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Benton County Planning Board 2016 OCT -7 AM 7:51
Public Hearing
Technical Advisory Committee Meeting

TENA O'BRIEN
CLERK & PROBATE CLERK
BENTON COUNTY AR

August 17, 2016
6:00 p.m.

Benton County Administration Building
215 East Central Avenue, Bentonville AR 72712

Meeting Minutes

PUBLIC HEARING:

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

Roll Call: Bob Bracy, Jim Cole, Sean Collyge, Ron Homeyer, Terry Maienschein, Ashley Tucker and Rick Williams were present.

Staff present: Glenn Tracy – Building Official, Derek Linn – Senior County Planner and Tracy Backs – County Planner, were present.

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

Disposition of Minutes: 08-03-2016

Mr. Williams moved to approve the August 3, 2016, Planning Board Meeting minutes. The motion was seconded by Mr. Maienschein. The motion carried 7-0.

General Public Comment: None

Old Business: None

New Business – Items for Public Hearing:

- I. **Williams Waiver, #16-165, 12877 + 12879 Scenic Drive, Rogers, 18-04627-002**

Applicant: Freddie Williams, 12879 Scenic Drive, Rogers

Staff gave a presentation on the Williams Waiver, #16-165, 12877 + 12879 Scenic Drive, Rogers, 18-04627-002

Mr. Tucker: Mr. Williams, do you have anything to add or take away?

Mr. Williams: I did my best to follow the County's requirements; but, because of a lawsuit that I got involved in and also my heart attack, I kind of got delayed. When I restarted the process, I found out that my permit expired

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and also the County required a variance to put it (*the new septic*) in. So I am jumping through those hoops to get that done.

Board Comments: None

Public Comment: None

Mr. Collyge motioned to approve the Williams Septic Waiver. Mr. Cole seconded the motion. Motion carried 7 - 0.

Mr. Tucker: Your motion passes. If you will get with Staff, they will get you the appropriate paperwork and you will be good to go. Thank you!

II. Callahan Waiver, #16-169, 12142 Red Bluff Road, Hindsville, 18-00501-000

Applicant: Dolores Nicholas, 15284 Tulsa Drive, Rogers

Staff gave a presentation on the Callahan Waiver, #16-169, 12142 Red Bluff Road, Hindsville 18-00501-000

Comments from Ms. Nicholas: I think I tried to amend that at the last meeting. It will not be a residence. It will be a barn for storage but it will have a utility room with a bathroom in it. That's why we have to have the septic system. This is not meant to be living quarters. We already have other things going on out there, as Mr. Tracy knows. The Callahan's are making a substantial investment in this property. They do everything right, by the letter of the law, or try to exceed the standards. We have great soil drainage out there and there is lots of open space. On 12-1/2 acres with two 50' lateral lines, that will support that little bathroom/utility area. There is not going to be a substantial impact on the land. This is a weekend place only. They probably aren't out there twelve times a year, especially for an overnight. So this is very minimal usage as far as water is concerned and what the septic system will handle. It's been permitted for an apartment style so you could actually have a residence in that barn if we decided to do that but that's not going to be. Well who knows in 25 years what is going to happen. It is up to standards to support that.

I would also like to point out on the survey versus the overlay of the colored plats on your aerial view of the property, the straight lines that delineate the parcel boundaries are not accurate. This survey shows that everything runs along the fence row. So we actually have a little more space to deal with than the original aerial view that had the yellow lines outlining the parcel. They weren't exactly true.

Mr. Tucker: Do you have anything additional to add?

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Ms. Nicholas: I don't think so. I think I covered everything unless someone has a question about anything or a concern. The neighbors are all on board with everything because they know the Callahans and they know what they have already done out there. There are no objections to date.

Board Comments: None

Public Comment: None

Mr. Cole motioned to approve the Callahan Septic Waiver. Mr. Collyge seconded the motion. Motion carried 7 - 0.

Mr. Tucker: Your client's motion passes. If you will get with Staff, they will get you paperwork to validate everything. You should be able to just call them and get everything you need.

