

**Benton County Planning Board
Technical Advisory Committee Meeting Minutes
October 3, 2007, 5:30 p.m.**

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

Announcements:

Staff made no announcements.

Old Business:

There was no old business discussed.

New Business:

1. Large Scale Development Expansion - **62 Automotive** - 14405 Highway 62, Garfield - Blew & Associates

Richard Sears of 14415 Highway 62 in Garfield, the owner of the business, represented the project.

Ms. Pope stated that the applicant is constructing a metal building to be used as offices and storage space; Mr. Sears concurred, adding that in the future he may use the facility for repairs. Ms. Pope asked if Mr. Sears' business is auto sales; Mr. Sears stated that it is, as well as some auto repair.

Ms. Pope said that Mr. Sears had stated that he would not plumb the building, but she was not certain if the building codes would allow that, since the building will contain office space, but that that issue could be dealt with during the process of issuing the building permit, if the Board preferred. Mr. Sears interjected that he did plan on putting a bathroom in the building but it would be sometime between three months to a year before he thought he would do so.

Ms. Pope asked the Board if they wanted to require that the septic lateral lines be shown on the plat, or if they wanted Staff to handle it during the building permit application process; Mr. Borman stated that Staff could handle it and Mr. Sorey concurred. Ms. Pope informed the Board that Staff requires Health Department approval before issuing a building permit.

Ms. Pope asked Mr. Sears if he had obtained a building permit yet; he stated that he had not.

Mr. Sorey asked if the building being constructed is on a slab; Mr. Sears stated that it is. Mr. Sorey asked if Mr. Sears was planning on plumbing for the bathroom, but not finishing it; Mr. Sears stated that that was his plan and added that all that is in place currently is, "a stub and a water line stub" coming out of the slab.

Ms. Pope clarified that the slab is already in place and asked if it had been inspected; Mr. Sear stated that it had not. Ms. Pope reiterated that the applicant would have to have Health Department approval.

Mr. Borman stated that Health Department approval is a condition of being able to obtain the certificate of occupancy for the building; Ms. Pope concurred and informed Mr. Sears that he should contact the Health Department.

Mr. Sorey advised the applicant to contract someone to dig the test pit and design the septic system lateral fields; he added that Staff could assist Mr. Sears in finding someone to do that for him.

Ms. Pope stated that Mr. Sears has requested a waiver of the drainage study; Mr. Sears elaborated that his property is right on the edge of Sugar Creek Valley and that there would never be a drainage problem.

Mr. Sorey stated his opinion that there are not enough improvements on the property to cause any impact to surrounding properties (only a 40 foot by 60 foot building is being added.) He asked if Mr. Sears is planning on adding a parking lot or any other improvements to the site; Mr. Sears indicated that the metal building is the only planned improvement.

Ms. Pope showed photographs of the site, and then outlined the conditions of approval:

- Obtain Health Department approval for the septic system for the proposed building.
- Show the location of the existing house's septic system and well on the plat.

2. Large Scale Development - **Sigmon Enterprises** - 12689 Highway 12 East, Rogers - W/R Consulting

Bill Platz of W/R Consulting represented the project. He stated that Jim Sigmon is proposing about 20 new storage units on his property, as well as coming into compliance with Benton County Planning regulations on his existing storage units.

Ms. Pope stated that the applicant has a shop, a duplex, and four storage units currently on the property and is proposing 19 more storage units. She then showed photographs of the site. She stated that all required checklist items had been submitted.

Mr. Borman asked if the drainage study has been submitted; Ms. Pope stated that it had been submitted and she noted that the applicant will be putting in a small detention pond.

Mr. Ward stated that he is familiar with the area and that he did not foresee any issues with it.

Mr. Platz stressed that the applicant is keeping the site, "nice and neat;" he added that there is no other practical use for this property, due to the steep grade at the rear of the property.

Ms. Pope stated that her only concern had been parking at the facility, but she looked at the ITE Manual which showed that traffic generation for this type of business would be very low. She noted that on the northwest side of the property, the building is only set-back 19.55 feet from the property line. She asked the Board if they would be comfortable with the current set-back. She verified that the building is at an angle; Mr. Platz confirmed this and stated that the building is also about five or six feet lower than the roadway, so it will not interfere with anyone's line of sight.

