Benton County Planning Board
Public Hearing
Technical Advisory Committee Meeting

May 18, 2016
6:00 p.m.
Benton County Administration Building
215 East Central Avenue, Bentonville AR 72712

Planning Board Approval: TB 6/2/16

Meeting Minutes

PUBLIC HEARING:

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

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

Staff present: John Sudduth - Administrator of General Services, Taylor Reamer - Planning Manager, Derek Linn – Senior County Planner, Tracy Backs – County Planner and Glenn Tracy – Building Official, were present.

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

Disposition of Minutes: 05-04-2016

Mr. Tucker moved to approve the May 4, 2016, Planning Board Meeting minutes.
The motion was seconded by Mr. Collyge. The motion carried 6-0.

General Public Comment: None

Old Business: None

New Business – Items for Public Hearing:

I. **Jones Septic Waiver - #16-064**
12929 Pleasant Hill Road, Rogers

Applicant/Representatives: Lloyd Jones, 12929 Pleasant Hill, Rogers
Jacob Jones, son

Staff gave a presentation on Jones Septic Waiver, #16-064, 12929 Pleasant Hill Road, Rogers.

Comment from Mr. Jones: None

Board Comments: None

Public Comment: None

Mr. Williams motioned to approve. The motion was seconded by Mr. Tucker. The motion carried 6-0.

Voting Record: Motion carried 6-0, approved.

II. **Howarth Septic Waiver - #16-062**
21531 Bozarth Cemetery Road, Gentry

Applicant/Representative: Lyle Howarth, 21527 Bozarth Cemetery Road, Gentry (representing his mother, Mary Howarth)

Staff gave a presentation on Howarth Septic Waiver, #16-062, 21531 Bozarth Cemetery Road, Gentry

Comment from Mr. Howarth: None

Board Comment:

Mr. Tucker to Mr. Tracy: are you satisfied with the separation between buildings?

Mr. Tracy: I haven't been on the site yet. I will need to check this. Stated that he has not yet reviewed the setbacks.

Staff: This would still require a building permit.

Mr. Tucker: Still would require a building permit? That hasn't been issued yet. Okay. Then I am good.

Public Comment: None

Mr. Williams motioned to approve. The motion was seconded by Mr. Homeyer. The motion carried 6-0.

Voting Record: Motion carried 6 – 0, approved.

III. Wild Wilderness Site Plan Review Amendment – #16-065
20923 Safari Road, Gentry

Applicant/Representative: Mr. Josh Wilmoth, 20923 Safari Road, Gentry, AR

Staff gave a presentation on the Wild Wilderness Site Plan Review Amendment, #16-065, 20923 Safari Road, Gentry

Comment from Mr. Wilmoth: None

Board Comment:

Mr. Tucker: As a follow up on the open items from last week: The septic permit stamp indicates that it was extended but not installed, and then it was confirmed that the system that was not installed was adequate for the use.

Staff: The system was installed. As installed it is adequate for what is now being proposed to be constructed. The plan in 2012 was a few stalls shorter and smaller; per health department representative the current installed septic system meets the new proposal.

Public comment: None

Mr. Williams motioned for approval of the waiver for septic. Ms. Leyva seconded the waiver motion.

Mr. Tucker: As a point of clarification, are there actually three septic systems? No, only two. Okay.

Voting Record on waiver: Motion carried 6 – 0, approved.

Mr. Williams motioned for approval on amendment. Ms. Leyva seconds the motion.

Voting Record on amendment: Motion carried 6 – 0, approved.

IV. Reeves Heating & Cooling Site Plan Review - #16-066
15875 Highway 62, Garfield

Representative: Mr. William (Bill) Platz, WR Consulting Engineers, Inc., Bentonville
Applicant: Mr. Larry Steve Reeves

Staff gave a presentation on the Reeves Heating & Cooling Site Plan Review Amendment, #16-066, 15875 Highway 62, Garfield.

Mr. Platz: Presented photos of property line showing existing landscaping between the site plan and the residential neighbor.

Board Comment/Discussion:

Mr. Platz: We did pull back the setbacks like the Board recommended.

Ms. Leyva: You had some concerns regarding the fire marshal's comments. Are you alright with them now?

Mr. Platz: We hope so. We haven't seen them. Garfield fire chief contacted the Benton County fire marshal and worked [it] out and no fire hydrant [is] required.

Staff: That is correct. As of right now from the fire marshal, requirements include a one-hour firewall between the two uses, knox box, and driveway and parking will need to withstand the 75,000-pound fire apparatus.

Mr. Curtis: this sounds like a good compromise, which is what this is all about.