Ms. Nicholas: Okay. That means I need to go to your office?

Mr. Tucker: Yes. Thank you.

III. McCool Septic Waiver, #16-172, 2735 + 2737 Melissa Street, Pea Ridge 15-10882-002

Applicant: Mike McCool, 2735 Melissa Street, Pea Ridge

Staff gave a presentation on the McCool Septic Waiver, #16-172, 2735 + 2737 Melissa Street, Pea Ridge 15-10882-002

Mr. Tucker: Mr. McCool, do you have anything additional?

Mr. McCool: No, other than I would be glad to answer any questions.

Board Comments:

Mr. Bracy: I noticed that there is some debris, tires and some other things that are on the property. Will they be removed?

Mr. McCool: The tires have been properly disposed of. The only remaining thing there that has not been disposed of yet is the boat and we are working on it.

Mr. Bracy: That doesn't upset the terrain in any direction?

Mr. McCool: No.

Mr. Bracy: That's all.

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Mr. Tucker: Alright, thank you. Anyone from the audience like to speak?

Public Comment: None

Mr. Williams moved to approve the McCool Septic Waiver. Mr. Collyge seconded the motion. Motion carried 7-0.

IV. Gagliardi Variance, #16-126, 17222 Birch Lane, Rogers, 15-03340-000

Representative: Cathy Benton, NWA Metal Building, 2800 North Second, Rogers
Owners: James and Jamie Gagliardi, 17222 Birch Lane, Rogers

Staff gave a presentation on the Gagliardi Variance, #16-126, 17222 Birch Lane, Rogers, 15-03340-000

Mr. Tucker: Anything from the applicant to add or take away from that?

Ms. Benton: *(Shakes head, no.)*

Mr. Cole: I could be stating the obvious but the reason for the variance, the hardship is the topography.

Mr. Linn: That's what I recall from the application. With the significant drop in the land, that 100' elevation slope in the land, the idea is to keep it up close to the street so that grading impact is minimized.

Mr. Cole: Okay.

Mr. Tucker: I guess to add to that, if it were on the other side, it could be placed farther away, but there is an easement on the other side. Okay. Any other questions or comments from the Board?

Board Comments: None

Public Comment: None

Mr. Williams motioned to approve the Gagliardi Variance. Mr. Homeyer seconded the motion. Motion carried 7-0.

Mr. Tucker: Your motion passes so if you will get with Staff they will get you the paperwork that you need.

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Fowler Variance, #16-174, 16571 W. Highway 12, Gentry, 18-10809-000

Applicant: Steve Fowler, 342 Southwinds Road, Farmington, MBO Video, LLC;
d/b/a MBO Networks, P.O. Box 575 Mannford, OK 74044

Staff gave a presentation on the Fowler Variance, #16-174, 16571 W. Highway
12, Gentry, 18-10809-000

Mr. Tucker: Do you have anything to add to that?

Mr. Fowler: No sir, Derek did a good job. I appreciate all his help.

Mr. Tucker: Alright. Thank you. Any questions from the Board?

Mr. Bracy: The utility building to the left on the picture, is that part of the
property or is that already sold out of it?

Mr. Fowler: That is already sold out of that existing parcel. It's a separate
parcel from the one that we are asking to split.

Mr. Bracy: So it is just the part that's under that utility building?

Mr. Fowler: Yes, I'm not even sure what size it is. It's a different
telecommunications company that has a very similar building to what we
have. But there are two separate parcels.

Mr. Bracy: There was one utility that was separated on this property, this will
be the second utility.

Mr. Fowler: Yes, well I assume so. The other building has been in existence
for quite some time. I am not sure for how long. The building that we have
has been there for possibly fifteen years. It was separated sometime prior to
that but I don't have the knowledge of when.

Mr. Tucker: Any other questions or comments?

Public Comment: None

Mr. Homeyer motions to approve the Fowler Variance. Mr. Cole seconds the
motion. Motion carried 7-0.

