



**CENTERTON BOARD OF
ZONING ADJUSTMENTS
FEBRUARY 4, 2025 @ 6:00 PM
AGENDA**

Public comment period after the introduction of each agenda item

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES –**
- 4. RATIFICATION OF ADMINISTRATIVE APPROVALS**
- 5. NEW BUSINESS**
 - A. VAR25-01- WALMART SUPERCENTER - Parking Space Reduction from 786 to 769 -SE/C of S. Main St. & Centerton Blvd. (Zoned C-2 / 33.0 Ac) Applicant: CEI Engineering, Inc., Candice Anderson; Owner: Wal-Mart Real Estate Business Trust (Planner: KKnight)**
- 6. OTHER BUSINESS**
- 7. ANNOUNCEMENTS**
- 8. 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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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.



NOTICE OF PUBLIC HEARING

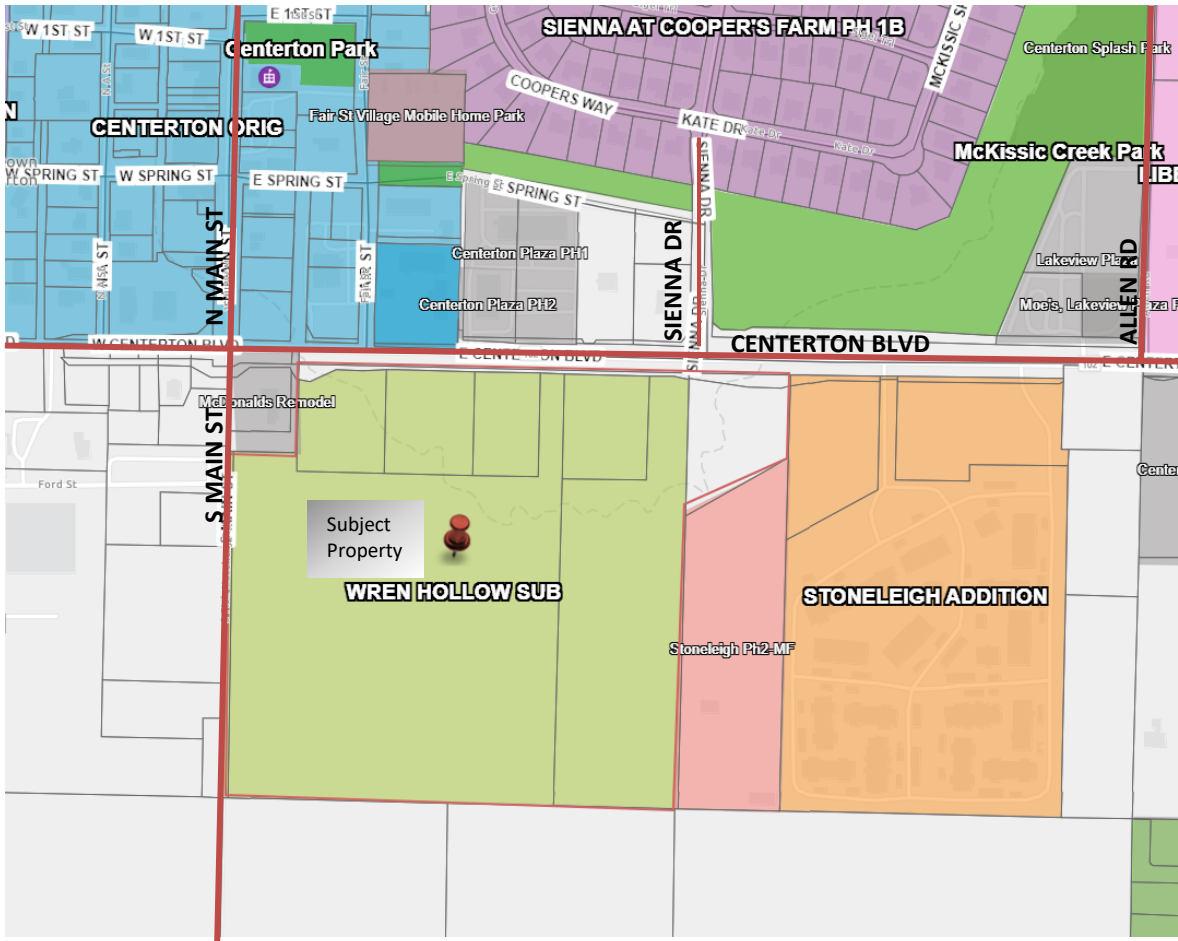
Centerton Board of Zoning Adjustment

February 04, 2025, at 6:00 PM

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Centerton Board of Zoning Adjustment on **February 04, 2025, at 6:00 PM** at the Centerton Municipal Complex Court Building, 210 Municipal Dr, Centerton, AR 