



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

November 20th, 2013

6:00 PM

Benton County Administration Building
215 East Central Avenue

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:00 PM by Planning Board Chair Ashley Tucker.

Roll Call: Mark Curtis, Jim Cole, Starr Leyva, Ashley Tucker, Ken Knight, Rick Williams.

Staff present: Administrator of General Services John Sudduth, Chief Building Inspector Glenn Tracy, Planning Coordinator Amber Beale, Planning Assistant Michael McConnell and Planning Manager Rinkey Singh were present.

Public: Zero (0) members of the public were present.

Disposition of Minutes: Mr. Curtis moved to approve the November 6, 2013 Planning Board Meeting Minutes. The motion was seconded by Mr. Knight. The motion carried 6-0.

General Public Comment: None

Old Business: None

A.) New Business:

Lake Side Storage #13-321

Comments from Staff: Lakeside storage, located at 15509 Hwy 12 East, Rogers has a total land area of 3.045 acres with .32 of that as the area of development. The land use is large boat storage with 4 existing buildings on site totaling 23,303 s.f. The applicant is proposing a new storage building of 14,000 s.f. for additional boat storage. The three lots were recently consolidated as approved by the City of Rogers. The applicant is adhering to all setback requirements and is not required to have any landscaping buffers. There is an existing paved 16 ft. access drive and a 10 ft. internal gravel drive. Staff confirmed with Bobby Keeton of AHTD that no driveway permit would be required as long as no changes are being proposed. There will be no septic or water issues as there is no plumbing on site and electrical services are provided by Carrol Electric. All solid waste will be hauled offsite. The property is not located in an MS4 and the applicant indicated that there will be an increase in the pre peak flow of 1.08 cubic ft. per second. No stormwater features are being proposed. The applicant has stated that fire services will be provided by the Beaver Lake volunteer Fire Department. There will be gasoline and oil stored on site inside of the boats and RVs and no comments were received by the Department of Emergency Management.

Comments by Applicant: Don Johnston, 8173 Ironwood Ct. Rogers, AR, with Gary Tharp, Owner.
No comments

Comments/Questions from Board: Mr. Curtis lives in the area and has never seen any trash accumulate in the area and doesn't think that the Board should require solid waste pickup because the Board didn't require it at other approved storage sites. The site is not an eyesore and he thinks things are fine. Mr. Tucker agrees with Mr. Curtis and has never noticed the property to be in disrepair.

Public Comment: None

Vote: Mr. Curtis makes a motion that the parking waiver be granted to Lakeside Storage. Mr. Williams seconds the motion and there is no discussion. The motion carries 6-0. Mr. Tucker asks if there are any other stipulations that the board would like to discuss regarding the site plan other than the standard conditions imposed on all projects. There is none. Mr. Knight made a motion to approve the site plan, Ms. Leyva seconds the motion and it carries 6-0.

Hickory Creek Telecommunications Tower #13-324, 18-02745-001

Hickory Creek Telecommunications tower project has been officially withdrawn by the applicant. Applicant was advised by Planning Manager Rinkey Singh they would need to reapply if seeking a smaller tower. Ms. Singh goes on to say that staff had been contacted by a neighboring property owner who is concerned that in accordance with the current regulations they would not need to be notified of a telecommunications tower that is being administratively reviewed as their property is currently vacant.

The regulations (Chapter 20, Article 12) state:

“Towers subject to this ordinance will be located so that there will be no residences where the nearest part of the residence is within the height of the tower from the base plus 50 feet, unless all persons owning said residences or the land on which said residence are located consent in a signed writing to the construction of said tower.”

The property owner had a concern that this tower would limit their use of the land. Mr. Knight asked if the height of the tower was changed would the applicant would have to go to the FCC regarding the power output from the tower. Mr. Tucker and Ms. Singh said that they did not think that the applicant had gone that far.

Benton County School Board Public Hearing for the Planing Regulations:

Mr. Tucker noted that this Plannign Baord meeting provided opportunity for the Benton County School district's Baord of Directors to attend and provide comemnts on the Planning Reagulations, prior to their adoption, as requied by Arkansas State law. No members of the school board were present. Ms. Singh stated that the none school boards in Benton County were notified via email and certified mail as to the opportunity to come and voice their opinions regarding the proposed Planning regulations. No comemnts have been recived from the School Board. Therefore, as a next step, the Planning regulations will be presented to the Quorum Court on December 19, 2013.

