



Benton County Planning Board

Technical Advisory Committee Meeting

Public Hearing Meeting

February 1, 2021

MINUTES

TECHNICAL ADVISORY COMMITTEE

Roll Call: Lane Gurel, Starr Leyva, Ken Knight, Cindy Jones and John Pate were present. Staff was represented by Elizabeth Bowen, Chris Ryan, Richard McKeegan and Donna Fallin.

Disposition of Minutes: 1/18/2011- Minutes were approved unanimously

Old Business:

A. Big Springs Sporting Clays—Large Scale Development, Project 11-154—JP District 11, 14321 Beaty Rd, Gravette
This project was moved from Public Hearing to TAC during the meeting. Staff requested the project be tabled until applicants are prepared to continue the process.

Mark Curtis moved that the project be tabled until applicants are ready to continue. Ken Knight seconded the motion, it passed unanimously.

Public Comment (Big Springs Sporting Clays)--Lois McCool, 14403 Pritchard Road, Sulphur Springs, asked the Board who would be responsible for enforcing any stipulations/restrictions on the project. The Board informed her that enforcement was "complaint driven" and that once a complaint was received, the Planning staff would follow up.

New Business:

A. Robert and Shirley Miller—11-165; JP District 01, 8224 Miller Road, Rogers—Represented by Gene Buescher, 2620 Melody Lane, Springdale, AR. All changes requested by Staff have been made.

STAFF COMMENTS:

1. Applicant is Mr. Lester Straw who is purchasing a tract of land from M/M Robert Miller, owners. Application was submitted and signed by the owner for the split. Present property is 2.48 acres known as Tract 1 setting along Miller Road and Pinecrest Trail in the Panorama Park, Fourth Addition. Applicant proposes to divide the property into two parcels (Tract 1A being 1.01 acres, Tract 2 being 1.47 acres) at a narrow point in the property.

2. An existing house and garage with all utilities are shown on Tract 1B which is to be retained by the Millers. Tract 1A is empty and will remain so.

3. Applicant is showing existing right-of-way for both Miller Road and Pinecrest Trail. Widths for the rights-of-way are adequate.

4. Surveyor shows setbacks of 25' front, and various widths for sides per existing plat.

5. Covenants and Restrictions recorded in January 1984 contain the following: A. Land use and building type No dwelling shall be used except for residential purposes. Since Tract 1A will only be used for undeveloped land adjacent to Tract 2A owned by Mr Straw, this tract split is acceptable.

6. NOTE: Current taxes for 2010 have been paid.

7. Notification to adjacent property owners, other than Lester & Velina Straw, have been notified of the February 1 public hearing.

ITEMS TO BE CORRECTED/ REVISED: Correct building setback line dimensions.

Note the correct paragraph regarding Planning Board approval. Provide information regarding utility services to Tract 1A. If no services are required due to use of the lot for "lawn or acreage", this requirement is moot.

RECOMMENDATIONS:

Staff recommends the tract split move on to Public Hearing with the indicated items corrected on the Plat. Submit corrections by 02/10.

The Board asked the applicants return for the February 15, 2012 Public Hearing meeting.

PUBLIC HEARING

Old Business:

A. Karen Pitcock–Variance to Setback, Project # 11-156; JP District 01: 8030 Cedar Lane, Rogers, AR

The applicants were represented by Wayne Barnes, Rogers, AR. JP Dale King from District 1 was also present.

STAFF COMMENTS:

Property owner is Karen Pitcock. Her son, Trent Pitcock, resides there. Mr. Pitcock requested of the Planning Office that he be allowed to construct a retaining wall into the building setback, and into the present right-of-way. The lot sets east of a platted cul-de-sac road. However, subsequent extension of Cedar Lane to the north for additional lots has made the need for the cul-de-sac unnecessary. Front building setback for lots is ten feet. Non-residential structures are not restricted by the 1999 Homeowner Covenants for Beaver Shores.

VARIANCES NEEDED: After review of the survey by David Platz, RLS, and after research at the Circuit Clerk and Recorder's office, we have determined that the required front building setback for Beaver Shores, Unit 2, is ten feet. This is per the recorded Covenants for Beaver Shores, Unit 1, which also apply to Beaver Shores Unit 2.

Applicant has requested a variance of 10' to allow the retaining wall to extend to the existing power pole near the street's paved surface. Variance is to allow placement of a retaining wall to accommodate his driveway in a much more workable way.

Mark Curtis made a motion to deny the Variance to Setback and John Pate seconded the motion. However, because the applicants had started the process requesting the county vacate an obsolete cul-de-sac, which if approved would change the setback distance, Mr. Curtis amended his motion. The amended motion was to table until the request to vacate can be decided. John Cole seconded the amended motion and it passed unanimously.

New Business:

A. Thomas Smith Tract Split—11-162; JP District # 11, 16110 Wann Road, Gravette

Applicant was represented by Terry Ging, 1808 SW D Street, Bentonville.

