



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

April 6, 2016

6:00 p.m.

Benton County Administration Building
215 East Central Avenue, Bentonville AR

**Planning
Board
Approval:**

OK
5/5/16

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:00 p.m. by Planning Board Vice Chair, Starr Leyva.

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

Staff present: Glenn Tracy – Building Official, Kevin Gambrell – Planning Director, Taylor Reamer - Planning Manager, Derek Linn – Senior County Planner and Tracy Backs – County Planner were present.

Public Present: There were seven members of the public present.

Disposition of Minutes: 03-16-2016.

Mr. Tucker moved to approve the March 16, 2016 Planning Board Meeting Minutes. The motion was seconded by Mr. Cole. The motion carried 6-0.

General Public Comment: None

Old Business:

**I. TowMate LLC Site Plan Review – Major Amendment, #16-026,
15764 East Arkansas Highway 12, Rogers**

Representative Mr. Bryan Anderson, owner of Towmate, LLC
16063 Serenity Point Lane, Rogers

Staff gave a presentation on TowMate parking variance and major amendment, #16-026, outlining information in the Public Hearing Report.

No additional comments from Mr. Bryan Anderson.

Board Comment:

Mr. Tucker asked Mr. Anderson if he had a conversation with the Fire Marshal, Mr. Trollinger.

Mr. Anderson said that he had and that the Fire Marshal expressed a need for another fire hydrant. Mr. Anderson said the cost of this fire hydrant was \$38,000. Alternatives for approved water sources are to purchase a buried 20,000 gallon-water storage tank or to install a swimming pool. Mr. Anderson will install a 30,000-gallon pool for employees and use as an additional source of water for fire suppression. Mr. Anderson has a dry hydrant that will draw water from the pool if needed.

Additionally, the truck turn around was established as a gravel circle drive, 20' wide, able to support a 50,000-pound truck. Mr. Anderson removed and recycled a metal storage building. Truck could do a three-point turn or enter into one drive and exit out another drive.

Mr. Tucker asked about the density of the screening between building and neighborhood.

Mr. Anderson: To the north is a natural hill side (park-like setting); natural boundary of beautiful scenic northwest Arkansas nature between TowMate and the surrounding neighborhood. Between the industrial portion of TowMate and the single family homes, a fence was installed a year and a half ago as requested by the Planning Board prior to moving any dirt. Mr. Anderson stated that he is trying to increase property values in the area, not detract from them.

Public Comment:

Charlie Schroeder, 8995 Summer Shade Road, Rogers, AR, owns the property next to Mr. Anderson's project. Mr. Schroeder discussed the history of the area since Mr. Anderson's project's inception. County Road 88, that runs in front of his house, was closed off to his residence. This issue is under appeal at this time. Road closed and deeded to Mr. Anderson's property. Mr. Schroeder felt that the judge's ruling was wrong. Appealed judge's decision. Mr. Schroeder shared flash drive of stormwater runoff photos of last two major storms since project's inception.

Board Comment:

Ms. Leyva asked when photos were taken.

Comments from Mr. Schroeder:

Photos taken August 2013 and December 2015. Photos show water going over County Road 88 and the bridge Mr. Anderson installed over Bear Creek. Photos show water levels upon footing of Mr. Schroeder's house. His house has never had water on foundation of house until now. Diversion of water will not get better by a 10,000 square foot building next door. Not a good place to put a building. Mr. Anderson has footing

and foundations already in place before Board's approval. Mr. Schroeder felt that it is not right to allow diversion of water onto an adjacent piece of property.

Comments from Mr. Anderson:

Mr. Anderson said that the photos don't tell the whole story regarding the diversion of water. Mr. Anderson said that Mr. Schroeder diverted water onto his (Mr. Anderson's) land. Mr. Anderson stated that he asked Mr. Schroeder's son if he had caused water to come onto Mr. Schroeder's land. Son told Mr. Anderson that he had not. Son recognizes that water can have free flow through culverts. Storm in December 2015 was so hard for so many people. Mr. Schroeder had no property damage. 12" of rain in 24 hours. Mr. Anderson felt that he had the most to lose. Engineering determined that there was adequate flow under the bridge. Mr. Anderson said that if he needs to do something to protect Mr. Schroeder, he will do it. Mr. Anderson offered to do work at no charge. Mr. Anderson has increased size of a berm but damage has been done to Mr. Anderson's property. Mr. Anderson built a \$50,000 retention area.

Mr. Anderson said that Mr. Schroeder refuses to clean out his own stream bed. Mr. Anderson said that he thought of himself as a responsible person. Mr. Anderson felt that Mr. Schroeder was a nuisance in the neighborhood, creating an eyesore. Mr. Anderson is screening Mr. Schroeder by adding fencing. Mr. Anderson asked for Board approval so that he can continue his business. Mr. Anderson is willing to pay for drainage needed. Mr. Anderson said that Mr. Schroeder is building berms with no drainage that keep the water in. Mr. Anderson asked that Mr. Schroeder talk to him.

Board Comment:

Mr. Tucker: Board does not get involved in civil affairs. Board also does not do engineering review either. Mr. Anderson has provided documents, calculations required by Benton County. To clarify, the Board simply makes sure County regulations are upheld.

Ms. Leyva: Call for motion on request for parking variance and major amendment.

Mr. Cole made motion to approved the TowMate Parking Variance.

Mr. Williams seconded the motion for TowMate Parking Variance;

- 5 standard parking spaces + 1 ADA compliant space in lieu of the required 25 standard parking spaces + 1 ADA.

Mr. Tucker: Is variance necessary? Adequate room on the site, but the updated plan does not show parking on the entire project.

Voting Record: Motion carried 6 - 0; approved.