Public Meeting adjourned on 6:17pm

TECHNICAL ADVISORY COMMITTEE

Call to Order: 6:17pm

Old Business: None

New Business: Sheila Piha #13-329, 18-06030-000

Nobody present, Issue tabled until 12/4/2013

**New Beginnings Children's Home (NBCH) #12-196 (Amendment 13-335),
18-11185-001
Ken Ferguson, NBCH, 14222 Joann Ln, Gravette**

Comments from Staff: Ms. Singh provided the background information that necessitated the submission of the application. She had recently received detailed comments from the Fire Marshall who reviewed the phased development for New Beginnings Phase two. She noted that when it was approved in 2005, the stipulations were that any changes to the original plan would be reviewed by the planning board and there were specific requirements regarding water extension plans. In accordance with the decision letter, only the office and home were allowed during phase 1 and it was required that the water lines would need to be upgraded for future phases. Due to recent discussions with the fire marshal New Beginnings has agreed to the new stipulations so that stipulation#2 of the decision letter from 2005 required to be updated to reflect the new proposed requirements, thus, requiring the review of the Planning Board

The new stipulations are:

1. Fire Department Requirements-
 - a. The development will maintain fire protection membership with Centerton Fire Department for all buildings on the property,
 - b. maintain their monitored fire alert system,
 - c. maintain a minimum of two 10 pound fire extinguishers within each residence,
 - d. building exteriors must be built with no combustible materials,
 - e. a fifty (50) foot setback will be maintained between each building,
 - f. install residential fire sprinklers in each remaining residential buildings and
 - g. explore the retrofitting of existing residence and if future water line improvements and if the line is 6 inches or larger a fire hydrant will be required on site.
2. Applicant to obtain Health Department approval for the proposed semi-public well on-site.

These new stipulations will be in effect for all future phases. Ms. Singh states that on 11/20/2013 Centerton Water department contacted planning staff to express their concerns and noted that they were not aware of the revisions proposed by the applicant. A copy of the letter was tabled for the Planning Board members. Ms. Singh requests that the applicant provide a report confirming the provision of adequate water on-site from the well for the 5 additional residential units on-site. Further, the report shall also verify the adequacy of the proposed underground tank for peak fire fighting needs on-site. Lastly, the applicant must provide written description of the maintenance of the tank for future use. She also confirm with the applicant that each unit would accommodate 11 residents.

Comments from Applicant: Mr. Ferguson provided a copy of the report to staff. Beaver Lake pump service was the company who performed the analysis and the letter confirmed that the system would be sufficient to provide water to 5 average sized homes during peak use times and would provide sufficient chlorine contact time. In addition they have had the well tested and it shows the water to be safe and potable.

Comments from the Board: Mr. Tucker asked the applicant what the main desire was to go from the existing system to a well. Mr. Ferguson said that their referrals have gone up; there is not enough flow with the current system and cost concerns. Mr. Tucker asked staff what exactly Centerton Water asking of the applicant? Ms. Singh noted that Centerton Water had expressed their concerns, however, she clarified that the approval or denial authority rests with the Benton County Planning Board. Mr. Tucker asked the applicant if Centerton Water had ever been informed of this process or gives any indication that they would reserve

capacity for an 8inch line. Mr. Ferguson stated that NBCH was told by Centerton Water that if NBCH wanted an 8inch line then they would have to pay for it.

Mr. Knight asked if NBCH would be the only group served by the 8inch line if it were constructed. Mr. Ferguson said that there are a few homes in between that could be served. He then asked what the capacity of the well was. Mr. Ferguson said that it is an 800 foot deep well and said that in the past two full chicken houses were served by it. He also said that it had been scoped and new lines and pumps had been installed. Mr. Knight said that there is currently 6 chicken houses are hooked up to the current 3inch line.

Mr. Tucker said that the only thing on the table for the board currently is an amendment to stipulation 2.

Mr. Curtis would like the Fire Marshal, Marc Trollinger to give his input. Mr. Trollinger said that he and the Centerton chief conceived the proposed stipulations and that they would be a trade up from the current situation at a much more manageable price.