Ms. Leyva: Are the big trees on your property?

Mr. Platz: Some are and some are not. They run the fence row.

Ms. Leyva: The rear of the property…I saw some roads. You are not planning any access from the rear?

Mr. Platz: No roads. Just a dirt road.

Mr. Reeves: No roads.

Mr. Homeyer: (To applicant): What is your opinion on the grass parking vs. gravel parking? Are you willing to gravel that additional parking to meet the requirements?

Mr. Platz: If you require us to. I am sure Steve will. He has gravel parking. He has four employees that drive trucks, and they take home. They don't park them there overnight. He has a big building he can put a truck in if it is an issue. This seems to be an overkill on a five-man firm. No public business done there. It's all service work in homes. I would have thought 16 parking spaces would have been plenty; seven gravel and nine grass and other areas of gravel you can park on if needed. Whatever you recommend.

Mr. Homeyer: So to reduce that he would have had to request a variance?

Staff: That is correct.

Mr. Curtis: I am inclined to try to keep as much grass as possible is my personal opinion. I seldom go against the Planning staff's recommendation but in this case, I am inclined to think that the grass is fine.

Mr. Tucker: If you look where the dumpster is located, you have essentially one parking space on each side of the dumpster.

Mr. Platz: Actually about four. Door, dumpster, another door. So about 40' of parking down there. Draw a line there and call it parking and that would cover it.

Mr. Tucker: And then, you are done.

Mr. Platz: Okay.

Mr. Curtis: Again, I think that is a very good compromise. If we can keep grass from being graveled. We can keep dust down.

Mr. Platz: I agree.

Mr. Tucker: There is only one area with no significant vegetation and that is the short section of the south property line.

Mr. Platz: That is who he (Mr. Reeves) bought the property from. There is more vegetation down there.

Mr. Tucker. So those trees just don't show up on the site plan.

Mr. Platz: No. We were just dealing with the first 200' so I could barely get the surveyors to go back there. Grass was high.

Public comment: None

Staff comment:

Mr. Sudduth: Most generally in a heating and cooling business, you usually bring the discarded/old units back. How are you going to handle that? Will they just be thrown outside next to the building or how do you handle your by-products?

Mr. Reeves: We scrap them out and haul them off to recycle.

Mr. Sudduth: Will you have an area that will be contained? Visible from the street to the neighbors? I am just curious. Some heating and cooling businesses have a huge area of discarded equipment. I am just curious.

Mr. Reeves: My idea on discarded equipment is that I don't want a whole bunch of it sitting around so I will take care of it as soon as possible. I don't want to clutter up my area with old units.

Mr. Sudduth: I was just curious about that. Many times they can be greatly unsightly. And then they will try to rob parts. Not you all. Historically, some of them become really a junkyard of used equipment. We get complaints pretty quick.

Ms. Leyva: Let me clarify. There is no outside storage detailed on the site plan in any way that I see so there would be no possibility of storing it outside.

Mr. Reeves: Yes.

Mr. Curtis: So are we going to draw the lines in on the parking thing and not worry about the variance or are we going to do the variance?

Mr. Platz: I will draw the lines in.

Mr. Curtis: Okay. And that's good for staff?

Staff: One last thing on the landscaping detail on the plan, notes as necessary/if required. The Board needs to stipulate if the vegetation proposed on the current site plan will be required or not.

Mr. Curtis: Thank you for the reminder. Appreciate Mr. Sudduth's very timely comments. They are very important in the County. We have some other projects in the County that use outside storage and we would like to not have to use outside storage.

Mr. Tucker motioned to approve the project with the conditions of adding the parking spaces in the warehouse area and that the landscaping shown on the plan be what we are approving tonight. Ms. Leyva seconded the motion.

Mr. Homeyer: I just want to make clear that there will be no outside storage with this plan.

Mr. Curtis: Can we amend the motion?

Mr. Tucker: Yes.

Mr. Homeyer: I would like to make a motion that there would be no outside storage unless it is hidden behind a 6' opaque fence.

Mr. Curtis: Okay. So that would be another condition.

Mr. Tucker: I second that.

Mr. Curtis: So there are three conditions on the motion. Are we clear? Do you have that?

Staff: Yes.

Voting Record: Motion carried 6 – 0, approved.

TECHNICAL ADVISORY COMMITTEE

1. **Call to Order:** 6:35 p.m.

2. **Old Business / Ongoing Applications:** None

3. **New Business:**

   I. **Barnett Waiver, #16-077, 17461 London Road, Garfield, 18-05327-000 and 18-05338-000**

   Applicant: Jeff Barnett, 17461 London Road, Garfield

   Staff gave a presentation on the Barnett Waiver #16-077, 17461 London Road, Garfield.

