



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

January 21, 2015
6:00 PM

Benton County Administration Building
215 East Central Avenue, Bentonville AR

**Planning
Board
Approval:**

2-04-15
C.K.

Meeting Minutes

PUBLIC HEARING:

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

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

Staff present: Administrator of General Services – John Sudduth, Planning Director – Kevin Gambrill, Planning Manager - Taylor Reamer, and Building Official – Glenn Tracy were present.

Public Present: 1 member of the public was present. (Perry Chupp, 15833 Kedzie Circle, Rogers AR 72758).

Disposition of Minutes: Mr. Williams moved to approve the January 7, 2015 Planning Board Meeting Minutes. The motion was seconded by Mr. Cole. The motion carried 7-0.

General Public Comment: None

Old Business: None

New Business:

- A. Chupp Variance, #14-547, 15833 Kedzie Circle, Rogers AR 72758
Represented by Perry Chupp, #14-547, 15833 Kedzie Circle, Rogers AR 72758**

Staff Report: The applicant, Perry Chupp, submitted a minor subdivision application for the adjustment of the property line between Tract – 1 and Tract – 2, on attached survey. The property line adjustment is being sought in order to move the utility pole, servicing Tract – 2 onto the property of Tract – 2. To proceed with the property line adjustment application, a building-to-property line setback variance is required for the shop building on Tract - 1. The shop building requiring the rear yard setback variance was constructed in 2013, prior to establishment of side and rear yard setbacks in the Planning and Development Regulations of Benton County.

The applicant is requesting the following variance for the property:

- 0.7 ft. rear yard building to property line setback in lieu of the required 10 ft. setback for the existing shop building on the northern property line for the proposed, reconfigured Tract 1.

On December 18, 2014 the applicant provided a variance request.

Board Comment:

Mr. Cole asked if public notices had been sent to the required residents.

Mr. Reamer confirmed public notices had been sent and receipts submitted to staff.

Vote: Mr. Cole made a motion to approve the Chupp Variance, Case #14-547. Mr. Williams seconded the motion. The motion carried 7-0.

Chupp Variance was approved.

Public Hearing adjourned at 6:08 pm.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 6:08 pm

Old Business: None

New Business: None

Other Business: None

STAFF UPDATES:

A. Administrative Approvals

- I. First State Bank of NWA Minor Subdivision, #14-551, Luper Road, Springdale AR 72764
 - Total acreage of 106.19 acres
 - Tract 1 – 21.81 acres
 - Tract 2 – 10.73 acres
 - Tract 3 – 11.62 acres
 - Tract 4 – 37.23 acres
 - Tract 5 – 24.77 acres
 - Approved January 7, 2015

DISCUSSION ITEMS:

A. Administratively recognized non-conforming uses for property at 13670 S. Hwy. 59, Gentry AR

Mr. Gambrell gave the Board an update on a recent inquiry for a proposed development at this site. The proposed use was similar to the previously recognized non-conforming uses for the property. A perspective buyer for this site came to Planning's DRC meeting and given the information that was provided, Staff determined the proposed use would require Planning Board approval. Given the history of this particular site Staff chose to update the Board on the recent inquiry. The use that the buyer was proposing would classify as a Site Plan Review proposal. Upon Staff research, this site has uses that have been agreed to as 'non-conforming uses'. These uses pertain to long standing commercial activities and have been allowed on site without approval, 'administratively recognized non-conforming uses' which include:

- Storage of sawdust for use in offsite poultry operations inside existing building(s)
- Storage of equipment in the rear of the parking lot

- Repair of trucks and other equipment
- Storage of equipment in existing building(s)
- Occupation of the adjacent residence

The use that the perspective buyer was proposing was storage and transfer station of wood shavings used in Cobb Chicken houses in northwest Arkansas. This would be storage only, no manufacturing or processing. There would be 10-12 dry vans/trucks on site, 5 full-time employees, delivery times Monday through Friday, 7:00 am to 3:00 pm. Based on staff research, the proposed use would not conflict with these administratively recognized non-conforming uses. However the environmental and complaint issues that have occurred at this site could trigger the need for Planning Board approval.

Mr. Curtis stated Mr. Smith during the LSD review with the Planning Board, dismissed all previously agreed upon uses for the site. He agreed to drop all previous uses for the site to gain approval from the Board.

Mr. Curtis stated he, himself, sees no problem with a company using the site for the storage and transfer of wood shavings. He would be in favor of having an environmental monitoring system on site, because there needs to be monitoring of the possible environmental contaminants on the site.

Mr. Gambrell stated there was a discussion at the DRC meeting about the EPA 'no further action' mechanism to monitor the site for environmental concerns.

Mr. Tucker stated based on the previous correspondence with Mr. Smith and the lawsuit filed against the Benton County Planning Board, any change in use of the site would require the developer to come in for Planning Board approval. The previously recognized non-conforming uses would not be recognized as allowed uses.

Mr. Sudduth stated he felt that any development on the site would need to come before the Board, due to the history of this site.

Meeting Adjourned at 6:18 pm.