72719, to hear public comment and consider the variance request (VAR25-01) submitted by CEI Engineering on behalf of property owners, Wal-Mart Real Estate Business Trust, for a reduction in required parking spaces from 786 to 769 in C-2 zoning located at the SE/C of S Main St & Centerton Blvd.

Property is described as lots 1-6 of the Wren Hollow Subdivision per recorded plat Book 2014 Page 264, City of Centerton, Benton County, AR, AKA PIDS: 06-04763-000, 06-04764-000, 06-04765-000, 06-04767-000, 06-04766-000 & 06-04768-000

For questions or comments, contact the Planning Dept, 200 Municipal Dr, PO Box 208, Centerton, AR 72719, email planning@centertonar.us, or call (479) 795-2750 x302. Addtl info: <https://www.centertonar.us/planning-and-zoning>



Documents will be available prior to meetings for public review. Please email planning@centertonar.us to submit comments or request further information in advance of the meeting.

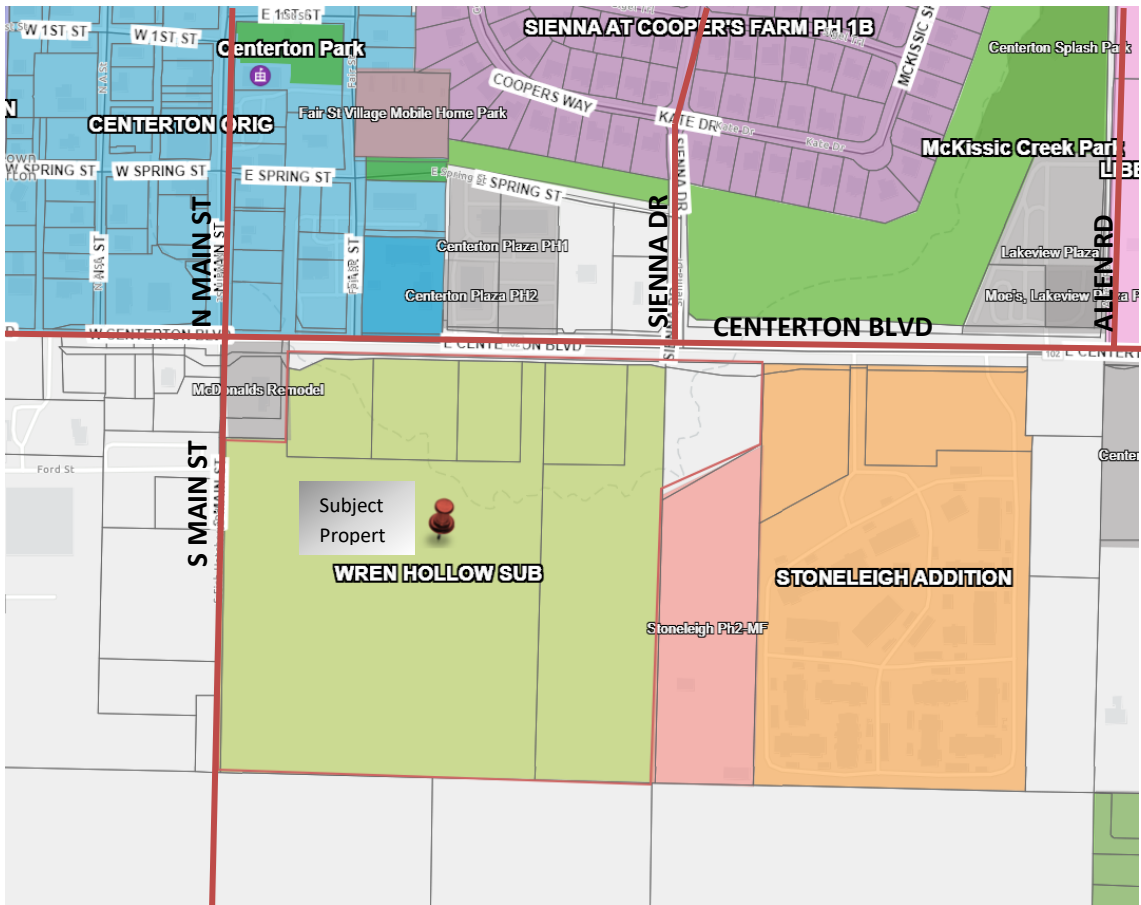
TO: CENTERTON BOARD OF ZONING ADJUSTMENT
 FROM: CENTERTON PLANNING STAFF
 PLANNER: KAYLA KNIGHT



