

WHEN: March 19, 2008
TIME: 5:30 p.m. The Benton County Planning Board met to receive Public Comments on the proposed projects on the agenda.

PLACE: Benton County Administration Building, 215 East Central Avenue
Quorum Courtroom, 3rd Floor (Suite 324) Bentonville, AR 72712

MINUTES FOR REGULAR PUBLIC HEARING

1. **Call to Order**

2. **Roll Call**

The following Benton County Planning Board members were present: Scott Borman, Mark Gray, Caleb Henry, Bill Kneebone and Heath Ward; Adele Lucas and Tim Sorey were absent. The following Benton County Planning Office staff members were present: Ashley Pope and Karen Stewart; Kathleen Davis was absent.

3. **Disposition of the Minutes of the January 2, 2008 and February 5, 2008 technical advisory committee meetings and the January 16, 2008 and February 20, 2008 public hearing meetings as distributed.**

Mr. Kneebone ensured that the Board members had had an opportunity to look over the minutes. Mr. Borman made a motion to accept the January 2 and February 5 TAC meeting minutes and the January 16 and February 20 public hearing meeting minutes; Mr. Ward seconded the motion.

Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone and Mr. Ward all voted in favor of the motion; the motion was passed.

4. **Reports of Planning Board members**

There were no reports from the Planning Board members.

5. **Public Comment**

Mr. Kneebone read a list of the agenda items, stating that the Board would hear public comment on these items.

One man, who did not identify himself, stated, "On the Two Ton, I've got a problem with that. Mr. Borman's had four citations from ADEQ and until he does something with it, I don't really feel like he should proceed with his project."

Mr. Kneebone thanked the man for his comments. He asked if there were any other comments; there were none, so he closed public comment.

6. **Old Business:**

A. Large Scale Development - **BWRPWA Chlorine Dioxide Feed Facility** – 16675 Kostner Road, Rogers - Crist Engineering

Mr. Borman excused himself from this portion of the meeting.

Larry Gaddis of Crist Engineering of Little Rock represented this large scale development request. He pointed out that the applicant had requested a variance from the setback requirements.

Ms. Pope stated that items A, B and C under “New Business” had all met all stipulations from the TAC meeting; item B (the Water Treatment Plant) had public comment. Staff suggested that items A & C could be voted on by consent agenda.

Mr. Ward made a motion to vote on items A and C and approve them by consent, including the setback variance request on item A; Mr. Henry seconded the motion. Mr. Gray, Mr. Henry, Mr. Kneebone and Mr. Ward all voted in favor of the motion; the motion was passed.

B. Large Scale Development - **BWRPWA Water Treatment Plant** - 15531 Woods Lodge Road, Rogers - Crist Engineering

Larry Gaddis of Crist Engineering of Little Rock represented this large scale development request.

Mr. Henry said that the plan was reviewed at the last meeting. Ms. Pope stated that the applicant had met all stipulations and mentioned that there had been a public comment; she asked for any Planning Board questions or discussion.

Mr. Gray asked Mr. Gaddis if he had any response to the public comment. Mr. Gaddis stated that he believed the public comment regarded existing solids lagoons, and was not related to this project. Mr. Gaddis mentioned letters from the Fire Marshal’s jurisdiction; Ms. Pope acknowledged that Staff had received the letters. She stated that Mr. Gaddis should have received a copy of a letter concerning the treatment plant and ADEQ issues. Mr. Henry stated that if ADEQ has an issue, they will bring that to the attention of the water authorities. Ms. Pope suggested that the Board could add a stipulation that the project meet all Health Department and ADEQ rules and regulations. Mr. Gray asked if this would be automatic; Ms. Pope stated that it is already the law that the applicant follows all ADEQ rules and regulations.

Mr. Gray asked for Staff recommendations; Staff recommended approval of the proposed large scale development.

Mr. Gray made a motion to approve the proposed large scale development. Mr. Ward noted that some issues had been raised, but that the Water District and ADEQ are working on these issues, and he saw no reason to hold up approval of this item. He asked that the stipulation be added that the applicant resolve all Health Department and ADEQ issues.

Mr. Gray amended the motion to state that the project be approved, contingent upon resolution of ADEQ issues; the motion was seconded by Mr. Henry. Mr. Gray, Mr. Henry, Mr. Kneebone and Mr. Ward all voted in favor of the motion; the motion was passed.

C. Large Scale Development - **Piney Point Fire Station** - Pinetop Road, Rogers - Gene Priebe

Gene Priebe represented the large scale development request. This project was approved by consent with item A, the BWRPWA Chlorine Dioxide Feed Facility at 16675 Kostner Road, Rogers.

Ms. Pope informed Mr. Priebe that this project had been approved.

7. **New Business:**

A. Informal Plat – **Eva Meadows** - Nicodemus Church Road, Siloam Springs – James Surveying

There was no representation for this project. Ms. Pope stated that the required items (a letter of approval from the responsible fire department, Health Department approval and paid informal plat fees) had not been submitted to Staff; Staff recommended tabling the project.