Mr. Tucker: Your client's motion passes. You can get with Staff to get the
paperwork that you need.

TECHNICAL ADVISORY COMMITTEE

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1. Call to Order:
2. Old Business / Ongoing Applications: None
3. New Business:

I. Buck Site Plan Review, #16-175, 14428-14438 E. Hwy. 12, Rogers
18-03217-000

Applicant: Eric Heller, 129 West Bowles, Apt. A, Fayetteville representing the client here.

Mr. Linn: Before we jump in, we do need to ask the applicant if they have proof of the noticing requirements with them at the meeting.

Mr. Heller: I do not have them. I was not aware that we had to bring them with us.

Mr. Tucker: Have you completed the noticing?

Mr. Heller: We have. We actually got tabled last month over that same thing. We have sent them out. We can bring them tomorrow right away if that would suffice.

Mr. Tucker: So if we have the hearing and noticing is incomplete, we would have to terminate the hearing at the hearing. I think we have done that before. So I would get those to Staff as soon as you can tomorrow morning.

Mr. Heller: Absolutely. *(Note: Proof of noticing requirements were delivered the morning of August 18, 2016.)*

Staff gave a presentation on the Buck Site Plan Review, #16-175, 14428-14438 E. Hwy. 12, Rogers, 18-03217-000

Mr. Tucker: Do you have anything to add to that?

Mr. Heller: No, I think it is pretty straight forward. I just want to demo and replace an existing building. I am happy to answer any questions.

Mr. Tucker: Do you have room for one more parking space?

Mr. Heller: Yes, we will get one in there.

Mr. Tucker: Okay.

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Board Comments:

Mr. Bracy: Looking at the topo map, or the aerial map, there does not appear to be any buildings very near to the left or the right close to the long building along 12 so screening would not be a requirement.

Mr. Tucker: *(directed to Mr. Linn)* Do you have a way to get to a plan that has a little more context but not quite so much as the overall plan?

Mr. Linn: Yes, sir.

Mr. Heller: I think our applicant would be happy to landscape any of the edges there but obviously you could see along the highway, it is pretty much solid pavement.

Mr. Bracy: There is a building or some properties to the right there in that group. So is that a concrete driveway blending into an asphalt driveway of the neighbor?

Mr. Heller: Yes.

Mr. Bracy: Are there any sign requirements for that type of building?

Mr. Tucker: No.

Mr. Linn: The applicant can add anything to this statement but it appears for the report that the existing use to the east is considered a professional office.

Mr. Tucker: I believe it is a real estate office, isn't it? I can't remember. I was just trying to look it up.

Mr. Linn: So yes, if the Board wanted to stipulate any kind of shrubs or screening off to the east where there is not tree line, then the Board has the ability to do that. Staff can help the applicant and direct him as far as what should be planted.

Mr. Tucker: Okay. So the building on the left is the restaurant and the building on the right is the office. Is that correct?

Mr. Heller: Correct. Any shrubs are not going to be buffering anything.

Mr. Tucker: To me, the whole character of the Prairie Creek, is pretty combat with not a lot of landscaping between the buildings but there is a lot of buffering between the commercial and residential.

Mr. Cole: Visibility on the roads. It wouldn't create a problem? It's not there?

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Mr. Tucker: No. The speed limit there is 45 I believe. We have had a little bit of conflict in the past with the Arkansas Highway Department just to the east of there with a boat dealership and the landscaping. Any other comments or questions? What is the general feeling on landscaping?

Mr. Cole: My own feeling is, given the existing businesses, I would accept a waiver. If you would be looking from Grimes Road, would landscaping become an issue? Do we need to be buffering two parking lots?

Mr. Tucker: Buffer cars from cars. So the only buffering would be to the southwest which is a tree line.

Mr. Homeyer: That is the existing building that they are not doing anything with so I personally don't see any reason to require buffering adjacent to a building that they aren't doing anything with.

Mr. Tucker: Okay. Staff, anything else? If the proof of noticing requirements are not there, we will have to table the public hearing and delay it another two weeks.