VAR25-01 WALMART PARKING
 REDUCTION
 BZA MEETING: 02/04/2025

PROJECT INFORMATION

PROJECT NAME	WALMART - PARKING SPACE REDUCTION	PARKING REQUIRED	786 (14.04.05 (F))
APPLICANT/OWNER	Walmart Real Estate Business Trust	PROPOSED PARKING	769, 17 less than required by code
ADDRESS / LOCATION	S Main St & Hwy 102	INTENT	Construction of a retail store
PARCEL ID	06-04767-000, 06-04768-000, 06-04766-000, 06-09029-000	PUBLIC COMMENT	No comments received
SIZE	~ 31 ac	NOTICES MET	Certified Mail sent: 01/27/2025 Publication: 01/26/2025 Sign Posted: 01/27/2025
ZONING	C-2 (Highway Commercial)		



BACKGROUND: The applicant is proposing a 180,550 sq ft Walmart Supercenter and 1618 sq-ft fueling station at the SE/C of Centerton Blvd & S Main St.

They are requesting a reduction of 17 parking spaces from the required 786 (769 proposed) for the Walmart Supercenter.

Large-scale development plans have been submitted and are under staff review (DEV24-13).

TO: CENTERTON BOARD OF ZONING ADJUSTMENT

FROM: CENTERTON PLANNING STAFF

PLANNER: KAYLA KNIGHT



VAR25-01 WALMART PARKING

REDUCTION

BZA MEETING: 02/04/2025

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Following Public Hearing, the Board of Zoning Adjustment is asked to evaluate each variance request upon its own merit(s) with respect to the five (5) elements outlined below (“Findings-in-Fact”), and then each variance requested is either **granted or denied** by the Board of Zoning Adjustment.

- **PARKING LOT LANDSCAPED ISLANDS:** Per Title 12.09.09 (B) “For all new development, the City Planning Commission shall review landscaping plans and may require street trees to be planted in any of the streets, parking lots, parks and other public places abutting land henceforth developed and/or subdivided.”
 - Typically, the Planning Commission requires a landscaped parking lot island every 10-12 parking spaces to break up runs of parking for developments of this nature. (Examples: Centerton Flex Space, Plaza Tire (largest run is 15 in a row) Casa Castillo Daycare, Chipotle (run of 15))
 - **FOR PC CONSIDERATION:** Does this development need to provide landscaped parking lot islands and if yes, at what ratio? If yes, this variance request will require an amendment and renotification to the public.

NOTE: Following applicant responses are summarized for the report. Full narrative is included for BZA consideration.

FINDINGS OF FACT: The Findings-in-Fact elements are to be used to clearly establish the basis for Granting or Denying approval of the requested variance from the Centerton Zoning Code, per Sec. 14.04.04(C):

1. **PRESERVATION OF INTENT** – That the variance, if granted, is consistent with the purpose and intent of the regulations for the district in which development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use of that particular district.
 - **Applicant’s Response:** *This variance, focused solely on the number of parking spaces and not the permitted use, directly aligns with the Commercial district’s intent by promoting optimized land use, supporting sustainable development principles, and avoiding the introduction of any non-permitted uses. Granting this variance directly supports the zoning intent by not altering the permitted use, avoiding adverse impacts on surrounding properties or traffic, promoting sustainable development through efficient land use, and enabling the optimal utilization of the site despite its inherent limitations. This ultimately results in a viable and contextually appropriate project.*
 - **Staff Findings:** *The proposed parking reduction does not create a change in the permitted use in C-2 zoning. Retail stores are allowed by right in the C-2 zoning.*
2. **EXCEPTIONAL CIRCUMSTANCES** – That exceptional, extraordinary, or unusual conditions or circumstances applying to the lot, parcel, structure or intended use exist that do not apply to other properties or uses in the same district which are unique to the individual property under consideration.



