



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

March 16, 2016

6:00 PM

Benton County Administration Building
215 East Central Avenue, Bentonville AR

**Planning Board
Approval**

MCB
4/7/16

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:00 p.m. by the Planning Board Chair, Mark Curtis

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

Staff present: John Sudduth – Administrator of General Services, Glenn Tracy – Building Official, Kevin Gambrill – Planning Director, Tracy Backs – County Planner, Marc Trollinger - Fire Marshal

Public Present: There were eight members of the public present (See attached Sign In Sheet)

Disposition of Minutes: March 2, 2016. Motion to approve by A. Tucker, seconded by J. Cole. No discussion. The motion carried 6-0.

General Public Comment: None

Old Business: None

New Business:

I. Area Lake Boat and Mini-Storage Site Plan Review – Major Amendment, #16-024, 15055 East AR Highway 12, Rogers

David Morris, 2910 West Seminole Drive, Rogers, AR

Mr. Curtis asked Staff to report on Area Lake Boat and Mini-Storage Site Plan Review – Major Amendment, #16-024. Staff gave a presentation on Area Lake Boat and Mini-Storage Site Plan Review, #16-024, outlining information in the Public Hearing Report.

Board Comment:

Mr. Curtis asked if lighting on poles was with full cut off.

Mr. Morris stated that lighting was moved from poles to center of building for ease of maintenance.

Mr. Tucker asked about the type of plants to be planted (“box bush, barberry”)

Mr. Curtis asked if work had begun.
Mr. Morris stated that it had not.

Mr. Curtis asked if all the trees would be cut.
Mr. Morris stated that he planned on saving the trees that could be saved; however, it would be a challenge with trying to accommodate truck/trailer traffic.
Mr. Cole asked if the building was under contract.
Mr. Morris stated that yes, it was.
Ms. Leyva requested staff clarification regarding "covered outdoor equipment storage." She stated that the plan simply states "equipment storage."
Ms. Leyva inquired about the size of driveway
Mr. Tucker discussed the classification of mini storage (light industrial, heavy industrial or commercial); we treated storage units as light industrial in the past.
Staff offers definition of general commercial and heavy commercial.
Ms. Leyva stated that with mini storage classification will need to be on a case-by-case basis (depending on the size of the storage units)
Mr. Curtis stated that it was agreed that it is light industrial.

Public Comment:

David Stokes, 8268 Eagle Crest Drive, Rogers

Mr. Stokes felt that Highway 12 should be a scenic highway. Current operation has no "greenery." Screening needed. Suggest planting leyland cypress trees (in front of chain link fence) to alleviate "tin city" look off of highway. Additionally, he heard Highway 12 may be widened. Future widening needs to be considered for proper set back.

Applicant Comment:

Mr. Morris commented on Mr. Stokes's concerns regarding aesthetically pleasing colors and care/maintenance of current grounds. Mr. Morris is not interested in planting the leyland cypress trees. Mr. Morris felt that the boxwood hedge will be drought tolerant, and grow taller more quickly.

Board Comment:

Mr. Tucker agree with Mr. Morris and Mr. Stokes that native boxwoods were acceptable. Mr. Tucker agreed that landscaping will help the business look better. Mr. Tucker stated that Barberry was invasive and that birds distribute the plant elsewhere. Mr. Tucker suggested that Mr. Morris work with staff to plant some native, drought tolerate species other than plain boxwood. Mr. Tucker suggested amending stipulation "e" to say that Mr. Morris will work with staff regarding plantings.

Mr. Tucker stated that he has heard for nearly 40 years that Highway 12 was going to be widened.

Mr. Homeyer agreed with Mr. Tucker. Mr. Homeyer want to see additional landscaping.
Mr. Curtis agreed with Mr. Tucker regarding the planting and made the comment to Mr.

Morris to consider the possibility for future road widening.

Voting Record:

Motion the variance (16-034) for zero parking in lieu of required 137 with 7 ADA by A. Tucker.

Mr. Tucker: made a motion to approve the variance to Area Lake Boat and Mini-Storage Site Plan Review – Major Amendment, #16-024, 15055 East AR Highway 12, Rogers

The motion was seconded by Mr. Cole.

Discussion: None

The motion carried: 6-0.

II. TowMate LLC Site Plan Review – Major Amendment, #16-026, 15764 East AR Highway 12, Rogers

Mr. Bryan Anderson, 15827 Serendity Point Lane, Rogers

Mr. Anderson asked Staff for the report for TowMate LLC Site Plan Review – Major Amendment, #16-026, 15764. Staff gave a presentation on TowMate LLC Site Plan Review – Major Amendment, #16-026, 15764, outlining information in the Public Hearing Report.

Applicant Comment:

Mr. Anderson stated that he was provided a mailing list in August 2014 containing the names/addresses of 10 property owners. This list was used for Mr. Anderson's current mailing. Mr. Anderson was unaware of a new list with 40+ property owners. Note that Mr. Curtis is on the new property owners list. Mr. Anderson stated that one of the two lists must be in error. Mr. Anderson stated that he had posted a sign on the property for more than 30 days.

Staff commented that the original list (from August 2014) was generated through a GIS analysis.

Board Comment:

Mr. Curtis excused himself from further discussion since his name/property was on the new list. Ms. Leyva, Vice Chair, Planning Board Chair, took over to avoid any ethical problems.

Mr. Tucker: list provided as a means of convenience and is not certified as accurate.

Mr. Homeyer: all parcels (in entire complex) and then offset by 500'. Why list went from 10 to 40.

Ms. Leyva: send 14 days in advance; Postmarked by March 23 and due to Planning Division in to planning office for April 6 Planning Board Meeting.

Motion of Continuance of Project for April 6 meeting.

