

**Benton County Planning Board  
Minutes May 18, 2011**

Present:                   Staff:  
Jim Cole                 Ronette Bachert  
Mark Curtis  
Starr Glenn  
Lane Gurel  
Cindy Jones  
Ken Knight

The meeting was called to order at 6:00 PM May 18, 2011 by Chairman Lane Gurel. Kathy Mahmens introduced herself to the board.

Roll call was taken: Jim Cole, Mark Curtis, Starr Glenn, Lane Gurel, Cindy Jones, Ken Knight.

Mr. Pate was absent.

Disposition of the minutes was made for the March 16, 2011 public meeting as distributed.

Reports of the Planning Board members:

- No new information was offered for the Land Use Plan and
- The revision of the 'Blue Book' i.e. planning regulations. Seeking input from Board Members and the Public. Anyone who would want to review and submit suggestions or changes to what was known as the Blue Book.
- Comments on the regulations will be discussed in the future.

Public comment: No public comment was offered.

New Business:

**Item 1:** JP District 11, Kennel for Yorkies, presented by Wanda Adkins, 15168 Daniels Rd, Bentonville. Mr. Gurel stated that the only stipulation from the TAC meeting was that Ms. Adkins receives approval in writing from ADEQ. Mr. Knight asked if the project should be tabled until approval from ADEQ. Ms. Adkins stated that she will not be moving the kennel operation until approval by ADEQ. **A motion was made by Mr. Knight that we approve Kennel for Yorkies pending the approval by ADEQ (with stipulation) and also the variance reducing the fee from \$ 300.00 to zero (0).** 2/3 vote was rendered by the Board. Applicant will begin the process with ADEQ as soon as approval of the Planning Board is final. Applicant will not start up a business until approval of the ADEQ permit approval. No public comment was offered. The motion was seconded by Ms. Jones. A roll call vote was made: Mr. Cole, yes, Mr. Curtis, no, Ms. Glenn, yes, Mr. Gurel, yes, Ms. Jones, yes, Mr. Knight, yes.

**Item 2:** JP District 13, T-Mobile Wireless Communication Tower, presented by Rex Curry, Selective Sites Consultants, 8500 W 110<sup>th</sup> Street, Overlandpark, KS 66208. Mr. Gurel stated that a

- Request had been made to add adjoining property owners to the plat map. The names have been added.
- A request for setback variance had been made. Mr. Curry stated that the height of the tower is 165 feet plus 50 feet for set back. Mr. Curry is requesting a variance to the set back distance because of the flood plain line on the property. Mr. Curry is requesting 50 foot setback variance (there be no set back). Ms. Bachert stated that the set back variance stated previously was 36 feet (TAC) versus 50 feet at the PH meeting. Mr. Gurel stated that the numbers had changed from what had originally been stated. Mr. Cole state there was a discrepancy in the #'s – that is why we asked for revised documents/letter.
- Mr. Knight stated he feels very uncomfortable with zero set back. This is not a guide tower but this is not a self collapsing tower it is just a 165' Mono-pole...Ice can cause a major problem and cause a collapse of the tower.
- Mr. Curry stated that he could supply a letter from an engineer as to how this mono-pole would collapse.
- The variance is now for 50' - no setback at all from the road.
- Mr. Knight asked if 15 feet could be removed from the tower and Mr. Curry answered that would be a question for the engineer.
- Ms. Jones asked Mr. Curry if the tower could be set back any further and he answered no, due to the flood plain line.
- It was requested that Mr. Curry provide a larger map with the set back distance and dimensions included.
- The Board requires more information.
- Applicant will provide detailed info about the slope/floodplain.
- Requesting an Engineer's letter (direction of the fall and distance that the tower will cover if it fell). Stamped engineering letter/drawing.
- Engineering of the tower to be signed/sealed/ by licensed engineer.
- No public comment was made.
- A motion was made by Mr. Gurel to **table the project until a letter from the engineer containing his stamp with information about the tower is received; the motion was seconded by Mr. Cole.** A roll call vote was made: Mr. Cole, yes, Mr. Curtis, yes, Ms. Glenn, yes, Mr. Gurel, yes, Ms. Jones, yes, Mr. Knight, yes.
- Mr. Gurel: If you want to come in for the June set of meetings 1st and 15<sup>th</sup> in June. No deadline required for the letter except to have it to us ASAP. Applicant expects to have it turned around in one week. Mr. Curtis asked should he come in for the TAC? Yes, he should be present for the TAC meeting. Question and answer session.

**Item 3:** JP District 10, Lot Line Adjustment, Review and Comment by the City of Centerton. There was no representation present. The lot line will be changed from a

straight line to a zig-zag line to conform to the topography at the top of a ravine. Mr. Gurel stated that a motion did not have to be made, that a comment could be made to the City of Centerton. Discussed. **Ms. Jones noted that the site plan should show the center line of the right of way. Mr. Gurel added that the centerline should show the right of way (40') from CL to RW Mr. Curtis stated that the County agrees to Centerton's setback requirements (#4) from 25 to 35 feet.**

Item 4: JP District 13, Variance to Benton County Tract Split Regulations, Review and Comment by the County Board to the City of Siloam Springs. No representation was present. It is viewed by the Board that the project is not a tract split but rather a subdivision. Mr. Knight noted that the property falls within the five mile radius for City jurisdiction. Ms. Bachert stated that comments from the County Board may be added to Siloam Spring's comments. **Mr. Gurel states In order to keep the subdivision of land uniformed within the County that - It is recommended to Siloam Springs that Siloam Spring put the project through their subdivision review process and that if the project had come before the County Planning Board the project would be considered a subdivision. Starr: All tracts have septic systems or proposed septic systems, A1 has existing system from a trailer, A2 has an existing house, A3 has existing permit.**

Item 5: Bruce and Barbara Sloan, unincorporated Garfield area, shooting range. This project will be put on the June agenda. The Sloans have asked for a variance on the fee for large scale commercial projects. It is an existing business that never came up in front of planning. The Sloans had stated that they did not know they needed to bring the project to the Planning Board. They are asking for a variance on the fee. Mr. Gurel stated a variance can not be waived on the fee due to income hardship and the business would have to be reviewed for safety and noise factors like any other business. Ms. Bachert stated a complaint had been made by a neighbor as to the safety aspect of the owners having a shooting range and selling weapons near them. No noise complaint was made. Mr. Gurel asked if Mr. Sloan had seen a copy of large scale rules. Ms. Bachert answered yes. Mr. Knight asked if the JP liaison could be present to hear Mr. Sloan. It was decided to discuss the variance with the Sloans present.

A motion was made by Mr. Gurel for adjournment at 7:10 PM and seconded by Mr. Curtis.