



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

February 19, 2014

6:00 PM

Benton County Administration Building
215 East Central Avenue, Bentonville AR

**Planning
Board
Approval:**

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:00 PM by Planning Board Vice Chairman Mark Curtis.

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

Staff present: Administrator of General Services John Sudduth, Planning Manager Amber Beale, Senior County Planner Michael McConnell, Planning Director Rinkey Singh and Building Official Glenn Tracy were present.

Public Present: 2 members of the public (See attached sign in sheet)

Disposition of Minutes: Mr. Knight moved to approve the February 5, 2014 Planning Board Meeting Minutes. The motion was seconded by Mr. Cole. The motion carried 6-0.

General Public Comment: None

Old Business: None

New Business:

- A. McGarrah Telecommunications Tower, (#14-357), 15114 E Hwy 264, 18-02745-001
Represented by Lee Ann Fager, 4300 Stockton Ave. North Little Rock, AR**

Staff Report: Staff gave a presentation on the proposed 195' monopole telecommunications tower. Staff noted that the applicant was requesting the following variance as part of their application.

- A variance of 32' from the required setback.

The following are outstanding items:

- A utility access driveway permit from AHTD will be required along with a \$750.00 deposit. The minimum width is 37'.

Applicant comments:

Ms. Fager stated that this was the only suitable site with regard to topography, while meeting the setback regulations.

Board Comments:

Mr. Knight asked if the tower's proximity to the abutting residences would interfere with noise ordinances, concerning running a diesel generator and being heard beyond the site.

Ms. Fager confirmed that the diesel generator would not be on site immediately. Also stated that the generator will be running only at times when the electricity is out for at least 48 hours and that the manufacturer has mitigated the noise as much as they can. Also, noted that the residence closest to the tower site is the landowner's property.

Applicant Comments:

Ms. Fager asked what happens if there is development near the site, if the regulations will differ from the present regulations in place for this cell tower.

Board Comments:

Mr. Curtis stated that since Benton County has no zoning laws that the cell tower regulations will be upheld.

Mr. Knight asked if a strobe light will be attached to the tower.

Ms. Fager stated that there will not be a strobe light on this tower due to the height being less than 200 feet and the tower is not directly in a flight pattern.

Staff Comments: None

Public Comment:

A. Allen Gauden, United Built Homes, 2790 South Thompson Street, Springdale, Arkansas

Mr. Golden stated that his company owns the property to the West of the proposed tower site, and that the placement of the tower would be detrimental to the future value and possible development of the property. Also, stated his objection to the placement of the cell tower.

B. Marc Trollinger, 17252 N Hwy 94, Pea Ridge, Arkansas

Mr. Trollinger spoke on behalf of the volunteer fire departments in the areas near the cell tower site and stated his support for the cell tower for better coverage in the remote areas that rural emergency vehicles will service.

Vote: Mr. Williams made a motion to approve of the variance from the required setback, Mr. Cole seconded the motion. Motion carried 6-0.

Vote: Mr. Williams made a motion to approve the development plan of the cell tower. Mr. Knight seconded the motion. Ms. Singh requests the motion to include the staff recommendation. Mr. Curtis allowed the plan for the cell tower with the following stipulation suggested by staff, that the owner agrees to provide a 37 feet wide utility access driveway and obtain a driveway permit from AHTD along with a \$750.00 deposit, prior to the issuance of a construction permit. Motion carried 6-0.

**B. John Dye Jr.,(LSD #14-360), 1938 Slack St, Pea Ridge, 15-11947-000
Represented by John Dye Jr.**

Staff Report: Staff gave a report on the proposed remodeling of a vacant 3,216 sq. ft. commercial building into a fitness center. It is noted in the report that there was no record of prior Planning Board approval, despite being built in 1999. It is noted that the applicant attended the Development Review Committee January 29th and February 5th Technical Advisory Committee. The deadline for the applicant to submit outstanding documentation was February 10th and the sketch plan was not received until February 17th passed the deadline. Staff provided the applicant a sketch plan of the new septic plan for the commercial and new lateral field for the residential. Health Department notified planning of possible future use of the property that was not detailed in this project. The staff requested a detailed sketch plan by Monday,

February 24th. The applicant requested the following waivers:

- Waiver from the requirement of engineered drawings.
- Waiver from detailed Stormwater Management Plan.

Outstanding Items:

- Applicant must obtain Health Department Approval for a new septic system.
- Applicant to provide detailed parking drawings including stall dimensions and location for ADA and regular spaces, maneuvering aisle and access drive dimensions.
- To provide detailed information regarding proposed vegetative buffer along eastern property line including specific species and an information sheet from the US Department of Agriculture.

Applicant Comments:

Mr. Dye noted that the future daycare was a very preliminary project idea, saying he is not building or running a daycare on the property. Addressing the sketch plan he, to the best of his ability, provided a sketch of the parking. Addressed the refuse by stating that an eight feet by four feet container would be located behind the building.