   Comments from Mr. Barnett: None

   Board Comments/Discussion:

   Mr. Tucker: Is there an intent to tear down one structure?

   Mr. Barnett: There is one structure that is temporary that is more of a shop than anything else. There are living quarters in it. That is where we are living while we are building the house. The cabin will be pretty much gutted. That will be a barn with a bathroom in it. But it will be pretty much a barn after we build our house.

   Mr. Tucker: So the intent is for this to transition to only have two residences but temporarily there will be three constructed?

   Mr. Barnett: Correct.

Mr. Tucker: There is the 1,200 square foot house, the shop with the residential area and the cabin.

Mr. Barnett: The shop with the residential area that is in use right now. We are building a house and there will be a cabin that will be my father's.

Mr. Tucker: Then you will discontinue using the shop as residence?

Mr. Barnett: Correct. I will leave the bathroom in the barn but it will not be a residence.

Mr. Curtis: My observation is that on 180 acres you can do what you want. Certainly the regulation was not meant to prevent you from putting in any septic systems. But it does give us a record of where the septic systems are and that, I think, is the most important item.

Mr. Homeyer: So you are living in the 3,200' pole barn?

Mr. Barnett: No. I am living in the shop. We built the pole barn for ag use. We are living in the white-roofed building in the aerial view.

Staff: 17463 London Road, Garfield is the temporary or shop residence where they are living now.

Mr. Homeyer: Trying to get the buildings straight to make sure there wasn't another building that had a septic that we weren't being made aware of.

Mr. Curtis: What kind of ag do you work on the property, sir?

Mr. Barnett: We have cattle and hogs. This is more of a hobby farm.

Mr. Curtis: How many head of cattle?

Mr. Barnett: We have 35 head of cattle.

Mr. Curtis: I think this is pretty straight forward. We don't need any buffering or screening. Don't need any parking spaces. See you in two weeks. Thank you, sir.

II. Martinkewiz Variance, #16-071, 13640 Shaffer Road, Garfield, 18-1155-000 and 18-01165-000

Applicant: Allen Martinkewiz, 13640 Shaffer Road, Garfield

Staff gave a presentation on the Martinkewiz Variance, #16-071, 13640 Shaffer Road, Garfield

Comment from Mr. Martinkewiz: Flat spots are hard to come by.

Mr. Curtis: Around the lake, that is true.

Board Comments:

Mr. Tucker: Just so you know, we aren't picking on you. We have to ensure that this is a legitimate hardship. That there is not another place to put it. On the opposite side of the road, the side with the house, is there adequate room to place that building on that piece of property?

Mr. Martinkewiz: No. There is a big cliff there and where the trees start, it really drops down again.

Mr. Tucker: The setback includes the overhang. Is the 32' x 70' including the overhang/roof?

Mr. Martinkewiz: Yes, I am just trying to have a little wiggle room. Am I answering your question?

Mr. Tucker: Yes.

Mr. Martinkewiz: I am trying to keep it as far away from the road as possible.

Mr. Tucker: So is it your intent to build a 30' x 70' with no overhang?

Mr. Martinkewiz: 32' x 70' with a little overhang.

Mr. Tucker: So when we approve this, the overhang has to be INSIDE the 32' x 70'. Outside the 25'. It can't be within the right away of the road or side setback.

Mr. Martinkewiz: Yes, I understand.

Mr. Curtis: And, of course, I am not so concerned about the side setbacks as I am about the road setback. Can't you make the building a little smaller to allow for some wiggle room on the road?

Mr. Martinkewiz: Well, not really. It's 32' x 70'. Actually it's 32' x 80'. I can shorten it but I can't make it narrower. The width that I am dealing with is a rock cliff. I've got four foot between. That's pretty narrow. It will be tough to build between a rock wall and the side of the building.

Mr. Curtis: I understand what you are saying. Why does your building have to be 32' deep?

Mr. Martinkewiz: Well because that is the size that it came in. I have acquired two buildings at an auction and they are 32' x 70'.

Ms. Leyva: What are we going to be storing? I don't see a driveway access to it.

Mr. Martinkewiz: It is just going to be a shop...jet skiis, lawn mowers, cars, boat trailers. I need to reclaim my garage.

Mr. Martinkewiz: There's really a road access this way and that way too...

Staff: He will have access to the front to the right going straight to Shaffer and then he will have one to the top, the north side of the building, going directly to Shaffer Road as well.