Mr. Cole made motion to approved the TowMate LLC Site Plan Review – Major Amendment case no. 16-026 with stipulations as written;

1. Completion of County SWP application prior to any land disturbance
2. Site Plan for overall property improvements (existing or proposed) shall be submitted and approved by Benton County Planning Board prior to issuance of decision letter.
3. Applicant agrees to Standard Conditions

Mr. Collyge seconded motion.

Voting Record: Motion carried 6 – 0; approved.

New Business – Items for Public Hearing

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

Representative, Mr. Terry Maienschein (representing Dr. Travis) 11116 Timarron Drive, Bentonville

Staff gave a presentation on Travis Waiver (4.6.8.iii – Sanitary Sewer System), #16-035, outlining information in the Public Hearing Report.

Mr. Maienschein: No comment

Board Comment:

Mr. Tucker: Is the intent to keep property or sell dwelling?

Mr. Maienschein: Property will be kept as the family farm.

Mr. Tucker: Board discussed this at length at the last meeting. Issues the Board has faced over time is losing track of the number of septic fields in lots and the possibility of turning the property into a “trailer park” with multiple units and multiple septic systems. This application seems straight forward.

Public Comment:

Steven Sorey, 12036 Punkin Hollow Road, Bentonville. Our house is close to the barn site. Fifty-three acres is plenty of land to have numerous septs. Our well is close to the property line. As long as there is no interference with our well, we’re okay. We also have the concern of the “trailer park” issue. If only a few dwellings will be placed on the property, we are okay.

Board Comment:

Ms. Leyva: Waiver is for what is being shown. Board will be approving this waiver as shown. Any additional dwellings would need to come before the Board again. State pays close attention to well locations. All must meet state setbacks.

Public Comment:

Dru Sorey, 12036 Punkin Hollow Road, Bentonville. What is the size of the planned barn? We have lived on our property for 25 years. We love our neighbors and the freedom we have out in our back porch. Will we be contacted if more buildings are planned on this property? Will adjacent neighbors be notified regarding any kind of subdivision?

Board Comment:

Ms. Leyva: Yes, any kind of subdivision would require notification of adjacent neighbors. Notification was made in this case due to County requirements regarding waiver requests.

Staff Comment:

Mr. Gambrill: Note that minor sub tract splits of five or less do not require public notification.

Board Comment:

Ms. Leyva: Contact Planning Board if you are seeing any kind of building going on. It is available public information.

Applicant Comment:

Mr. Maienschein stated that the barn would be 1,440 square feet plus a second floor of the same size. The barn will be a timber frame structure from Washington State and will be quite attractive. Photos available.

Board Comment:

Mr. Cole: Is the Board to approve with approximate locations shown?
Ms. Leyva: Yes

Applicant Comment:

Mr. Maienschein said that yes, structures will be placed as shown on the site maps. He also stated that septic systems have been approved by the state health department.

Staff Comment:

Mr. Reamer: Proposal is for three proposed septic systems. The property owner will need to come back to the Board with additional waiver(s) in the future.

Board Comment:

Mr. Tucker: Are there more children who plan to build there?

Applicant Comment:

Mr. Maienschein: Yes, they don't plan to build there but they do plan to live there. Structures are too far apart to use one septic system.

Staff Comment

Mr. Gambrell: Reviewed Section 4.6.8 of the Planning and Development Regulations. Tank, lines, alternatives are all to be located on one lot or dwelling unit. Board is waiving that regulation.

Mr. Tucker made motion to approved the Travis Waiver, case no. 16-035 as shown on the applicant provided site plan. There shall be no more than three (3) dwelling units and no more than three (3) septic permits located on the subject parcel.

Mr. Homeyer seconded the motion.

Voting Record: Motion carried 6 - 0, approved.

TECHNICAL ADVISORY COMMITTEE

1. **Call to Order: 6:31 p.m.**
2. **Old Business / Ongoing Applications: None**
3. **New Business: None**
4. **Other Business: None**
5. **Staff Updates:**
 - I. **Administrative Approvals:**
 - A. Mason Minor Subdivision, #16-043, 16198 Skyline Drive, Garfield
 - B. Law Minor Subdivision, #16-041, 15929 Wann Road, Sulphur Springs
 - C. Reimer Minor Subdivision, #16-038, 22940 West Spring Harbor Road, Siloam Springs
 - D. Partain Minor Subdivision, #16-032, Frisco Cemetery Road, Lowell
 - E. Ford Minor Subdivision, #16-031, 22928 + 22944 Cherokee Road, Gentry

6. Discussion Item:

Staff Updates:

Introduction of Derek Linn. Derek gave a brief discussion of his educational and professional background.

Mr. Gambrill: Future administrative policy issues are forth coming. No new submittals for the next Planning Board meeting. Aside from staff discussion, there are no applications for TAC for the next Planning Board meeting. There may be additional discussion regarding the section the Board just provided a waiver for. Direction from Mr. Sudduth to begin discussion regarding how to administer this section. Plan to set up working group including septic designers/surveyors. Citizens don't understand the intent.

Board Comment:

Mr. Tucker: Previous discussions of not allowing building in setbacks, then need for building permits. Now the issue is the number of septic systems.

Staff Comment:

Mr. Gambrill: State rules; meets setbacks from wells. Applicant has an approved state design. State approval does not necessarily mean applicant meets Benton County regulations.

Board Comment:

Ms. Leyva: Benton County removes 10-acre exceptions. State enforcing a county rule regarding a 10-acre exception. There will always be changes.

Ms. Leyva: No planning board meeting on April 20, 2016. The next meeting will be May 4, 2016. Discussion items will go to the May 4, 2016, meeting.

Meeting Adjourned at 7:00 pm.