Board Comments:

Mr. Knight was concerned with the amount of outstanding items and the due diligence from the applicant.

Mr. Dye addressed the concern from Mr. Knight, and stated he has taken the proper measures to complete the outstanding list from the Planning Department. Steps have been taken to develop a proper septic system on site.

Mr. Knight asked about the issues and if Mr. Dye is taking the proper measures to complete the outstanding issues.

Mr. Dye explained the importance regarding the vegetation buffer, parking area, and septic issues trying to complete the items that the Planning Department has requested.

Mr. Knight explained the importance of using the Planning Department staff to help with the outstanding items.

Mr. Dye stated that he has best to complete the outstanding item list with the planning staff.

Ms. Leyva questioned applicant about the daycare possibly being operated on the property and engineers have not been told about the septic system being shared by the two facilities. There was an issue with a joint parking lot for the two facilities and the lack of space on the property for the daycare to fit within the property lines.

Mr. Dye stressed the point that the idea of a daycare is a preliminary idea. Only exploring the possibility of a daycare on the property and if a joint septic system is feasible in the area.

Mr. Curtis explained the Planning Board's concern for allowing Mr. Dye's parking lot to be used for daycare clients because it would not meet regulations of adequate parking for both commercial buildings.

Mr. Dye stated that the notion of a daycare was only to see if the property could fit both buildings; also if the septic and parking situation could work for the gym and daycare.

Mr. Cole explained that in order to have the daycare, proper measures need to be taken by the individual building/owning the daycare to come in front of Planning Board.

Mr. Dye explained he knew that the process will need to be taken by the owner.

Mr. Curtis commented on the buffer zone, asked to know more about the plan for the buffer zone between the residential and the commercial.

Mr. Curtis asked for any discussion about the waivers.

Mr. Knight requested a table of the project from Mr. Dye, due to the many outstanding items.

Ms. Leyva asked if the tabling of the project for two weeks will it hold up the project for Mr. Dye.
Mr. Dye explained that he is in a continuing process and that tabling, if necessary, would not be detrimental to his project.
Ms. Leyva explained that if the board can wait two weeks, to see the project in the entirety and not pushing it through tonight, that would be the better option.
Mr. Dye explained that the building process will not be held up, if the board wants to wait and see the project with all components at next Planning Board meeting.
Ms. Leyva suggested that if Mr. Dye's building process would not be delayed by the project not being voted on it is a better option.
Mr. McConnell explained that an inspection was scheduled for Thursday, waiting for the potential approval at the Planning Board meeting tonight.
Ms. Leyva asked if the approval is not done tonight, if the inspection goes away.
Mr. Tracy stated that the inspection can still occur, but the applicant will not receive a C.O. to occupy the building as a gym until it is received approval from the Planning Board.
Mr. Homeyer asked what the inspection, tomorrow, is for.
Mr. Tracy stated it is a framing, electrical, and plumbing inspection and that this inspection is not pertaining to the acquisition of a C.O.

Mr. Sudduth stated that there will be no more building permits issued in a case like this, pertaining to the process of approval and permit acquisition. Also advised applicant to explain the proper procedures to any future owner of the possible daycare center that need to be taken in order to comply with regulations and order of the codes.

Mr. Curtis stated that gathering from the board member's comments, the board feels the project should be tabled until the next planning meeting (3/5/14), and that the applicant must request the board to table the project at this time.
Mr. Dye stated that he requests the project be tabled.

Ms. Singh stated that staff is available to work with the applicant on outstanding issues and that a meeting be made before February 24th, as stated previously.

Public Hearing adjourned at 6:45pm

TECHNICAL ADVISORY COMMITTEE

Call to Order: 6:44pm

Old Business: None

New Business: None

OTHER BUSINESS: Mr. Curtis asked Staff for an update on Downtown Towing.

STAFF UPDATES:

A. Update on Downtown Towing case

Ms. Singh stated that she has been in contact with Mr. Spence concerning the status of the case, and that the case is on appeal to the Arkansas Court of Appeals, and there is no trial date set. The deadline for the briefs is March 5th. Lewis' attorney has fifteen days to file a reply brief. After the brief is filed, the appeal waits in line

to be heard by the court, which could take one month up to several months. Once the appeal has been submitted it could take the court 2 to 6 weeks to make a decision. If the court decision is made before the summer recess, Mr. Spence expects the decision before the summer recess, July or August, but if not the decision should be made shortly after.

B. Freeman Tract Split

Mr. McConnell stated that the staff approved a tract split in Centerton, Arkansas. The tract split created two tracts 3.63 acres and 4.09 acres.

DISCUSSION ITEMS:

A. Final reading of the regulations in court

Mr. Sudduth explained the importance of the final reading of the new regulations which is scheduled on February 27, 2014

Administrative Review: None

Meeting Adjourned at 6:57pm