Mr. Martinkewiz: Correct. Basically it will intersect close to where the driveway intersects on the other side (north) of the street.

Ms. Leyva: So you own Parcel -1165 right next to it which we don't show on this?

Mr. Martinkewiz: Yes.

Staff: It looks like it would almost be closer to the road.

Mr. Martinkewiz: Well, that's the good news there, you are right. But the bad news is that the rock wall is 50' from the rock wall to the center of the road because as you go east because Shaffer Road is turning around because of the cliff.

Staff: This is approximately where that rock ledge would start. You can see over here this is approximately where that rock ledge would be.

Mr. Martinkewiz: The trees are hiding the rock ledge.

Mr. Curtis: Now I am understanding, sir, that this is a dead end road. How many people live past your property?

Mr. Martinkewiz: Full time?

Mr. Curtis: How many houses are there past your property?

Mr. Martinkewiz: I haven't counted them but...

Mr. Curtis: I mean, a lot?

Mr. Martinkewiz: No. Probably ten.

Mr. Curtis: Okay. So the traveling would be 20 to 30 cars a day probably at the peak season in the summertime when everyone is around?

Mr. Martinkewiz: Yes, I guess.

Mr. Curtis: Again, my concern is the traffic on the road. We can't help it that the road was put through your property but we have an obligation as more buildings get built past your place that they have access going down the road. That is why I am very concerned about.

Mr. Martinkewiz: There is not going to be any more building down the road. I mean it is fixed. If you look at a half a mile down there, it dead ends.

Mr. Curtis: Are there vacant lots? If there is a vacant lot and it's near the lake, it's going to be built on.

Mr. Martinkewiz: I don't know of any vacant lots.

Mr. Curtis: Well, anyway, this is the concern that I have. And that's why, if we can make the building smaller.... I have no problems with you putting the building there but if you can make the building smaller so that there less road problems in the future, that's a big concern of mine... The side setbacks I can live with but the frontage road I have a problem with.

Mr. Martinkewiz: I guess I am confused about the building.

Mr. Curtis: I am trying to keep the easement to Shaffer Road as wide as possible.

Mr. Martinkewiz: Isn't it 25' on each side of the road?

Mr. Curtis: It is but if your building is at the 25' mark...

Mr. Martinkewiz: But the power lines are on the north side.

Mr. Curtis: Well it doesn't matter to the power lines. I am talking about a building sitting right on the edge of the road and that's my concern.

Mr. Martinkewiz: Could I have the stipulation that I tear down the building at my expense if it ever encroaches or becomes a problem?

Mr. Curtis: That's something I think as planners we have to take into account. Something that will be there after both of us aren't here anymore. We can okay something now, but 15 years from now the world changes a lot and especially around the Lake as Benton County develops.

Mr. Martinkewiz: Taylor will you check the right-of-way?

Staff: I have not received any comment from the Road Department. I will send out another e-mail to them trying to get at least a verbal or something in writing. As far as it shows on the maps now, it is a county road and it will need 50' of right away.

Mr. Tucker: Do we know if the road footprint is in the center of the easement?

Staff: The graphic is a recorded survey; including 16' pavement with 50' right of way.

Mr. Tucker: And this is based on the centerline of the road?

Staff: Correct.

Curtis: Sometimes around the lake it appears developers may have laid out lots and thought about the roads later. We want to properly plan for future build out of lots.

Sudduth: In reading the e-mail included in the packet, I would like to make sure we have proper notification to all neighbors; make sure you read it. Strongly advise to come speak to building official, Glenn Tracy, regarding building code. When buildings are closer to property lines this can result in buildings needing to be more fire-safe.

4. **Other Business:** None

5. **Staff Updates:**

   I. Administrative Approvals:
      A. Coughlin Family Minor Subdivision, #16-067, Fruitwood Road, Centerton
      B. APAC Central Minor Subdivision, #16-068, Rocky Dell Road, Gravette

         Mr. Curtis: Isn't this a commercial thing—a mining operation?

         Staff: It is currently vacant, and what was submitted was not associated with development. It was just a tract split to a future owner off of the large APAC Tract.

Ms. Leyva: Did they acquire this recently for mining purposes?

Mr. Homeyer: Benton County Stone has a mine up there, but not APAC.

Mr. Curtis: This is the kind of discussion we need to have; in case curious minds are wondering about future development in the area.