- **Applicant's Response:** *The unique and exceptional characteristics of this site present significant challenges. The property's irregular shape, combined with the existing easements and the presence of federally protected wetlands covering approximately 12.5% of the lot, create hardships not shared by most properties in the district. These constraints significantly impact the site's development potential. Despite the reduced parking count, we are confident that the project will function effectively, thanks to careful consideration of traffic flow, pedestrian access, and drive-thru accessibility.*
- **Staff Findings:** *There are protected wetlands and floodplain present on this property which reduce the developable area of the project parcels. Because the wetlands present on site are federally protected, the property owner is greatly impacted by what development can occur on the property. Staff is of the opinion that an exceptional circumstance exists for these parcels.*

3. **HARDSHIP, NOT GROUNDS FOR VARIANCE** – That the special conditions and/or circumstances do not result from the intended or proposed actions of the applicant; No variance may be granted solely on the basis of economic gain or loss.

- **Applicant's Response:** *It is important to emphasize that while economic hardship alone is not sufficient justification for a variance, this request is not solely financially driven. The primary motivation stems from the unique, pre-existing physical constraints inherent to the property. These constraints, including the wetlands, the 100-foot-wide overhead electric easement, and the existing water conservation easements, severely restrict the developable area. Denial of this variance would create an undue hardship, as the combined impact of these restrictions would necessitate a drastically reduced, and therefore unviable, building footprint, or require prohibitively expensive site modifications, such as extensive retaining walls or the relocation of utilities.*
- **Staff Findings:** *Wetlands being present on the property are not a result of the actions of the property owner, are federally protected and under a conservation easement. The applicant has undergone extensive work rerouting and preserving the wetlands per federal regulations.*

4. **PRESERVATION OF PROPERTY RIGHTS** – That literal interpretation of the provisions of this ordinance would deprive the applicant of substantial rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

- **Applicant's Response:** *Granting this variance will not be contrary to the preservation of property rights. A literal interpretation of the ordinance's parking requirements would unjustly deprive the client of substantial rights commonly enjoyed by other properties in the same zoning district. The unique combination of site constraints creates exceptional circumstances not applicable to other properties, making strict*



adherence to the parking ordinance impractical and effectively preventing reasonable development.

- ***Staff Findings: The literal interpretation of the parking space requirement in C-2 zoning does not deprive the applicant of substantial rights, but the existing wetlands and floodplain present on site diminish the buildable area of the property.***

5. **ABSENCE OF DETRIMENT** - That granting the variance requested will not create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

- ***Applicant's Response: The proposed reduction in parking spaces will not negatively impact surrounding properties or traffic flow. Granting this variance allows the client to utilize their property in a manner consistent with its zoning designation and the character of the surrounding area, while respecting the inherent limitations of the site, thus preserving their property rights without infringing upon the rights of others. Furthermore, this variance will not create a substantial detriment to adjacent properties, materially impair, or be contrary to the purpose and spirit of the zoning ordinance or the public interest.***
- ***Staff Findings: The adjacent properties will not be adversely impacted by the reduction of 17 parking spaces. The development of this property will include extensive street improvements, including expansion of S Main St, the addition of a stop light at the intersection of Centerton Blvd & Sienna Dr, and the extension of Sienna Dr along the property's east property line. All of these improvements are a benefit to adjacent property owners.***

In the event the requested Variance is to be Granted, **the BZA needs to state any Conditions of Approval** to be confirmed by BZA before the Motion.

Suggested **Motion following deliberation on Findings in Fact:**

"Based upon the conclusions for each of our findings, I move to ('Grant / Deny') the request by Walmart Real Estate Business Trust to reduce the parking space requirement from 786 spaces to 769 spaces.

- **If approved, the approval should be subject to all other code requirements and any other stated conditions by the Board.**
- **If denied, the Board shall clearly state specific reason(s) for denial.**

TO: CENTERTON BOARD OF ZONING ADJUSTMENT

FROM: CENTERTON PLANNING STAFF

PLANNER: KAYLA KNIGHT



**VAR25-01 WALMART PARKING
REDUCTION
BZA MEETING: 02/04/2025**



Civil Engineering, Landscape Architecture,
Survey, Planning & Program Management

2600 NE 11th St., Suite 300
Bentonville, AR 72712
Office: 479.273.9472
Toll-free: 1.800.433.4173
ceieng.com

City of Centerton
200 Municipal Dr
Centerton, AR 72719

January 31, 2025

RE: Project DEV24-13: Wal-Mart SuperCenter Adjacent Street Agreement

Main St. and HWY 102 Parcels #06-04767-000, #06-04768-000, #06-04766-000,
#06-09029-000

Centerton, Arkansas 72719
CEI # 32476

To the City of Centerton Commissioners,

On behalf of our Client Wal-Mart Real Estate Business Trust, we respectfully request your favorable consideration of a parking count variance for this significant development project.