Mr. Heller: Not a problem. I will get them there first thing in the morning.

II. SPJ Enterprises Site Plan Review, #16-184, 19632 AR Highway 127, Garfield, 15-11240-000

Applicant: Al Roos, 19304 Woodridge, Garfield

Owner: Steven Jones, 10615 Slate Gap Road, Garfield

Staff gave a presentation on the SPJ Enterprises Site Plan Review, #16-184, 19632 AR Highway 127, Garfield, 15-11240-000

Mr. Tucker: So the updated site plan that you have does not show the setbacks?

Mr. Linn: I believe what they have done is to show the setbacks. On the west side, in the event that any of those existing structures on the west were within that 10' side setback, they have provided a noncompliance note from code. This basically says, if the structure was built prior to the setback regulations, which was February 2014, then they are allowed to continue in that situation as long as it is noted and recognized by the plan.

Mr. Roos: Taylor (*Reamer*) and I have been working. There is no site plan on this existing building. It was purchased in 2001 by Steve and Peggy Jones. It's been in existence for 25 years. What I've tried to do is to work with Taylor (*Reamer*) to create a site plan that will be on record and documented for the

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future. I have responded to the comments that Taylor (*Reamer*) made on the site review; and I have listed those (*notations*) as he has requested. All the buildings in there were built prior to Steve Jones ever buying the place. What we are asking for is to build a new one. We have a lot of outdoor storage that has accumulated over the years so we are trying to get that under cover. This cleans up the site plan plus provides additional storage for increased business because everyone wants to move to the lake. Too many boats on the lake right now.

To the west, there is some noncompliance but those buildings were built a long time ago. To the east, those buildings are in compliance. In making a note, there is an abandoned multiplex hunting lodge that was built a long time ago. In essence, that is commercial. The owner owns the property to the north and the west. So the only other issue, is the south but that is on the other side of Highway 127. That is a single dwelling over there so I am not sure how we would deal with setbacks because of the existing buildings. What we are proposing is 204' from the road itself.

Parking: I revised a print for parking. Taylor (*Reamer*) wanted more parking. Again, this is storage facilities. It is not product storage. There are no employees that work here. These are just private individuals who want to store some personal items. There is parking in front of every building. So what I have done on a revised print, which Derek (*Linn*) has not seen yet or analyzed, is put down parking. I have identified all the parking places in the existing system with the new one. I think that totaled 154 existing parking places. There is an additional 37 for the new proposal. I provided additional parking spots to increase that 37 which is what the specifications requested. So we can accommodate that and have located those. Ninety per cent of the parking spaces are 12' x 35' which exceeds not only loading but also the normal ADA parking. So all these are handicap parking. They are all slide in. You can designate some as handicap but it does not make sense. They are not outlined in. You just pull into your slot, load and unload as you see fit and move on. We will certainly outline some ADA if the Planning Board wants. They are all qualified to do that. However, if you want to designate that, it is kind of a strange request. We have accommodated all the parking spaces required by the regulations.

Landscaping Buffer: I have shown on the revised print the flow of water. Most of it goes northwest from the upper part of the parcel. The other half goes to the southwest. We have culverts. We have trough flows and I have shown on the revised print the water flow. This parcel has been updated to show that. The site plan will show that. That addresses that issue that has been brought up.

Solid Waste Disposal: There is no plumbing. There is only a couple of water pigots.

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Mr. Tucker: We are talking about trash cans essentially.

Mr. Roos: Trash cans. There is no industry. There is nothing.

Mr. Tucker: Nobody cleans out their unit or anything like that? You don't come and pick up paper cups?

Mr. Roos: They are responsible for loading and unloading and disposing of that. We can put a dumpster out there if so required.

Mr. Tucker: I don't think we are requiring you to put a dumpster. We are just asking you to tell us what you are doing with the trash.

Mr. Roos: Well I guess Steve (*Jones*) can answer that one. He is the owner.

Mr. Jones: I have a dumpster for personal use but it is available to customers.

