



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

July 16, 2014

6:00 PM

Benton County Administration Building  
215 East Central Avenue, Bentonville AR

**Planning  
Board  
Approval:**

08/06/14

**Meeting Minutes**

**PUBLIC HEARING:**

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

**Roll Call:** Starr Leyva, Rick Williams, Ron Homeyer, Ashley Tucker, Mark Curtis, Jim Cole, and Ken Knight were present.

**Staff present:** Administrator of General Services - John Sudduth, Building Official-Glenn Tracy, Planning Director - Rinkey Singh, Planning Manager - Kevin Gambrell, Senior County Planner - Mike McConnell, and County Planner - Taylor Reamer were present.

**Public Present:** 6 members of the public were present. (See attached sign in sheet for additional information).

**Disposition of Minutes:** Mr. Knight moved to approve the July 2, 2014 Planning Board Meeting Minutes. The motion was seconded by Mr. Curtis. The motion carried 7-0.

**General Public Comment:** None

**Old Business:** None

**New Business:**

- A. Reinwald Telecommunications Tower/Variance #14-429, Slate Gap Rd., Garfield 18-01563-000**  
**Represented by Lee Ann Fager, Retel Services**  
***(Applicant requested deferral to August 20, 2014 meeting date)***

**Vote:** Mr. Curtis moved for deferral of the Reinwald Telecommunications application to the August 20, 2014 Planning Board meeting. Mr. Cole seconded the motion. The motion carried 7-0.

- B. Bing Bing Investments Site Plan Review #14-434, 9949 Hwy 72, Bentonville 18-07376-002**  
**Represented by: Dave Montgomery, REMAX Realty, 3103 SE Moberly, Bentonville**  
**Donna Nessmith, 906 SE J Street, Bentonville**

**Staff Report:** The agent, Dave Montgomery, for the applicant, Bing Bing Investments, proposes to utilize an existing 7500 sq. ft. building to house a heavy manufacturing business at 9949 Highway 72 East. The facility will house a minimum of 7 employees with the potential for 10 per shift. This proposed facility would require a minimum of 25 parking spaces plus any additional spaces for company owned vehicles. This amount of parking would require 1 ADA compliant space. The site plan shows 11 parking spaces, the site plan does not show ADA spaces or loading spaces on-site. Currently there is an existing access drive from Highway 72. From this access the internal drive splits and goes to the north and south sides of the building. Current land use is

underutilized / vacant industrial (existing 7500 sq. ft. building). Proposed land use is to utilize the existing 7500 sq. ft. building to use as a heavy manufacturing business. The business will produce sustainable bio based products such as kitchen bags, kitchenware, garden mulch film and disposable aprons/bibs. The applicant is requesting a variance from the Parking Requirements to allow for 14 spaces with 1 ADA compliant space in lieu of the required 25 spaces with 1 ADA compliant space.

**CONSIDERATIONS FOR THE BOARD:**

1. Variance from the parking requirements
  - A. To allow 14 spaces with 1 ADA accessible in lieu of the required 25 spaces with 1 ADA accessible.
2. Site Plan Approval

**Applicant Comment:** None

**Board Comment:**

Mr. Cole asked the applicant for an example of the type of product produced.  
Ms. Nessmith stated that all the products were manufactured from PLA (polylactic acid), a renewable based derivative.

Mr. Tucker asked how the PLA will be delivered and how it will be stored.  
Ms. Nessmith stated the product arrives in pellet form and will be stored inside.  
Mr. Tucker asked if any outdoor storage will be utilized.  
Ms. Nessmith stated no outdoor storage of bulk product will be on site.

Mr. Tucker asked if the power supply to the site was sufficient for the manufacturing process  
Mr. Montgomery stated power will need to be added.

Mr. Tucker asked if any noxious odors or noise are created from the manufacturing processes.  
Ms. Nessmith stated machinery is designed to be quiet and the odor from the manufacturing is said to smell like coffee.