We are seeking a reduction from the required 786 parking spaces to 769. This request is driven by a confluence of unique and challenging site constraints that significantly impact the developable area and make strict adherence to the standard parking ordinance impractical. These constraints include existing wetlands, extensive storm drainage infrastructure, and critical public and private utility easements. These pre-existing conditions, create a situation where meeting the full parking requirement would compromise the overall project design and potentially delay its vital contribution to the community. Our proposal for a reduction to 769 spaces is a balanced solution that allows for the successful and timely implementation of this important development while respecting the site's limitations and adhering to all other applicable regulations.

This development's strategic location offers convenient access to public accessibility, and the site plan incorporates bicycle racks and a pedestrian-friendly design. Furthermore, the project features an efficient site layout that optimizes parking and circulation, maximizing the use of available space. By slightly reducing the required parking, we can increase the amount of green space on the site. This not only enhances the project's aesthetic appeal but also provides valuable environmental benefits and ensures compliance with minimum landscape requirements. This variance, focused solely on the *number* of parking spaces and not the permitted *use*, directly aligns with the Commercial district's intent by promoting optimized land use, supporting sustainable development principles, and avoiding the introduction of any non-permitted uses.

The unique and exceptional characteristics of this site present significant challenges. The property's irregular shape, combined with the existing easements and the presence of federally protected wetlands covering approximately 12.5% of the lot, create hardships not shared by most properties in the district. These constraints significantly impact the site's development potential. Despite the reduced parking count, we are confident that the project will function effectively, thanks to careful consideration of traffic flow, pedestrian access, and drive-thru accessibility. Granting this variance directly supports the zoning intent by not altering the permitted use, avoiding adverse impacts on surrounding properties or traffic, promoting sustainable development

through efficient land use, and enabling the optimal utilization of the site despite its inherent limitations. This ultimately results in a viable and contextually appropriate project.


It is important to emphasize that while economic hardship alone is not sufficient justification for a variance, this request is not solely financially driven. The primary motivation stems from the unique, pre-existing physical constraints inherent to the property. These constraints, including the wetlands, the 100-foot-wide overhead electric easement, and the existing water conservation easements, severely restrict the developable area. Denial of this variance would create an undue hardship, as the combined impact of these restrictions would necessitate a drastically reduced, and therefore unviable, building footprint, or require prohibitively expensive site modifications, such as extensive retaining walls or the relocation of utilities. Such modifications would be financially infeasible for a project of this scale, effectively precluding any reasonable economic use of the property. Therefore, we believe this variance is essential for the project's viability and aligns with the overall zoning intent.

Finally, granting this variance will not be contrary to the preservation of property rights. A literal interpretation of the ordinance's parking requirements would unjustly deprive the client of substantial rights commonly enjoyed by other properties in the same zoning district. The unique combination of site constraints creates exceptional circumstances not applicable to other properties, making strict adherence to the parking ordinance impractical and effectively preventing reasonable development. The proposed reduction in parking spaces will not negatively impact surrounding properties or traffic flow. Granting this variance allows the client to utilize their property in a manner consistent with its zoning designation and the character of the surrounding area, while respecting the inherent limitations of the site, thus preserving their property rights without infringing upon the rights of others. Furthermore, this variance will not create a substantial detriment to adjacent properties, materially impair, or be contrary to the purpose and spirit of the zoning ordinance or the public interest. The unique site conditions necessitate this variance and are not a result of the client's actions. The project, even with reduced parking, remains a permitted use designed to ensure safe and efficient access and circulation. Granting this variance allows for a reasonable and appropriate development that respects the site's limitations while aligning with the zoning district's intent, serving the public interest by enabling productive land use without detriment to the surrounding area.

We appreciate your consideration of our submittal and look forward to discussing any questions you may have. Contact me at your convenience in the office at 479-268-8465, or by email: canderson@ceieng.com.

Respectfully Submitted,

CEI Engineering Associates, Inc.



Candice E. Anderson
Project Manager
Commercial I Department