Mr. Tucker: If you could just make that statement on the plan and tell us who is carrying off the waste. We can't allow a statement that says everybody is responsible for their own trash because somebody will leave it behind. You have to put it somewhere.

Mr. Roos: I can show that on the site plan. I do remember a dumpster being out there. In fact, I have used it when I went out there to help Steve (*Jones*) one time.

Mr. Tucker: Some facilities just have curb service essentially. So a dumpster is not necessarily required. We are asking you to tell us how you are disposing of it.

Mr. Roos: Yes, we will take care of that. Electrical: I identified on the new site plan where all the electrical cut offs are located (knife switch or breakers).

Mr. Tucker: Full cut off refers to a shield that essentially prevents the light on your property from illuminating the neighbor's house. There's not one nearby.

Mr. Roos: These are all dusk to dawn lights that are placed around. We have electricity out there more for convenience.

Mr. Tucker: Does the light spill onto the neighboring property?

Mr. Roos: No because Steve (*Jones*) owns the neighboring property to the north and to the west. The other property on the east side is abandoned and at least 100 yards away from the property. There are no lights on that side. The access to the eastern buildings are to the west side of the building. There are no lights on the east side so there are no lights that can be seen by that property. Then the south is clear across the road.

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Mr. Tucker: Are you adding any additional lights?

Mr. Roos: No. We are adding no water, no plumbing, no electricity. These are just going to be kind of a boat storage. Mr. Jones has a lot of stuff that has accumulated over the years and we want to get it covered. Taylor (*Reamer*) mentioned something about outdoor storage. We are trying to clean that up and also provide additional storage so that everything is under cover.

Mr. Jones: There are no lights on the buildings to the far right to the east and there are no lights on the buildings to the far left or west. All the lights are on the other buildings inside. There are three lights on utility poles. They are all dusk to dawn.

Mr. Tucker: Okay. The note that we would ask you to put on your plan is any new lights that you install in the future. Somewhere on the box it will say, "full cut off." The full cut off means that it has a shield so that you can adjust it so that it doesn't light the road, it doesn't light your neighbor's house, it just lights your property.

Mr. Roos: One good thing that is coming out of this is that the County will have a site plan of the existing thing which hasn't been done. Glenn (*Tracy*) and I are working on the building of the thing if it is ever approved. On the fire issue, I talked to the Fire Marshal, Mark (*Trollinger*). We discussed it. I did show a line on that building on the schematic; however, I forgot to note it. It is a fire wall. What we are doing is dividing that building in half, east to west, and going to put a fire wall. What that does is reduce the total volume of 12,000 down to 5,000 – 6,000 per side. That removes the requirement by the State for a sprinkler system and/or fire hydrants.

Also the fire department brought out a 54,000-pound tanker. We drove through the whole complex. What Mark (*Trollinger*) wanted to make sure of was, if a fire should happen, that they could drive on the property with a truck and not sink in regardless of location. So, we drove through the property, and they signed off that the roads were stable enough to hold an apparatus as it would come in should we ever have a fire. Also, we are going to provide a clicker to the Fire Department so that they can pull up to the gate and be able to get in.

Mr. Tucker: So you have dealt with the KNOX-BOX or electronic opening device comment?

Mr. Roos: Yes.

Mr. Tucker: Anything else?

Mr. Roos: No. I've tried to address every comment and comply to it.

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Mr. Tucker: Questions from the Board?

Mr. Bracy: The building I see is a pre-engineered metal building?

Mr. Roos: Yes, it is.

Mr. Bracy: Is that going to have a concrete floor?

Mr. Roos: No sir. It is just concrete piers.

Mr. Bracy: So it doesn't require relocating the utilities, the water utility, the electrical utility that the building is over?

Mr. Roos: No, it doesn't. We have a water utility, just a spigot on the far side should that every be needed. It is buried deep and won't be interfered with.

Mr. Bracy: So the footings and the weight or any distribution of the building won't be on that water main?

Mr. Roos: No sir.