Mr. Knight asked about the proposed variance, what the hardship for the variance was.  
Mr. Montgomery stated that there is no said hardship other than the additional parking will not be used since the amount of employees is fewer than the required parking.  
Ms. Nessmith stated the additional parking can be added, but there is no need for it.  
Mr. Tucker stated that this site is fairly flat with no surface area restrictions, the County does not require parking areas to be paved, and the additional parking can remain a pervious surface and still satisfy the parking requirement.

Mr. Curtis stated that at least the full cut off shielding be installed on the existing lighting on the building.

Mr. Tucker asked how many deliveries were expected for the site.  
Ms. Nessmith stated weekly deliveries were expected.  
Mr. Tucker asked if once a week coming in, once a week going out.  
Mr. Tucker asked what size the trucks would be delivering product.  
Ms. Nessmith stated the standard size trucks for delivery [would be] vans, not semi-tractor trailers.  
Mr. Curtis asked if [operating] at full capacity, would semi-trucks be needed for deliveries.  
Mr. Montgomery stated that at that capacity the owner would need a new location; the current plan is not for that to occur in the near future.

Mr. Tucker asked if there were any colocation companies.

Ms. Nessmith stated this company was in no relation to others in the area.

Ms. Singh stated with respect to the parking variance, the parking capacity can be tied to the use. Therefore, this current use could be tied to the number of parking spaces required; any change in use would require a different parking requirement. The impervious surface area would be kept to a minimum.

Mr. Curtis stated that if the parking is not needed by the applicant why require the added development and stated [he was] in favor of the variance.

Ms. Leyva asked if any by-products were created from the operation, if so where is it stored.

Ms. Nessmith stated no by-products were created from the manufacturing process. Machinery is not washed with water, they are vacuumed. The machines are vacuumed and then collected to be added back into the bulk product to start the process again.

Ms. Leyva asked what the hours of operation would be.

Ms. Nessmith stated 7am – 3pm and 3pm – midnight.

Ms. Singh asked the applicant to provide a written description of the product with technical details detailing the bio-degradable properties of the product.

Mr. Tucker stated as a planning matter, the Board is approving a use of the facility. This product being sustainable is a good aspect to the manufacturing business.

Mr. Knight asked how the product will end up with the consumer.

Ms. Nessmith stated sales representatives will sale the product.

**Public Comment:**

**Andy Black, 9904 E Hwy 72, Bentonville AR**

Mr. Black stated he was concerned about the odor (which has been addressed), and asked if a fire hydrant will be required to be on the east side of Hwy 72.

Mr. Tucker stated the Planning Board is not requiring the hydrant, but a follow up with AHTD will be done to see what permitting will be required for the installation of the new hydrant. The location of the hydrant is required by the fire department.

**Monica Crosby, 9950 W Hwy 72, Bentonville AR**

Ms. Crosby asked if this business was a start-up business or an existing business. If this land is zoned industrial, can the zoning be reverted to residential.

Mr. Tucker stated no zoning exists in the County, but any change in use required approval from the Planning Board.

Mr. Montgomery stated the business is currently located in Taiwan.

**Voting:** Mr. Curtis moved to approve the Bing Bing Investments Site Plan Review with Special Conditions i,ii,iii. Mr. Williams seconded the motion. The motion carried 7-0.

Considerations for the Board:

- I. Variance from the Parking requirements - 25 required, 14 shown with 1 van accessible ADA space
- II. Site Plan Approval for the operation of a manufacturing business within an existing non-residential structure with the following [special conditions]:
  - i. Standard Conditions
  - ii. The Planning Board may consider requiring shields on ALL existing exterior light fixtures
  - iii. Location of fire hydrant to the satisfaction of the Benton County Fire Marshal.

**Voting:** Mr. Curtis moved to approve the Bing Bing Investments parking variance. Mr. Cole seconded the motion. The motion carried 7-0.

**C. Chair/Vice-Chair Voting**

Mr. Tucker stated to respectfully requests nominations for Benton County Planning Board Chairperson. Mr. Knight nominated Mr. Tucker as Chairperson. Mr. Tucker stated the Chairperson cannot succeed themselves and cannot exceed 1 term as Chairperson.