Mr. Anderson: per fire marshall, not room to build a turn around for the fire truck within 40'. Might be able to gain 10' if berm is moved. Fire marshall cannot deviate from state law.

Ms. Leyva: board can't deviate from fire marshall's letter.

Mr. Tucker: room to east to make hammerhead.

Mr. Trollinger: fire truck turn around; review was only driveway and location of the building. Plan review done on February 25, 2016; wants to see turn around on plans.

Mr. Anderson: new plan shows entire campus;

Ms. Leyva: continuance on current project.

- Additional clarification from fire marshal re: purpose of turnaround requirement
- Additional comment from applicant that there are 2 access points from highway into property, and that fire can enter one, exit the other

Mr. Tucker: Motion to continue project under April 6, 2016.

Mr. Cole: Seconds the motion.

Public Comment: None

Voting Record:

The motion carried 5-0. (2 abstained: Mr. Curtis recused; Mr. Collyge absent)

Mr. Curtis returns as Planning Board chair.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 7:03 p.m.

Old Business: None

New Business:

I. Travis Waiver (4.6.8.iii – Sanitary Sewer System), #16-035, 12040 Punkin Hollow Road, Bentonville

No representation from audience regarding Travis waiver.

Comments from Staff: Multiple dwelling units and multiple septic units on a single parcel of land.

Comments from Applicant: No applicant present

Board Comment:

Mr. Tucker: Why does applicant need a waiver?

Mr. Curtis: Regulations state person can not have more than one septic field. Applicant

requests as least one or more septic for multiple dwellings.

Ms. Leyva expressed concern for the adding of more dwellings (i.e. trailer park potential)

Mr. Homeyer: Alta appendix B (says they will survey at owners request)

Mr. Tucker is “not a fan” of multiple septic without dividing tract land. In the past, we have allowed this with a section line.

Mr. Curtis suggested that waiver could say up to three septic systems under common ownership and use.

Mr. Leyva states that there were too many unknowns. (dwellings, number of septic, specific locations for the septic, etc.)

Mr. Cole expressed interest in showing specifically where the structures would be located.

Ms. Leyva requested more information as to where the proposed dwelling was to be more specifically and the septic for that dwelling, where the next dwelling was to be and the septic for that dwelling and next septic, etc. Mr. Leyva mentioned the ten-acre exemption problem.

Staff Comment:

Mr. Sudduth stated that rural properties with large tracts must be accommodated. Do not give a blanket waiver. Provide specific plans on a case by case basis with proper designs and permits. Bring each request to the Planning Board. Lock in with some leeway to use their property.

Board Comment:

Mr. Curtis: Notify for public hearing. Filed for variance waiver. Public hearing item for next meeting.

- Curtis and Leyva asked and suggested additional clarification re: how to draft the variance/waiver.
- Comments regarding 10 acre exemption from Leyva.

OTHER BUSINESS: None

STAFF UPDATES:

I. Administrative Approvals:

A. Goodwin Minor Subdivision, #16-022, 10 Pine Trail Road, Rogers

B. Jones Minor Subdivision, #16-028, 13585 Andy Jack Road, Pea Ridge

C. Rowe Minor Subdivision, #16-037, 19773 Garman Road, Gentry

DISCUSSION ITEMS:

I. Horseshoe Bend Boat and RV Storage Site Plan Review – Application rescinded.

New TAC planned on April 6, 2016 with new public hearing on April 20, 2016. Applicant says he is not submitting plans for Horseshoe Bend Boat and RV Store.

Board Comment:

Mr. Tucker commented if it is not before Planning Board, the Board does not need to take any action.

Mr. Curtis brought up the disposition of now scraped property.

Mr. Tucker asked that the Benton County environmental officer investigate this site.

Mr. Homeyer stated the state statute that the property must be revegetated within 14 days of the scraping

Staff Comment:

Mr. Sudduth stated that follow up with ADEQ was needed to determine status. This issue is not under County environmental officer's authority or scope of work. ADEQ is controlling authority here. Benton County planning does not regulate this issue.

Board Comment:

Mr. Curtis requested staff to follow up on plantings and state ADEQ issues.

Public Comment:

William Darke, 9881 Bob White Circle, Rogers

Requested that site be planted with native prairie vegetation.

Jennifer/ Eric Burton, 9804 Palamino Drive, Rogers

Stated that when it rains, site fills up with water. Will issue updates be posted on Benton County website as to what owners next plans will be?

- Kevin Gambrell clarified that if a proposal for a lot split /minor subdivision is submitted, this is an administrative review not requiring public notification. However, such applications are public record; therefore, interested residents may contact the planning division for more information.

Shelly Wisecarver, 14248 East Highway 94, Rogers

Mr. Wisecarver's property is directly adjacent to the property at issue.

She stated that her concern is a fire marshal issue related to the burning of the large piles of brush.

- Fire marshal noted a stop work order was initially issued; but applicant is now eligible to apply for a burn permit.

Ms. Wisecarver also discussed a leaking diesel fuel tank sitting in a secondary basin. Basin has no plug and rainwater has brought the level of the fuel within this basin. Diesel tank is so heavy with fuel that it has cracked the basin it is sitting in.

Staff Comment:

Mr. Trollinger stated that there was a burn ban in place for a short time but that the burn ban has since been cancelled and burning is now allowed.

Mr. Suddoth stated that this issue is not an environmental issue but a HAZMAT situation.

Mike Dixon of CENCOM should be contacted.

- Fire marshal said he is HAZMAT certified, and would take a look tomorrow.
Public Comment: will fire permit require 24 hour monitor of active fire?

II. Planning Division Personnel Update

Introduction of Tracy Backs

Addition of Derek Linn on March 21, 2016

Meeting adjourned at 8:00 p.m.

