

July 06, 2011

**TECHNICAL ADVISORY COMMITTEE MEETING  
OF THE  
BENTON COUNTY PLANNING BOARD**

**I. Roll Call:** Mark Curtis, Lane Gurel, Cindy Jones, Ken Knight, John Pate, Starr Glenn, Jim Cole

**II. Disposition of the Minutes:** 6/1/2011 T.A.C. Minutes unanimously approved

**III. Reports of Planning Board members:**

**Osage Creek**—Ken Knight told the Board there had been a report of a high pressure gas line on the Osage Creek property to the North of the floodplain on the South site that was not noted on the survey. He was going to check on this and report back to the Board.

**Establishing New Fees for Commercial Projects**—The Planning Board sub-committee working on fees had developed a matrix for reviewing commercial projects. This Matrix determined low, medium and high impact businesses with corresponding low, medium and high fees. When it was presented, the Quorum Court felt there needed to be a specific check list of criteria to ensure that all project applicants were treated equally. Starr Glenn volunteered to join Lane Gurel, Ken Knight and Jim Cole on this committee to start working on the checklist.

**IV. New Business:**

**A. Large Scale Development/Fee Waiver**—Addition to the Rocky Branch Fire Department, 19862 Hwy 303, Rogers, AR 72756, **JP District 02** – Presented by Randy Ritchey, 12081 Centerpoint Church Drive, Prairie Grove, AR. The Rocky Branch Fire Department is proposing an addition to their existing building by adding two overhead bays and lengthening the building by about 30 feet. There will be no new plumbing but there will be new lighting and an enlarged apron for the two new bays. The Fee Waiver is automatic because they are a government facility, however the request still has to be officially applied for per County Ordinances. The Board had no issues with this project. Project will be voted on at the July 20, 2011 Public Hearing.

**B. Vacation of Subdivision Plat Located in the Meadowview Subdivision**—Section 14, Township 18 North, Range 33 West, Benton County, AR **JP District 13** –Jill Drewyor, Real Estate Attorney with **Mitchell Williams Law Firm** in Rogers is representing Ruthann Strickland, the land owner. Ms. Strickland purchased Meadowview Subdivision and would like to vacate the plat for Agricultural use. The subdivision has no streets, no houses and no utilities. Ms. Strickland is paying higher taxes for a subdivision and because she is using it for Agriculture, she'd like the County to consider a replat. The County Judge can execute an order to replat, but he will need a recommendation from the Planning Board. The Planning Board will vote on it at the 7-20-11 Public Hearing, then staff will contact Ms. Strickland as soon as the Judge finalizes the replat.

**C. Preliminary Plat—Review & Comment—City of Centerton** Country Oaks Subdivision, Bullock Road, Centerton, AR **JP District 09** – Presented by Terry Ging, 1808 SW "D" Street, Bentonville, AR. Mr. Ging is representing Mr. and Ms. Wylie, who are the executors of the property owned by Nathan Elsea. Centerton has already commented and Staff has reviewed their comments. Benton County Staff (Harmony Linton's) comments follow:

- Radius isn't given on Bullock Road to the east
- There is no water source for lot C
- Review drainage
- Stream and pond not shown on site plan
- Must show road and building setbacks

- Staff is still working on 911 approval for subdivision name
- Must clarify preliminary plat vs. final plat documents
- There may be issues with the Cul-de-sac-can't be longer than 600 feet according to county ordinances; however that requirement has been waived in the past for a variety of reasons. The access to the subdivision is considered a private driveway, so it does not need to comply with county road specifications.
- Paperwork must show a legal description for each lot. Each of the five lots has had a perk tests.

**Mr. Gurel** stated that lots over 5 acres are not subject to subdivision reviews in the county. However, because Centerton reviewed it as a subdivision; Benton County will do the same. Centerton waived the variance because developer agreed to put in a fire road.

- **Mr. Ging** stated there are no approved septic systems noted, however, there are two trailers on the property that could have had septic tanks. The trailers are being burned by the city of Centerton Fire Department. Once the burning is complete, the owners will backhoe and if they find a tank they will empty it, break it up and destroy it.

- **Ms. Linton** noted that the access easement is not on survey and that she does not have a Fire Department letter of acceptance.

- **Mr. Ging** stated there is an existing water main, the city of Centerton is going to tap the main with water meters for the houses in the subdivision and that all roads are driveways (access easements) and not shared roads.

- **Mr. Gurel** asked if there are any property owners rules attached to this subdivision and was told they expired in 2004. Mr. Gurel pointed out that there were two lots not included in the subdivision on the site and he thought they must be involved in any decision about access because their access is through the subdivision. There are existing easements for those lots but there are no residences on them.

- **Mr. Ging** told the Board there is a specific 7.5 foot easement for the waterline when one is needed.

- **Harmony Linton** will provide comments from the County based on the Board's discussion directly to Centerton.

**D. Lot Split/Combination**—Lakewood Drive, Rural Benton County, **JP District 2** – Ron Herrington-1806 Countryside Lane, surveyor, representing Mr. Bunch and Mr. Downing. There are three lots that they want to divide and replat into two lots. The center lot is undeveloped, they want to purchase it, divide it in half and add one half to each owner's property.

- There are no covenants, they expired in 1999.

- If setbacks are observed, there are no covenants and no land use change they would follow the ordinance for replat in that subdivision if they want to buy the land and proceed.

- **Don Haxell 14335 Hyco Road**— Representing Gary and Mary Gwen who own the center lot (Lot D) stated that the owners have already accepted the offer to purchase the lot from Mr. Bunch and Mr. Downing and that they would be happy to sign the project application.

- **Ms. Hinton** stated that the applicants will need to complete the application get a preliminary plat and return to the Planning Board to show the existing and proposed lots.

- **Mr. Gurel** stated that the Board can approve the preliminary and final plat at same time. The applicants are going to attempt to have it ready for the Public Hearing meeting in 2 weeks.

**E. Variance Setback**—William & Debra Maule--10615 Cedar Forest Dr, Garfield, AR **JP District 01**. Presented by Debra Maule 10663 Cedar Forrest Drive, Lost Bridge Village.

- **Ms. Maule** told the Board that their builder did not measure correctly because the center

line of pavement is not centerline of the right-of-way, and built the corner of their garage in the easement. Mr. and Mrs. Maule paid Carroll Electric \$4,500 to move the power pole to the opposite side of the road and Lost Bridge Village has given them a variance.

- Harmony Linton had the Road Department measure and they determined it was 29 feet from centerline of the road to the garage.
- **Mr. Gurel** stated that the garage is actually 9.8 feet beyond the property line and he thought they would be looking at a replat. The Planning Board can approve a variance but they do not have the authority to address the garage being located on County property.
- Elizabeth Bowen stated that she will need to review this with the County Judge and Road Department. There is a current sales contract on the property contingent on approved variances from Carroll Electric, Lost Bridge Village and Benton County.
- **Harmony Linton** will work on this and get back with Mrs. Maule about a resolution.

**V. Adjournment: 7:39**