Mr. Knight withdraws previous nomination, and nominates Mr. Curtis as Chairperson. Mr. Curtis nominates Ms. Leyva as Chairperson.

Mr. Tucker asked each nominee to make a statement.

Ms. Leyva stated she would be happy to be Chair, but would like the understanding of the Board that job movement may not allow her to continue on the Board or as Chair in the near future. She would also not be able to meet for the DRC meetings.

Mr. Curtis stated that the Vice Chair could represent the Chair at the DRC meetings.

Mr. Curtis stated he would be happy to serve as Chair again, but other perspectives would be great for a new Chair.

**Vote:** Starr Leyva unanimously elected as new Chairperson.

Mr. Knight nominated Mr. Curtis as Vice Chair.

**Vote:** Mark Curtis unanimously re-elected as Vice Chairperson.

Public Hearing adjourned at 6:45pm.

**TECHNICAL ADVISORY COMMITTEE**

**Call to Order:** 6:45pm

**Old Business:** None

**New Business:**

- A. **Mopin, LLC Site Plan Review, #14-449, 13888-13906 N Hwy 279, Bella Vista 18-09420-001  
Represented by Gregory Bone, 11022 Timarron Dr., Bentonville AR**

**Staff Report:** Paul Koosman, applicant for the property owner, Mopin LLC, is proposing infrastructure and other improvements to one of two existing light commercial/office buildings on the subject property. Both of

the sites existing buildings were constructed without prior Site Plan Review and approval. As such, this project seeks to approve all existing and proposed improvements within the scope of this single site plan application. Specifically, the applicant proposes to install an on-site septic and disposal system (OSSDS), electrical, plumbing, and interior renovations, as well as landscaping improvements for the existing 5000 sq. ft. +/- southern building. Presently, the site is improved with the afore described southern building; a 3000 sq. ft. +/- northern building constructed prior to the southern building; a well-water house between the northern building and the roadway; driveway apron and associated paved parking between the two existing buildings; a second driveway apron along the south side of the properties roadway frontage accessing the southern building; and an existing OSSDS servicing the original, north building. No increase in building square footage or impervious cover is proposed. On June 30, 2014 the applicant provided a site plan.

**To date, the following items are outstanding:**

1. Service confirmation at both buildings for Solid Waste and Electrical service
2. Confirmation from ADH that existing well for north building approved as potable water source
3. Certified Mail receipts postmarked by 7/23/2014
4. Public Hearing sign posted on site w/ photograph date stamped on or before 7/23/2014.
5. Site Plan revisions to include; a.) Adjusted sq. ft. and associated parking calculations for southern building (i.e. – 5000 sq. ft. in lieu of 3500 sq. ft.); b.) Provide inset diagram detailing 'typical' dimensions for standard and ADA accessible parking space as required by Code; c.) Show alternate field and lateral lines for all septic systems (existing and proposed).
6. Drainage statement / report from Certified Engineer confirming the adequacy of Stormwater management on-site, and indicating if Stormwater management systems will be required to mitigate site runoff submitted on or before 7/23/2014.
7. Submittal of building-to-major collector road setback variance and required \$75.00 fee.
8. Submittal of parking variance and required \$75.00 fee (if applicable).

**Applicant Comment:**

Mr. Bone stated the owner is happy to provide the parking, where allowed. The highway and septic areas restrict the amount of parking area that can be added to the site. He wanted to reiterate that these are existing buildings and the setback variance is not issue. Some of these issues are being inherited from the previous owner, but the current owner will do as required. Concerning the drainage, a letter was submitted to detail no additional development is proposed, no change in runoff will occur. Service letters will be submitted including all addresses serviced. Solid waste issues would be addressed via the language agreement that the tenants agree to and the inclusion of the proper waste disposal. Water service was also of concern, the north building is connected to a well on site, and the south building will be connected to municipal water, with the possibility of connecting both buildings to municipal water.

