have to connect to public sewer. She said there are some existing easements, and no additional easements are being proposed. She said because of the ROW expansion, the metal building will be non-conforming with the new setback. She said the Conditional Use Permit had a requirement that the site shall have suitable and appropriate screening and trees around the Commercial and Recreational Uses, providing a buffer for the adjacent residential properties. She detailed the landscaping the plan provided and said this is a PC consideration for tonight. She detailed the Site-Lighting Plan, which shows 15' light poles (1 at the parking lot and a number along the pedestrian path). She said outdoor recreational lighting was not allowed, per the previous approval. She said the 15' light poles are for PC consideration tonight. She said the proposed parking meets the requirement. She said there is dumpster adjacent to the ADA parking at the metal building. She said no Commercial Use is being planned for the residential structure on the property. She said Staff finds this request in general conformance with our Municipal Code. She said for PC consideration tonight is the Site-Lighting Plan, Landscape Plan, and the Phasing.

Chairman Seyfarth said his biggest question is in regard to the Waiver Request for Adjacent Street Improvements, as it appears that we could be planning for up to 25 additional vehicles with Phase 1. Wonsower said there are 13 Parking Spaces, including ADA spots. Ramesh Jandhyala said they are proposing a phased approach, and the maximum number of players is nine (9). He said that will reduce the capacity, as they are only proposing the outdoor activities of the 9 batting cages with Phase 1. He said they are proposing that the City allow them to get started with Phase 1, and then they can complete the other conditions, along with the sewer in Phase 2. Seyfarth asked Ramesh if

he would consider a time limit for the street improvements, in the event that Phase 2 does not happen. Ramesh said the timing of Phase 2 depends on the availability of sewer. He said they would like to connect to sewer as soon as possible. John Sessoms stated that the proposed lighting might be a bit excessive for just the walkway. He said outdoor lighting was denied with the original request. City Clerk Todd Wright read that section from the Minutes of the Conditional Use Request. Ramesh said they do not plan to operate after sunlight hours but asked the Lighting Design Team to design lighting for the safety of players to access the site and use the facility. He said the lights will be solar and will only be used for the safe passage of the players. He said there are also single lights on the south and east side of the garage. Tony Davis asked Rick Hudson for his opinion about the lack of street improvements at this time and asked if we could at least consider a chip-and-seal at this time. Donna Wonsower said there have been discussions with Public Works. Rick Hudson said the asphalt terminates at this property. He said he supports this request at this time, as they are only doing minor improvements to the property, and the traffic for batting cages is normally very minor. He said he is fine with them providing street improvements with the future Phase 2. He said there are some other projects in the area and the Street Department has already done some improvements to N. Rainbow Farm Road.

**John Sessoms made a motion to Open the Public Hearing for DEV21-09: Ace Ur Game Batting Cages, with a 2<sup>nd</sup> from Ben Lewis. All Commission Members voted in favor and the motion carried.**

Chairman Jeff Seyfarth opened the meeting to Public Comments.

**Public Comments: None**

**John Sessoms made a motion to Close the Public Hearing for DEV21-09: Ace Ur Game Batting Cages, with a 2<sup>nd</sup> from Ben Lewis. All Commission Members voted in favor and the motion carried.**

Chairman Seyfarth said we are good with the Waiver Request for Street Improvements. PC was fine. He asked Sessoms if he was good with the Site-Lighting. Sessoms said he was fine. There was a brief discussion about the landscaping that was detailed by Wonsower. PC was good with the Landscape Plan.

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

**Tony Davis made a motion to Approve DEV21:09: Ace Ur Game Batting Cages – 8700 Rainbow Road (C-3 / 5 Acres), with a 2<sup>nd</sup> from John Sessoms. All Commission Members voted in favor and the motion carried.**

**(7) OTHER BUSINESS -**

**A. Title 14 Phase 1 Amendments – Council returned to PC to further consider recommended Zoning Map changes for two undeveloped parcels.**

Chairman Seyfarth said the City Council did not approve the Title 14 Phase 1 Amendments. He said there were two parcels in question: 13.88 Acres at Bliss Street and Keller Road; and 20.27 Acres at D Street and Bliss Street. He asked City Attorney Brian Rabal if we could have this discussion tonight and send our recommendations back to City Council without a Public Hearing. Rabal said he thinks there should be notification to these property owners, as well as for the property owners for lands approved for rezone in the previous meeting and tonight's meeting, due to the proposed change in zoning designations. There was lengthy discussion about the difficulty in the timing aspect of approving the new Zoning Map, while rezone requests continue to come in and be heard and voted on. Rabal said the Council's concern on 6/15/2021 was in regard to the notification of one particular property, although it was agreed by the City and the property owner that legal notification requirements had been met. Seyfarth asked if we sent it back to Council with our original proposal, why there would need to be new notifications sent out, if the requirements had already been met originally. Rabal said there were two (2) other rezones that were approved in that meeting, which would be affected, along with two (2) more that were recommended for approval this evening. Lorene Burns said she understood that Rabal is asking us to notify the two (2) original properties (recommended by Council), as well as the two (2) which were approved on 6/15/2021 and the two (2) which were recommended for approval this evening. Seyfarth asked if we needed to notify the two (2) original property owners specifically. Rabal said we only need to meet the notification requirements. City Clerk Todd Wright said Rausch Coleman's position is that they did not have a part in this process, even though the legal requirements had been met by the City; they already had plans in place for developing apartments (which is not allowed in R3-SF), although no application had been turned in to the City. Seyfarth asked if that parcel was originally zoned for R3-SF. Lorene Burns gave a history of the Rausch Coleman rezoning and developing the property. Wright said Nicole Gibbs stated in the previous meeting that there were two (2) properties in the city that were not completely clear on the original rezones, which were the Rausch Coleman property and the Brimwoods property. He said that Gibbs said the Rausch Coleman property came in as R3, with no specific designation. He said that is why Council sent this back to PC. Dianne Morrison Lloyd said that is correct about the Rausch Coleman property, and that the Brimwoods property actually specifically stated in the Ordinance, Single-Family, Multi-Family or Duplex. Seyfarth pointed out that the area around the Rausch Coleman property is all Single-Family. Burns said it is all zoned for Residential Use, except for a parcel to the southwest, which is approved for Townhomes, along with a buffer. Wright said the Mayor told Rausch Coleman that if the Code Amendment for R3-SF passes, they can still request a Rezone. Wright said the current zoning of R3, would allow Rausch Coleman to develop apartments by right. He said if the R3-SF is approved, apartments would not be allowed, and they would have to request a rezone. Seyfarth asked if they could build apartments now, without giving Public Notice. Rabal stated that they could build apartments without public notice. Burns asked Rabal what