Mr. Tucker asked if these stipulations fall within the Fire code. Mr. Trollinger stated that they do allow this type of installation.

Ms. Leyva asks how NBCH knows that the well would not dry up in the dry season. Mr. Ferguson is trusting the company that dug the well and their analysis of its capacity and quality. Mr. Curtis suggested that the farms that have hooked up to the water line might not have a reliable source of water and the city water line gives them that. Ms. Leyva asks what the gallons per day estimate is for each of the houses , would the well be able to handle that type of load and would the current well need to be closed if connected to city water. Mr. Ferguson said that houses of the size he is proposing use around 4-6 gallons per minute of water and that the system and its refill rate are sufficient for this amount. Ms. Leyva requests that applicant provide those numbers to the board and Mr. Ferguson read from a letter from Beaver Lake Pump service that indicated it would have adequate capacity and chlorine contact time. Ms. Leyva asked if these figures had been submitted to the Health Department engineering. Mr. Ferguson has a conference call in the morning to discuss the matter.

Mr. Curtis has concerns that the well might go bad in the future. Mr. Ferguson said that he isn't qualified to answer the question as asked but that the pump company had said that the water is good and with sufficient capacity and that Beaver Lake will be doing all of the work on the system. Mr. Curtis, upon hearing the Fire Marshals input believes that the new stipulations are an upgrade. Mr. Tucker agreed that it is an improvement in terms of fire protection, but not in terms of the water distribution network.

Ms. Leyva stated that it was a several step project with the Health Department and that it would not make it back to the Planning Board Public Hearing in two weeks that the project would most likely take longer.

Mr. Tucker said that the Planning Board is considering replacing stipulation #2 (B and C) with stipulations 1-7. Ms. Singh suggested that the applicant also need to get approval from the Health Department for the well prior to the issuance of the building permit and that they agree to the standard conditions.

Mr. Tucker suggests adding an 8th condition which would state that if the well should fail or otherwise become unusable that NBCH revert to the prior stipulations. Ms. Singh asked the board if they would consider some sort of stipulation regarding the well drying up. Mr. Curtis stated that this wouldn't be something the Planning Board or NBCH can really plan for and that an additional stipulation might not be needed.

Ms. Leyva suggests that the well should be engineered to filter out contaminants and other negatives and that the only issue was supply. Mr. Ferguson said that the well would be tested once a month.

Mr. Tucker asked if notices had gone out to the neighbors and Ms. Singh informed the Board that the applicant had provided the proof of notification.

Mr. Tucker advised the applicant to attend the Public Hearing in 2-weeks.

OTHER BUSINESS: None

STAFF UPDATES: Ms. Singh informed the board that Staff had provided comments on the Environmental Information Document for the Old Bella Vista POA waterline for a proposed waterline improvement along Suits-Us Drive, prepared by Plymouth Engineering. In their written comments, staff has advised the consultant for the need for a floodplain permit prior to undertaking any work, additionally since the project is located in an MS4 area, a stormwater permit will also be required and they might need a driveway permit for any new driveways. The POA was advised of the need to consult with the road department regarding the right of way encroachment. Mr. Tucker noted that Old Bella Vista is not to be confused with Bella Vista itself. Ms. Leyva stated that the water system in place is very old and that Old Bella Vista does not have individual mains.

DISCUSSION ITEMS:

Planning Board member inquired regarding the status of the Osage Creek Amphitheater with Mr. Knight asking about the well and their current progress. Ms. Singh noted that she has spoken with Mr. Smith, the owner, regarding this project and has requested the owner to respond to the outstanding items that she has summarized in June, 2013. She noted that the owner is in the process of compiling the necessary data and information but has not yet provided to staff. Mr. Knight asked if there was an issue with the well. Ms. Singh said that it is her understanding that the septic needs to be approved before the well. Mr. Tucker asked when the approval would become void and Ms. Singh said that they were doing just enough work to keep the building permit current and requested Mr. Tracy, Chief Building Inspector, to confirm the status of the ongoing work on-site.

Mr. Curtis suggested that Staff followed up on a property owned by Mr. David Morris. He said that there was heavy equipment located on the property and that a commercial business was being advertised on site. Ms. Singh agreed and said that staff would follow up.

Meeting was adjourned at 6:58