Mr. Tucker asked if there was any limitation of providing the amount of parking available on the southern gravel area on the property.

Mr. Bone stated he would revisit the gravel area for a possible parking area.

Mr. Knight asked what type of light manufacturing would be taking place on site and what type of truck traffic will be expected.

Mr. Bone stated the south building is currently negotiating with a drywall company for office and storage space. The market will drive what type of tenant will occupy the space.

Mr. Knight asked what if the manufacturing was a hazardous material.

Mr. Bone stated he has not heard light manufacturing, office, storage, contractor type work. No restaurants, clubs, or auto repair will be on site.

Mr. Gambrell stated that light commercial has been discussed not light manufacturing.

Ms. Singh stated that the units are small units, and the storage area would not be considered industrial use. The units are small to be considered commercial uses with varying scales or intensities of commercial use.

Mr. Tucker asked if the current owner was the same as the original developer.  
Mr. Bone stated the site is under new ownership.

Mr. Tucker asked if the septic system was adequate for the proposed use.  
Mr. Bone stated there is currently one bath in the southern building. It is an approved system.  
Ms. Leyva stated that all lateral and alternate fields need to be detailed on the site plan, proposed and existing should be included on site plan.

Ms. Leyva stated that [if] the existing well ever serves more than 25 people, proper permitting will be required.  
Mr. Curtis stated the well-being in the highway setback is an issue as well. There may need to be a plan to retire the well.

Mr. Homeyer stated there is no indication on the site plan the location of the existing water line.  
Mr. Tucker stated that crossing the highway with a water line, proper permitting is required.

Mr. Curtis asked how to deal with the building in the highway setback.  
Mr. Tucker stated that a variance will be required for the building.  
Ms. Singh asked the applicant to include both setbacks on a variance form, (i.e. well [house] setback and south building setback in addition to the parking variance if needed).

Ms. Singh stated that [if] the variance of the well [house] and the [south] building are different, a precise measurement for each variance will need to be detailed on the variance application.

Mr. Gambrell asked the applicant to confirm the water servicer.  
Mr. Bone stated Centerton water would be the water servicer.

Mr. Curtis stated that the solid waste issue [needs to] be resolved.  
Mr. Tucker asked that the owner outline how the waste will be disposed.

Ms. Leyva stated that the hours of operation will be needed for the Public Hearing.

**Mr. Homeyer recused himself from TAC.**

**B. Summerwood Subdivision Replat, #14-453, Abberley Lane, Siloam Springs  
Represented by Ron Homeyer, Civil Engineering**

**Staff Report:** The applicant James Barnett is proposing a Replat of lots 2, 4a, 4b, 6a, 6c, 6d, 9r and 10r in the Summerwood Subdivision. Applicant is proposing to replat the existing 14 lot subdivision, creation of a net increase in 2 lots, for a total of 16 lots. The proposed replat is to be recorded as follows; Combining existing lots 2 and 3 and creating new lot 2, splitting existing lot 4 and adjusting existing lot 9 to create new lots 4A and 4B, splitting existing lot 6A into new lots 6A, 6C, and 6D, and adjusting existing lots 9 and 10 to create new lots 9R and 10R. Proper private drive design standards will need to be met.

The following outstanding items need to be addressed:

- Applicant to confirm that all property owners within the Summerwood Subdivision have provided written approval of the replat.

## **CONSIDERATIONS FOR THE PLANNING BOARD**

Upon completion of this application review, staff has determined that applicant has met the overall requirements of the Benton County Planning & Development Regulations.

As such, the Planning Board may consider the following;

- Approval of the proposed Summerwood Subdivision – Replat – conditioned upon;
  - Prior to July 23<sup>rd</sup>, 2014, applicant to provide duly notarized letter of authorization to proceed from each property owner for which the replat directly impacts. Alternatively
    - A single applicant may be granted power of attorney by each owner.
    - A POA or HOA may serve as the applicant if covenants allow.
  - All private structures associated with the private drives created for proposed lots 6a, 6c, and 6d must obtain E-911 addresses from Benton County Emergency Administration prior to the issuance of any building permits.
  - All new driveways must obtain a driveway permit through the Benton County Development Department – Building Safety Division.
  - Having all written approvals from affected property owners per proposed replat as shown.