C. Dugan / Young Minor Subdivision, #16-070, 10689 Ervin McGarrah Road, Lowell

6. Discussion Items:

I. "Hobby Shops / Uses" – commercial vs. home based businesses

Staff: A County resident recently came in on good faith asking what sort of approvals would be needed in order to convert an existing chicken house into a wood working shop. He would create pieces and potentially sell a few items online, or taking the product elsewhere for potential sale. However, no customers, staff, or signage would be on the property. Staff felt there were two (2) potential avenues that could be discussed in regards to the proposal:

- Site Plan Review, or
- Home-based Business. However, there is no associated home on the property.

Staff wanted to ask the board what sort of review would be associated with this interest.

Leyva: Is there water on the property? Is it a residential shop?

Curtis: There will be water if there are chicken houses on the property.

Staff: Given that there is no home, but it's still a hobby based shop, where does he fit into either Site Plan or home based business?

Leyva: I can remember an internet based business discussed by planning board in which no-one came except pick-ups. It was in the Highfil area, and I don't remember if there was a house.

Mr. Curtis: That was one before regulation of home-based business was addressed in code.

Mr. Curtis: I'm of the opinion this falls under the home-based business category: we don't touch it. I'm thinking the intent behind the home-

based business doesn't need to have a home necessarily. Are we in agreement here?

Mr. Homeyer: I agree, as long as there are no deliveries or sales on-site.

Mr. Williams: I agree; there's no business license required.

II. Straightline Automotive Amendment Submittal:

Staff: this is regarding the Ross Bull Straightline Auto project previously approved by the Board for construction. Mr. Bull has approached staff with an amendment. Materially things have changed, parking approved as gravel has been paved, there has been a slight building addition not approved by the board, and request for landscaping change. Initially a scaled drawing was required for the Site Plan Review. Should scaled, professional drawings be required with amendments, or should staff accept more sketch quality submittal for amendment request?

Ms. Leyva: I recall this property is surrounded by Centerton city limits; he chose not to be annexed into the City so he could be reviewed by us. We were more concerned about dimensions because he was surrounded by City.

Staff: (In reference to site plan) He concreted all this gravel, doubled the size of this building, and wants to remove all the shrubs.

Mr. Tucker: if any life and safety issues are involved, then scaled, professional drawings should be used.

Ms. Leyva: I'm never in favor of someone else's screening counting as the required screening needed of the subject property. The neighbor could pull it down at any time.

Collyge – One of these changes in itself would be less of an issue, but altogether this is a fairly significant change from what was approved originally.

Williams: are setbacks being met?

Staff: Yes.

Tucker: Do they have more than 12,000 sf total on the buildings?

Staff: No. And an inspection by the Fire Marshall, Centerton Fire, and our Building Safety Division was conducted today.

Curtis: It's in my opinion that he has had a material change. We are not trying to make things difficult on business, but we do need to make sure that those doing business in the County follow our rules. I'm with Ms. Leyva's opinion; I don't want the landscape screening removed.

Staff: This may be more reason to having a scaled drawing so that the board can make a more informed decision.

Mr. Tucker: It may make a difference on what we require them to plant.

Sudduth: I feel like if they're going to alter the approved plans to this degree, then it needs to come back to the Board. Per the Arkansas Architectural Act, many changes require licensed architect. There are several regulations we need to make sure we are following. We need to be careful about things just being penciled in.

Mr. Curtis: We would ask Staff to require a professional drawing.

Mr. Homeyer: We've seen a lot of these septic waivers. Is this just a pent-up backlog, or is this routine now in which we need to revisit this rule to make sure it is functioning as it was intended?

Sudduth: The way it reads may not be relevant to some of our situations. I can see the good in it in regulating illegal offsite housing, control of septic locations. True subdivision or in county where multiple dwelling lot.

Mr. Curtis: It was a combination of that and other items. regulation of mobile home parks. And they pop up. So this helps regulate that. It at least gets it on the record and in the file.

Mr. Homeyer: We are taking up a lot of time if the resident owns 200 acres. There are some situations where we shouldn't make them come to us for a waiver.

Mr. Curtis: Hopefully we can look at this and find ways to improve the process.

Staff: There was a question as to whether the intent was for density control or for environmental health considerations.

Mr. Homeyer: I think it's both.

Staff: It may not be in the most appropriate section in Code, regarding applicability.

Curtis: it was both. When we sat down with groups in approving this, there were concerns about environmental around the lake, and then density concerns in other parts of the County.

Leyva: We have evolved the TUP firework permits from Board approval to staff approval.

Tucker: We could monitor for a while to see if seasonal or routine.

Curtis: I would like to be involved before leaving the Board in helping get it to a more workable stage. See you all June 1st.

Meeting Adjourned: 7:24 p.m.

Next Meeting: Wednesday, June 1, 2016