STAFF COMMENTS:

1. Applicant has submitted a tract split for consideration. Present property is 16.06 acres setting along Wann Road to the southwest of Sulphur Springs, AR. Applicant proposes to divide the property into two parcels (Tract 1 – 9.93 acres, Tract 1A – 6.13 acres) along a line which is the center of Ross Road.
2. There are four existing chicken houses, a pump house and pole barn on the area to become Tract 1. One chicken house encroaches into the proposed right-of-way setback from Ross Road. Applicant is showing dedicated right-of-way for both Wann Road and Ross Road of 50'. Therefore, the project is being brought to Planning Board for consideration.
4. Surveyor shows setbacks of 25' front, & 10' sides as there are two corner parcels with no true rear lot line.
5. Surveyor has taken much care to identify the property owned by Mr. & Mrs. Smith through interviews, research and survey notes.
6. NOTE: Current taxes for 2010 are now paid as of January 13, 2012.

ITEMS TO BE CORRECTED/ REVISED:

1. Title drawing as Thomas Smith Tract Split (has been corrected)
2. Modify signature lines on plats. Plats may be submitted with notarized signatures of owners.
3. Final documents will be signed by surveyor.
4. Show setback lines on Tract 2 (completed).

Staff recommends approval of the tract split as submitted.

All documentation was in order. Cindy Jones made a motion to approve the tract split. Mark Curtis seconded and the motion passed unanimously. The Board asked the applicants to return for the February 15, 2012 Public Hearing meeting.

B. Ada Aitken (Aitken Trust), Tract Split—Project # 11-132; JP District 1, 22844 Pine Log Dr., Garfield

Applicant was represented by Tami Vitali.

STAFF COMMENTS:

1. Ms. Aitken submitted the above to split 20.04 acres into two parcels, 16.97 acres and 3.07 acres. Staff reviewed the history of tract splits from the original acreage of Parcel #18-00226-000. It was found that several splits had taken place starting in 1990 thru 2010. Parcels 18-00226-005 and 18-00227-002 were submitted and approved by B.C. Planning in 1996 and 2004.
2. Ms. Aitken states that at least three of these splits were to nieces and a brother.
3. There have been three small cabins built in 2006-2008. No permits were issued by County for the construction. One septic system was permitted and built for a single three-bedroom house. Starr Leyva reported the design will be with different parameters for three one-bedroom cabins. Verification of an approved septic system must be obtained from Arkansas Department of Health (ADH) for the three cabins placed on one system.
4. Applicant has paid the required fees for two building permits for existing structures on her land which were NOT permitted. This issue is completed.
5. Applicant's Designated Representative, Mr. Glen Laurent, has submitted documents to obtain approval of the existing septic system tank and leach fields for the three cabins. This approval is still pending at this time.

RECOMMENDATION:

All requirements have been met except for the following: Obtain approval from ADH for the multi-structure septic system. Staff recommends approval with the following Suggested Motion:

Move to approve the tract split as submitted with acknowledgement of building permit fees paid, subject to the stipulation that the Arkansas Department of Health approval be obtained and documented with Planning Staff. Stipulation to be met before plat being signed by Board chairman.

After some discussion of the history of the project, Mark Curtis made a motion to approve the tract split with the following stipulations:

1. Secure a letter from the Building Department waiving inspections for the cabins or have them inspected.
2. Health Department must approve the Septic System.

John Pate seconded the motion and it passed unanimously.

C. Floodplain Ordinance Resolution—Richard McKeehan—FEMA issued 11 new flood insurance maps which the County must approve. Staff requested the Planning Board recommend the proposed ordinance and forward it to the Quorum Court for a vote. Mark Curtis made a motion to recommend the proposed ordinance and pass it on to the Quorum Court. John Pate seconded the motion, it passed unanimously. Floodplain ordinance attached.

ORDINANCE NO. O-2012-xxx

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 38 (FLOODS) OF THE *CODE OF ORDINANCES OF BENTON COUNTY, ARKANSAS* TO UPDATE THE FLOOD DAMAGE PREVENTION PROGRAM FOR BENTON COUNTY; AND DECLARING AN EMERGENCY

WHEREAS, Benton County has been notified by the Federal Emergency Management Agency (FEMA) that certain Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) Volumes 1 and 2 of 2 for the county have been updated and would become effective on June 5, 2012; and

WHEREAS, said amendment is necessary to insure Benton County's continued participation in the National Flood Insurance Program (NFIP).

NOW THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS:

ARTICLE 1. That **Section 38-30, Basis for establishing areas of special flood hazard**, of the *Code of Ordinances of Benton County, Arkansas* is hereby amended to read as follows:

"The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Benton County, Arkansas and Incorporated Areas" dated June 5, 2012 with accompanying flood insurance rate maps (FIRM), dated June 5, 2012 for the following maps are adopted by reference and declared to be part of this article.

MAP NUMBERS	MAP NUMBERS
05007C0095K	05007C0115K
05007C0220K	05007C0235K
05007C0245K	05007C0255K
05007C0260K	05007C0265K
05007C0270K	05007C0280K
05007C0290K	

The areas of special flood hazard identified by the FEMA for the remainder of FIRM maps dated September 28, 2007 and listed in the FIRM Map Index, Map Number 05007CIND0B, shall continue in use for flood hazard identification.

Staff Updates: Chris Ryan—presentation on processes and procedures.

The meeting was adjourned at 7:40 p.m.