### **Applicant Comment:**

Mr. Homeyer stated the private drive name is being sought.

Ms. Singh stated that the preliminary plat and final plat will be approved by the Planning Board. The Board may waive the requirements for approval of preliminary plat and final plat at the Public Hearing.

Mr. Tucker stated a motion will be required to waive the Boards requirements for this proposal and a waiver request will be required.

Mr. Homeyer asked if all three property owners will need to sign the waiver request.

Ms. Singh confirmed.

Mr. Knight stated that these lots would be difficult to build on.

Mr. Curtis asked how many lots are developed, the report states only one is developed.

Mr. Homeyer stated only one lot involved in the replat is developed; three total lots are developed in the entire subdivision.

Ms. Singh asked when the private drive would be constructed.

Mr. Homeyer stated that the construction would begin any time.

Ms. Singh asked if the Road department has been contacted for standards for private drive construction.

Mr. Homeyer stated the private drive is planned to be asphalt, 16 feet wide.

Ms. Singh stated that the private drive needs to be 30 feet right of way, 16 feet of pavement.

Mr. Curtis asked if the private drive will be constructed to the specifications of fire service requirements.

Mr. Homeyer stated there will be a hammerhead on the driveway for 6D, which will serve as the proper specifications for fire services. The driveway will serve as a hammerhead turnaround.

Mr. Tucker asked what the maximum grade of the private drive would be.

Mr. Homeyer state 4-5 percent.

Mr. McConnell asked if the potential owner of lot 6D is aware that the hammerhead is being installed as a fire service turnaround.

Mr. Homeyer stated it should not be a problem, but will confirm.

Mr. Homeyer stated that proper septic permitting is being sought for lots 6A, 6C, and 6D.

Ms. Singh asked if the covenant for the subdivision needs to include verbiage for the restriction of gating at

the hammerhead.

Mr. Tucker stated the right of way could follow the hammerhead, to inhibit development around the hammerhead.

Ms. Leyva asked if Siloam Springs water serviced the subdivision.

Mr. Homeyer confirmed.

**Other Business: None**

**STAFF UPDATES:**

**A. Administrative Approvals**

- i. Trammel Minor Subdivision, Tract Split, #14-454, 16720 London Rd., Garfield 18-05334-000
  - Total acreage of 30.659 acres
  - Tract 1 – 25.659 acres
  - Tract 2 – 5.00 acres
  - Approved July 10, 2014
  
- ii. Zornes Minor Subdivision, Tract Split, #14-447, 20513 Nicodemus Church Rd., Siloam Springs 18-13158-005
  - Total acreage of 2.70 acres
  - Tract 1 – 1.35 acres
  - Tract 2 – 1.35 acres
  - Approved July 7, 2014
  
- iii. VanHoecke Minor Subdivision, Property Line Adjustment, #14-447, 22680 Armadillo Rd., Garfield 18-00235-000
  - Total acreage of 4.96 acres
  - Tract 1- .95 acres
    - i. Adjusted to 1.98 acres
  - Tract 2 – 3.98 acres
    - i. Adjusted to 2.98 acres
  - Approved July 11, 2014
  
- iv. Rolan Telecommunications Modification, #14-448, 13542 Alto Rd., Lowell 18-02811-000
  - Existing 320 foot tall tower
  - Proposed modifications:
    - i. Panel Antenna installation (x3)
    - ii. Remote Radio Units (x3)
    - iii. Jumpers (x27)
    - iv. Cables – AISG (x3) & Fiber (x1)
    - v. Antenna Pipe Mount (x3)

**DISCUSSION ITEMS:**

**Planning Board Revisions:**

Planning Regulation Revisions will be read at the next Quorum Court meeting July 24, 2014.



