



**Benton County Planning Board  
Public Hearing  
Technical Advisory Committee Meeting**

June 19, 2013

6:00 PM

Benton County Administration Building  
215 East Central Avenue

**Meeting Minutes**

**PUBLIC HEARING:**

**Call to Order:** The meeting was convened at 6:13 PM by Planning Board Chair Mark Curtis.

**Roll Call:** Mark Curtis, Ken Knight, Starr Leyva, Ashley Tucker, John Pate, and Rick Williams were present. Jim Cole was absent.

**Persons present in addition to the Board:** Administrator of General Services John Sudduth, Chief Building Inspector Glenn Tracy, Planning Division Manager Rinkey Singh, Planning Coordinator Amber Beale, and Planning Assistant Matt Benton. Nine (9) members of the public were also present.

**Disposition of Minutes:** Mr. Knight moved to approve the minutes. The motion was seconded by Mr. Tucker to approve the June 5, 2013 Planning Board Meeting Minutes. The motion carried 6-0

**General Public Comment:** None

**Old Business:** None

**New Business:** None

The Public Hearing ended at 6:15 PM.

**TECHNICAL ADVISORY COMMITTEE**

**Call to Order:** 6:16 PM

**Old Business:** None

**New Business: A.) New Life Fellowship of Pea Ridge, LSD 13-288, 10326 Highway 72 Bentonville, AR**  
Represented by Carol Ash, 6199 Lucas Lane Pea Ridge, AR

Staff gave a presentation on the proposed 2400 sq. ft. pavilion. It was noted that the applicant requested a waiver of the large scale development review fee, engineered site drawings, and a stormwater management plan. The applicant stated that in addition to the pavilion a new church would be constructed on the site in the future.

After reviewing the applicant's submittal, Staff identified the following outstanding items that needed to be addressed:

- Site lighting type to be identified on the site plan
- Measures for delineation of the perimeter of the parking area
- Parking surface types to be identified on the site plan
- Existing septic and well to be identified on the site plan

**Response from the Applicant:** The applicant stated that the property would be used primarily for fellowships and church gatherings. She said that her congregation would like to get the pavilion up as soon as possible. She added that in the next few years she hoped that construction of the proposed church would begin.

**Questions/Comments from the Board:** Mr. Knight asked the applicant if the light would be on all night. The applicant stated she believed it would come on at dusk. Mr. Knight requested the applicant use full cut-off lighting.

Mr. Knight asked why Staff required the septic tank to be identified on the site plan. The applicant replied that the septic tank would be pumped and filled to the satisfaction of the Health Department.

Mr. Knight asked if the existing well would be adequate. The applicant responded that the well would be used primarily for irrigation.

Mr. Tucker asked how often the pavilion would be utilized. The applicant responded that it would be used about once a month from May till October.

Mr. Tucker asked if the disturbed area would be greater than one (1) acre. Staff responded that it would probably be slightly less than one (1) acre.

Mr. Tucker asked if the driveway would be improved. The applicant replied she didn't feel any improvements were needed.

Mr. Tucker asked what the height of the pavilion would be. Ms. Singh responded that the eve height would be ten (10) feet.

Mr. Curtis asked if a building permit was required. Mr. Tracy replied that the applicant would need a building permit from the County.

Mr. Knight stated he was comfortable with the waivers. He said that the applicant would have to eventually fulfill all of the requirements when construction began on the church.

Ms. Leyva asked if the fee was waived for the pavilion that had previously come in front of the Board. Mr. Curtis replied that the previous pavilion was much more complex than this structure.

Mr. Pate stated that he had no problem with waiving the fee.

The Board agreed to waive the large scale development fee. Staff requested an updated site plan from the applicant before the July 3rd Planning Board Meeting.

**B. Center Point Contractors, LSD 13-290**

Represented by: Chris McDaniel of Center Point Contractors

The applicant returned to the Board to present a new proposal. The new proposal included a warehouse for the applicant's existing office. The applicant proposed to abandon the previously approved plan and move the development to a newly acquired parcel.

Staff identified a number of outstanding issues for the applicant to address:

- The applicant is required to confirm and note an accessible restroom on the site plan.
- The type and intensity of the light fixtures must be noted.
- The spacing of trees needs to be identified on the site plan.
- The access easement is required to be clearly identified on the site plan.
- The drainage report refers to a proposed detention facility on site which is not on the site plan.
- Health Department approval of the proposed septic system is required.
- Site services need to be provided to Staff.
- Comments from Emergency Management are needed.
- The applicant is required to obtain a driveway permit for the proposed driveway.
- The applicant must confirm whether the storage area will be fenced.
- The applicant must update the site plan to show four (4) parking spaces.