Ms. Pope stated that the normal set-back is 25 feet, but that the Board could choose to grant a waiver.

Mr. Sorey asked Mr. Platz how wide the storage units are; Mr. Platz answered that they are 12 feet wide. Mr. Sorey then asked if the applicant could "lose" one of the storage units, so that the building would be 12 feet further from the set-back; Mr. Platz did not foresee any problem with that.

Ms. Pope asked the Board if they would require the multiple lots to be replatted as one piece of property; Mr. Platz did not object to replatting the lots.

Mr. Sorey asked Mr. Platz to identify the box-shaped area along Hickory Lane that crosses the property line; Mr. Platz stated that it is a carport and that Mr. Sigmon also owns that lot (lot 14). Mr. Sorey recommended that it be listed on the plat as an encroachment.

Mr. Sorey added that the Board does not need to force applicants to resolve encroachments - property line issues are between property owners and should be dealt with in a court of law.

Ms. Pope outlined the conditions of approval:

- Replat the three parcels into one parcel.
- Omit one storage unit so that the building is 12 feet further away from the set-back.

3. Conceptual Large Scale Development - **Cotswold Village at Castleberry Point** -8800 Kilpatrick, Rogers - Kevin Yates

Billy Witcofski, of 8557 Tanglewood Road, and Kevin Yates, of Civil Engineering Solutions, represented the conceptual project.

Mr. Witcofski directed the Board's attention to the 23rd page of the booklet that had been distributed, which showed an overview of the proposed project and the cottages. He stated that he represented 21 families and that they wanted to create a smaller, more secure living area by the lake. He added that he was not undertaking this project for profit.

Mr. Witcofski stated that approximately 2/3 of the property owners in Cotswold Village would own their cottages as second homes, but that there would be someone onsite full time due to concerns about power outages and vandalism. He stated that the planned cottages would range in size from a minimum of 700 square feet up to 3000 square feet;

the design of each residence would have to be taken from the village-style cottage plans in a book kept by the property owners' association. He emphasized that the property owners' association wished to keep the property as is; they want this development to look like a village, not like a subdivision.

Mr. Witcofski stated that they would use the existing infrastructure and roads and that they understood that they would probably have to repair or repave the road after construction is complete. He added that the house that is currently on the property will be converted to a community center for the "village." They will also have a community pool and marina. He stated that each of the cottages would have its own sewer system (Advantex system), which would be maintained and inspected regularly. He then asked for the Board's feedback.

Mr. Borman expressed his concern regarding wastewater disposal, especially given the development's density and proximity to the lake.

Mr. Witcofski explained that it is his understanding that the wastewater system is a treatment system which will not require lateral lines or septic fields.

Mike Whitehead of Nealy of Northwest Arkansas stated that the Advantex system provides secondary treatment of wastewater, reducing the need for a large lateral field and good soil. He stated that the treated water would be used to irrigate the green spaces in the village. He conceded that traditional septic systems would not work on this site. He stated that the decision to have individual wastewater treatment would eliminate the need for a designated drip field.

Mr. Borman asked who would be responsible for the operation & maintenance of the wastewater treatment system; Mr. Whitehead answered that Nealy of Northwest Arkansas would be. Mr. Borman asked if it would be under contract; Mr. Whitehead answered affirmatively.

Mr. Yates added that the property owners' assoc will be "taking ownership" - the contracts and responsibility for payment will be with the individual cottage owners, but the property owners' association will oversee the systems and keep records on them.

Mr. Borman felt that some sort of "financial capacity statement" would still be necessary; Mr. Witcofski stated that the property owners had discussed bonding the systems each year (in advance.) Mr. Borman stated that he knew about this type of system and that it works, so he is unconcerned about that aspect of it; he is concerned with responsibility for the long-term operation and maintenance of the system.

Mr. Yates stated that the property owners want to keep the area "green" and do not want to adversely impact the area; they will be using environmentally-friendly building materials.

Mr. Witcofski and Mr. Borman discussed whether or not bonding would be required; Mr. Whitehead stated that even though these would be individual systems, a yearly contract would still be required by the State.