Mr. Gray made a motion to table the informal plat application; Mr. Borman seconded the motion. Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone and Mr. Ward voted in favor of the motion. The motion was passed.

B. Final Plat – **Edgewater Subdivision** – Village Road, Rogers – Northstar Engineering

Jason Ingalls of Northstar Engineering represented the final plat request.

Ms. Pope stated that all comments from the TAC meeting had been met; the road has been paved and inspected by the Road Department. Staff recommends approval.

Mr. Borman made a motion to approve the final plat application; Mr. Ward seconded the motion. Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone and Mr. Ward voted in favor of the motion. The motion was passed.

C. Variance from Subdivision Regulations - **Rebecca Denver** - 13433 Jenkins Corner Road, Gravette - Civil Tech Surveying

Rebecca Denver represented the variance request. She can no longer care for the total property, and has divided it into three pieces. She will keep Tract 2, but wants to sell Tract 1 (which has a house), and Tract 3 (5.362 acres).

Ms. Pope stated that the applicant is seeking a variance from the subdivision regulations; she noted that the resulting lots are less than two acres each and there

are no access issues. Tract 3 has frontage on two public roads, and Tracts 1 and 2 have access.

Staff had no objection to the variance request, but stipulated that the applicant must receive the approval of the City of Gravette and must correct the flood certification.

Ms. Denver stated that she had spoken with Darrell Warren of the City of Gravette within the last week and that he had no problem with her variance proposal. She said that he informed her that she would have to bring the request before their Board next Tuesday evening.

Mr. Ward made a motion to approve the variance with the stipulations that the applicant obtain the approval of the City of Gravette and correct the flood certification.

Mr. Gray stated that he had a question first and asked if the survey could be made current, since the date on it was from two years ago. Ms. Denver indicated that it had not been filed at the time the survey was completed; she will ask the surveyor to update the survey.

Mr. Gray stated that the surveyor was in a quandary, since the survey could not be filed unless it was approved by the Board. Ms. Denver stated that she had believed the survey was filed after it was completed. Ms. Pope asked if the surveyor simply needed to verify that the survey is still correct; Mr. Gray answered that he could not "set somebody else's duties as far as their liabilities." Mr. Gray added, "If I said what he had to do, I'd be stating his scope of work and I can't do that."

Ms. Pope asked Mr. Gray to state what the specific issue with the date of the survey would be; Mr. Gray stated the Board is being asked to grant a variance from the subdivision regulations, but by law the surveyor must file a completed survey within thirty days of being paid.

Ms. Denver asked for clarification of what her next step should be; Ms. Pope answered that the survey is old. Mr. Ward asked what the best remedy for this situation would be; Mr. Gray responded that following the subdivision regulations would be the best remedy.

Ms. Denver asserted that nothing had changed on the surveyed land. Ms. Pope asked for clarification of what the Board wanted of the applicant; Mr. Gray indicated that the surveyor would need to take part in the new process since the survey would have to be filed, but it could not be filed with a two-year-old date.

Ms. Denver asked if she needed to take the survey back to the surveyor; Mr. Gray stated that she did. Ms. Denver asked what she needed to have done; Mr. Gray indicated that the surveyor would need to update the survey to the current date.

Mr. Borman stated that the applicant should have the surveyor update the survey to the current date, and then bring it back before the Board next month with the variance request in order to move forward. Ms. Denver asked if she had the surveyor update the survey why she could not simply have him file the survey. Mr. Gray answered that the land division was still technically a subdivision and required the approval of the Planning Board.

Ms. Pope asked if the Board would need to see this variance request again or if Staff could sign off on the plat once the survey had been made current; Mr. Gray, Mr. Borman and Mr. Kneebone all concurred that Staff could handle it once the survey was made current.

Mr. Ward withdrew his previous motion; Mr. Gray made a motion to approve the variance from subdivision regulations with the stipulation that Staff receive a current survey, with the corrected flood certification and that the City of Gravette approve the proposed project. The motion was seconded by Mr. Ward.

Mr. Borman, Mr. Gray, Mr. Henry, Mr. Kneebone and Mr. Ward voted in favor of the motion. The motion was passed.

Mr. Henry asked Ms. Denver if she was clear on what had taken place. She stated that she understood that she was to take the survey back to her surveyor to have the date updated. Mr. Henry stated that once the survey date was updated, she already had Planning Board approval of the variance request.

Ms. Pope reiterated that the flood certification on the plat needs to be updated. Mr. Gray informed Ms. Denver that the surveyor could call Staff for a list of stipulations.

8. **Announcements**

Ms. Pope informed the Board that the Zoning Committee would meet on March 25 with the focus group in order to orient the focus group on the planning process.

9. **Adjournment**

The meeting was adjourned at 5:55 p.m.

Respectfully submitted,
Ashley E. Pope
Planning Director