**Questions/Comments from the Board:** Ms. Singh requested the applicant label an ADA-compliant bathroom on the site plan.

Mr. Knight asked how close the 18-inch water line was to the property. The applicant replied that it ran right next to his property. Mr. Knight asked if the warehouse would have a sprinkler system. The applicant replied that it would not.

Mr. Curtis asked if the abandoned Highway 72 access would remain available to all affected properties. The applicant replied that he would continue to share the access with his neighbors.

Ms. Singh suggested giving the private drive a name. The applicant stated he would contact the neighbors about changing their addresses.

Mr. Tracy asked the applicant if the main access to the easement would be maintained by Center Point Contractors. The applicant replied that he would make sure the easement was maintained. He added that he might pave the access in the future.

Mr. Curtis asked if the outstanding items could be addressed in two (2) weeks. The applicant replied that they could be addressed by then. Ms. Singh agreed that it would be possible to address all the outstanding items before the Public Hearing.

**C. Siloam Springs Whitewater and Habitat Improvement, LSD 13-283, 19253 Fisher Ford Road**

Represented by: Shane Sigle of Recreation Engineering and Planning, Don Clark of the City of Siloam Springs, and Ben Rhoads of the City of Siloam Springs

Mr. Tucker excused himself from the discussion of this proposal.

The project will be constructed on 33.92 acres owned by Fisher Ford, LLC. The applicant for the project is the City of Siloam Springs. The current land use is a combination of timber and pasture. The proposal will convert 2.4 acres of the site into a water park that will be open to the public free of charge.

Staff noted several outstanding items that need to be addressed by the applicant before the Public Hearing:

- Parcel No. 18-13173-001 relates to the overall project area and should be referenced unless it is to be combined with Parcel No. 18-13187-001.

- Confirmation of the type of impervious surface material for the parking area and trails on site is required.
- The width of the access driveways must be identified.
- The type and intensity of the light fixtures must be identified.
- The applicant must confirm in writing regarding the removal of portable toilets during flooding.
- The applicant must provide copies of all state and federal permits already obtained.
- The applicant must obtain all state and federal permits associated with the development.
- A stormwater report is required confirming that the stormwater run-off will be restricted to pre-development flow.
- The service agreement for the electrical power supply must be provided to Staff.
- The applicant must provide all drawings with signature and seal of a certified engineer in the State of Arkansas for final approval by the Board.

**Comments from the Applicant:** Mr. Sigle stated that all the lighting would be solar powered. He added that no utilities would be on site. All the lighting would be done by the City of Siloam Springs. He said he would forward all lighting specifications to Staff once they had been completed.

Mr. Sigle stated all surfaces for the parking lot and trails would be concrete with wire mesh.

**Comments from the Board:** Mr. Curtis asked how the expected usage was calculated. Mr. Sigle replied that usage was calculated based on an “average summer day.” He added that he consulted with two (2) other outfitters to help in his calculations.

Mr. Knight asked the applicant to clarify the hours of operation. Mr. Clark replied that access would be between approximately “one hour before sunrise and one hour before sunset.”

Mr. Knight asked how the park would prevent floaters from using the facilities after hours of operation. Mr. Sigle stated that there would be no way to control floaters from entering the property but that anyone entering the property would technically be trespassing.

Mr. Knight asked the applicant if gates would be erected on the property. Mr. Clark stated that gates would be constructed and that an employee would be on site to open and close the gates.

Mr. Knight asked if access would be seasonal. Mr. Clark replied that the City of Siloam had not yet made a decision regarding access.

Mr. Knight asked if overnight camping would occur on site. Mr. Clark replied that camping would not be allowed.

Mr. Knight asked what would be done with the portable toilets during flooding. Mr. Clark replied that the portable toilets would be removed in the event of flooding.

Mr. Knight asked how the site would be cleaned of debris after a flood event. Mr. Clark stated that cleanup procedures were addressed in the service letter.

Mr. Knight asked if the State of Oklahoma was aware of the project. Mr. Curtis replied that the applicant had received a 404 permit.

Mr. Knight asked how the hand washing stations would operate without water on site. Mr. Clark replied that the hand washing stations are a component of modern portable toilet systems.

Mr. Knight asked how the facility would be policed. Mr. Sigle stated that the City of Siloam Springs would have an officer on site. Mr. Clark added that the City of Siloam Springs had budgeted for a school resource officer.

Mr. Sigle stated that the budget contained funds to make sure future changes would have financing.

Mr. Sudduth asked how the solar power system would function. Mr. Sigle responded that the solar panels will be elevated above the floodplain.