Mr. Borman asked about who would supply the water for this development; several people answered that it would be supplied by Beaver Lake. Mr. Yates stated that water is available along the frontage of the property, but that the applicant has not yet solidified

any details regarding the water to the development. After some discussion, Mr. Borman deduced that RDA #4 would be the supplier; he cautioned the applicant that RDA #4's lines are small and that they do not provide fire protection.

Ms. Pope stated that the applicant would need to contact Benton County Fire Marshal Will Hanna regarding his requirements for the development. She asked about the density of the proposed project; Mr. Yates stated that there would be approximately 125 to 150 feet between each cottage.

Mr. Witcofski stated that he wished to clarify that the 26 acres of land is owned by Cotswold Village, LLC, but the footprint of the individual cottages would be owned by the property owners, all of which will be stated in the legal description. He stated that ownership of the cottage itself could be transferred to heirs in case of death; if an owner falls behind in payments and the cottage should be repossessed, the property owners' association would buy it back and take responsibility for it.

Mr. Sorey stated that other similar projects before the Board in the recent past, but that the density of this project is much greater than any of the others presented. He then asked the applicant which fire chief was contacted; Mr. Witcofski stated that he had spoken with the Rocky Branch fire chief, who in turn contacted the Benton County fire marshal. Mr. Sorey stated that he believed that one of the issues facing this project would be regarding the grade of the roads and the number of accesses to the development.

Mr. Sorey stated that the applicant is doing the right thing by bringing the conceptual plan before the Board, in order to work through some of the issues, but cautioned that until actual plans with more detail were presented, the developer is moving forward at his own risk.

Mr. Whitehead stated that as far as the septic systems, each individual lot will have its own perc test - each one will have all necessary approvals before construction begins.

4. Variance From **Mobile Home Park Regulations** - 16805 London Road, Garfield – Stuart Goff

Stuart Goff represented this variance request.

Ms. Pope stated that the applicant has eight acres of land between Pea Ridge and Garfield; there are currently two manufactured homes on the property. He is proposing the addition of five more manufactured homes. She showed photographs of the site to the Board, and then stated that she would let Mr. Goff explain his variance request.

Mr. Goff stated that he is not proposing a typical mobile home park, which in his opinion would be a one-acre parcel with fifteen to twenty mobile homes on it. He stated that his proposed development would include large, open areas around each manufactured home.

Ms. Pope clarified that this project would entail eight homes on eight acres; there is a two-story house and two trailers currently on the property, plus the proposed five trailers.

Mr. Sorey stated that the variance request in this case would eliminate the process of producing a formal plan, complete with dimensions, set-backs, septic information, and adjoining property owner notification, to present to the Board. He stated that normally, variance requests are granted in cases involving some hardship; he enquired as to what hardship existed in this case.

Mr. Goff stated that the variance would keep him from having to split his land; Mr. Sorey informed him that splitting his property was unnecessary. Mr. Ward clarified that Mr. Goff would retain ownership of the land, but would have leased units upon it.

Mr. Borman stated that the Board would need to see the utilities going to the trailers, septic fields for each trailer, and emergency access on the plat.

Ms. Lucas asked why the Board would consider a variance; Ms. Pope reiterated that a variance would be granted in cases of hardship. She added that she would have concerns regarding a variance of this nature.

Mr. Borman stated that there are too many trailers being put in to consider a variance; he stated that if the property was subdivided later, the septic information would be crucial.

Mr. Sorey stated that the matter could be handled simply, but that Mr. Goff would have to go through the process. He added that the Board would probably prefer if his land stayed in one parcel.

Mr. Ward stated that the Board's main concerns are for the health and safety of citizens. He added that, if he was an adjacent property owner, he would want to be able to add his input if this project was being proposed next to his property. Mr. Goff stated that his property is surrounded by farmland (400 acres to the south and 300 acres to the north.)

Ms. Pope asked Mr. Goff if he wished to withdraw his variance request; Mr. Goff stated that he did. Ms. Pope advised Mr. Goff to contact an engineer and/or a surveyor to get this project plotted, and then go through the large scale development process. She stated that he could schedule a time to meet with Staff to go over the requirements.

Adjournment:

The meeting was adjourned at 6:22 p.m.