would keep other property owners from coming back, saying that they did not receive sufficient notice. Rabal said it is his legal opinion that the Requirements for Notification were met in this case, and you have a couple of City Council Members who are sympathetic to a particular applicant. Rabal said we do not have to send specific notice to individual property owners; we only need to publish in the paper, pursuant to our Code. He said it is his position that we do need to publish in the paper again, since the Zoning Map will change from what it was at the time of the approval. John Sessoms asked if we would need to “pause” hearing further Rezone Requests until the Amended Zoning Map is approved. Juliet Richey asked if we could approve the map up to a certain point in time, for certain properties listed in the Ordinance and then come back and catch the exceptions at the following meeting. She said we could always leave the R3 on the map and wait until there is a break in the developments to approve this, but there is no telling when that will be. She said it seems critical that we deal with the ones that are currently on the table. Lorene Burns said that we have amended maps in the past without holding a new Public Hearing. She pointed out the Master Street Plan, as an example. Todd Wright said PC was asked by City Council to break out the R3 Zoning, and that was done, but was turned down by Council in the 6/08/2021 meeting. He said we now have two (2) properties recommended by Council, as well as two (2) that were approved in the 6/08/2021 Council Meeting and two (2) tonight, which are recommended for approval. He said that kind of muddies the water, and agreed with Juliet Richey, that we need to find a hard stop. Brian Rabal said that is correct. Donna Wonsower asked if there could be wording placed in the Ordinance, which would give a time of effect moving forward, also giving us a transition period. Lorene Burns said that is already a given. Chairman Seyfarth said we were given instruction by Council, we did our due diligence, we gave legal notice, and it was not approved by Council. He asked if we are still good with our original proposal, with the exception of the two (2) additional rezone approvals. He said we would still have a stopping point. He said he would prefer sending it back to Council, stating that we are fine with our original proposal and that we did give proper legal notice. Rabal said he is here to give legal opinion and the PC can do what they choose to. Juliet Richey recommended giving new notice, to keep from creating a legal issue. Lorene Burns said the original Ordinance stated that we are establishing these new Zoning Districts, and the Zones are reflected on the Zoning Map. She said that is how Jeff Hawkins recommended that we do it. She said that he said the Zoning Map would be the leading document. Richey recommended possibly listing the properties this time, so that we are not just re-adopting a map. Chairman Seyfarth said he is not in favor of giving special attention to just two (2) property owners. He recommended that we publish it like required, as we did before, and then we have a meeting. City Attorney Brian Rabal said that is consistent with his recommendation. Lorene Burns asked about re-setting a Public Hearing for 7/20/2021. Chairman Seyfarth said that if the City Attorney would not recommend us just sending it back to Council as it is, then we need to look at 30 days and then move on. Chairman Seyfarth said he would like to do a little more research and get a little more history of the two (2) properties in question. He said we will have more discussion in 30 days.



**John Sessoms made a motion to set a Public Hearing for 7/20/2021 for Title 14 Phase 1 Amendments for R3 and R4, for properties through 7/08/2021, with a 2<sup>nd</sup> from Tony Davis. All Commission members voted in favor and the motion carried.**

**B. Proposed Work Session - Title 14 Phase 2 Amendments – 7/15/2021 @ 5:30 PM**

**C. City Department Monthly Council Reports – Available in Dropbox for PC review.**

**(8) ANNOUNCEMENTS -**

- **7/01/2021 – Tech Review Meeting @ 2:00 PM**
- **7/06/2021 - Planning Commission Meeting @ 6:00 PM**
- **7/08/2021 – City Council Meeting @ 5:30 PM (Date was changed)**
- **7/20/2021 - Planning Commission Meeting @ 6:00 PM**

**(9) ADJOURN -**

**John Sessoms made a motion to adjourn the meeting at 10:17 pm, with a 2<sup>nd</sup> from Tony Davis. All Commission members voted in favor and the motion carried.**



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**Jeff Seyfarth – Chairman  
Centerton Planning Commission**

Minutes prepared by:  
Todd Wright