**D. Osage Creek Performing Arts Center, LSD 13-289, 15004 Logan Cave Road, Siloam Springs**

Represented by: Greg Smith of 3616 N. Hayfield Circle Fayetteville, AR, Tim Sorey of 1610 NW 12<sup>th</sup> Street Bentonville, AR and Tom Johnson of Eureka Springs

Staff provided a detailed presentation describing the scope of the proposed revisions/updates to the 2-phased site plan approved in 2011. Staff noted that the proposed update is limited to the north side of Logan Cave Road and changes are proposed to the gross floor area and the number of building proposed on-site. It was also noted that the phase ii is being deleted. Overall, while the number of buildings have been reduced and consolidated at centralized locations, there is an increase of 3,966 sq. ft. from the approved square footage on-site. Staff further noted that the applicant has confirmed that no function of the site has been changed, just the size of the buildings and adjustments to their location to better fit the terrain. Staff provided planning timelines for the project that started in 2004 and made note of several outstanding items:

- A survey is required for south parcel.
- The floodplain needs to be identified on the site plan.
- No survey had been submitted on the southern property although development had begun.
- Carroll Electric easement documentation had not been provided.
- Concern existed with the development on the floodplain and wetland areas, or conservation easements contrary to approval
- No erosion control plans for the south parcel had been provided.
- Staff was awaiting a copy of the agreement with Carroll Electric.
- Staff was awaiting a fire and safety code compliance letter.
- No engineer's certificate had been provided.
- Staff was concerned with the laying of rocks on the south side of the road.

Additional items were also identified by Staff based on a cursory review including the following:

- The applicant is required to confirm if access driveway permits were obtained.
- The applicant must confirm the status of Health Department approval of sewage disposal.
- Water availability on site must be confirmed by the applicant.
- A service agreement for electrical power must be provided to Staff.
- The applicant must address all comments made by the Benton County Fire Marshal on June 10, 2013.
- A service agreement for solid waste disposal and location of refuse enclosures on site must be provided by the applicant.
- The applicant must provide an update on the outstanding issues.
- The applicant must provide a status update on the stipulation outlined in the November 17, 2010 approval.

Staff notified the applicant that any further changes to the square footage or revisions to the updated site plan would be reviewed by the Planning Board and that an application would be required, including the

necessary fees.

**Comments from the Applicant:** Mr. Sorey stated that since the last approval, the bathroom facilities had been consolidated to remove the need for the portable toilets. He added that the need for vendor carts had been reduced as well.

Mr. Sorey stated that Health Department had requested that the well submittal not be separated from the sewer submittal. He added that Doug Holmes had been handling the well proposal.

Mr. Sorey stated one of the biggest issues had been the sewer. He said that it had been put on hold because he couldn't finish his sewer design until he had a finished site plan with all the buildings.

Mr. Sorey stated that the floodplain exists only on the south parcel and had been noted on the most recent plan provided to Staff.

Mr. Sorey stated that the rock on the south side of the road was from blasting on site and the rest was from the Road Department. He added that none of the material was within the wetland areas.

Mr. Sorey stated he believed the previous Staff confused the Road Department's activity with development on the southern property.

**Comments from the Board:** Mr. Tucker asked if the square footage of the proposal is increasing. Mr. Johnson responded that the capacity is remaining the same, but the ability to service the existing capacity is increasing. He added the number of seats and parking spaces would remain the same.

Mr. Curtis commented that the project has already been approved and that the applicant was only providing updates to the Board.

Mr. Tucker commented that the building area had increased by 27 percent. Mr. Johnson replied that when the stage was added to the calculations, the increase is only around ten (10) percent. Mr. Tucker asked if the total developed area had changed. Mr. Sorey replied that the developed area had not increased.

Mr. Pate remarked that he felt the project was heading in the right direction.

Mr. Knight asked when the project would be completed. Mr. Smith replied that he expected the venue to have a full spring next year.

Mr. Knight asked if Washington County planned on improving the road to the venue. Mr. Smith replied that Judge Marilyn Edwards of Washington County had committed to making road improvements. He added that Benton County, however, still had a mile of improvements to finish.

Mr. Knight asked if the applicant would be competing directly with a similar venue in Rogers. Mr. Smith replied that he felt there was enough room in the County to support both venues.

Mr. Curtis stated that the Board will be awaiting an update on the well and sewer.

Mr. Sorey asked if the applicant should appear in front of the Board for the next meeting. Mr. Curtis replied that the applicant did not have to appear, but the applicant needed to work with Staff to address the stipulations. Mr. Sorey remarked that he would appear in front of the Board if requested.

**Discussion Item:** Ms. Singh presented an updated site plan application and calendar for the Board to review.

Mr. Curtis stated he was in favor of the changes to the application and calendar.

**Staff Updates:** Amber Beale was introduced as the new Planning Coordinator.

The meeting adjourned at 8:23 PM.