Mr. Tucker: Good question. Is it in an easement? Is there an easement provided to the water company for that line or is it just a private line?

Mr. Roos: It is a private line. The water was brought in from a main off of 127 so you could water the plants. We took one to the back. Mr. Jones bought the property in the back for agricultural use. He is trying to grow a garden. He has a bumper crop in gourds and weeds. It is just a private water line.

Mr. Bracy: So if the water line breaks, it will be in gravel and you could dig it up?

Mr. Roos: Yes.

Mr. Tucker: Any other comments or questions? One of the things we deal with on every single mini-storage is how to deal with parking. I still contend that every single mini-storage has parking. It's just never striped or designated. Essentially, every garage door has a space in front of it that you could call a parking space.

Mr. Roos: We technically have 70' in front of each stall.

Mr. Tucker: And you really only need 61' from center to center for a parking. Question for the Board...Are we okay with combining loading zones and parking spaces? If the applicant could satisfy loading and parking within the

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same space for a mini-storage without a variance, would that satisfy the Board's requirement?

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Mr. Bracy: If there is not a resident on site, or it is completely unattended, then there's really no necessity for parking. People are going to where their bay is. If there were an attendant on site, parking should be provided for only that person. I would though suggest that people do carry trash that they throw all over the site or they give them a place to put it. Personally I would think regarding the trash, even in an unattended property, it would be a good thing to have a dumpster on site.

Mr. Jones: I do have a container. I just try not to advertise it so it doesn't get filled up by people bringing their regular trash up there. When they leave you their trash, I am usually the one who has to have some place to put it. I have a letter. I do have a container there on site absolutely.

Mr. Tucker: Any other questions, comments?

Mr. Linn: Just one quick note while we are talking about parking. Staff does not necessarily disagree with the feelings highlighted by the applicant regarding the need for parking. If I heard correctly, the new plan is showing the 37 spaces. In this chart here you see that there are two different paragraphs. One, the proposed facility is needing 37 spaces and because this is a review of the whole site, the existing square footage per code is mathematically calculating the 150 that is shown in that top paragraph. So if there is not a need for those 150 to meet code, then as noted in the bottom comment down there in bold, in order to just show the 37, the applicant would still need to submit that parking variance to not show the 150. This is my understanding.

Mr. Tucker: I would agree with that. If you can't get the 187 total parking spaces....

Mr. Roos: I had 154 and 37 on the new, revised site plan. We have located some spots beside the building and to the side of another building adjacent to it so they are located close to that new proposed building. We have come up with 191 and that is shown on the revised plan. We are going to do that. We will clear that area. We are not trying to save dollars. We are trying to be compliant with what the codes are. They are there for a purpose and a reason.

Mr. Tucker: I think you have plenty of space to do it. Only other thing would be that you will have to designate six of them as accessible and they will have to meet the definition of accessible. They can be gravel. It is as simple as a sign, the correct dimensions and hard, compacted surface.

Mr. Roos: All 191 meet it but we can designate it somewhere. That's no problem. I guess we need signs for that too?

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Mr. Tucker: Yes, right. Unfortunately, under the Americans with Disabilities Act, we cannot offer you a variance for that. I would encourage you to locate them prudently.

Mr. Roos: I will talk to Taylor (*Reamer*) and Derek (*Linn*) to see if they have a suggestion. Once we get a design, I will provide a professional drawing. The one I did today was semi, I mean I did most of the work myself so we could get it to you on time. Once everything is fine and acceptable, I will have it done professionally so that it is documented. I will get you a PDF on that so it will be in your files.

Mr. Tucker: Okay. I don't believe we have a requirement for a seal. It doesn't meet the threshold. Unless we meet the threshold for needing a sealed document, that should suffice. Alright, anything else? Alright, I guess we will see you in three weeks. We have a by-week, so the first week in September.

4. **Other Business:** None

5. **Staff Updates:**

I. **Administrative Approvals:**

- i. Allison Minor Subdivision, #16-164, 13786 and 13816 Apache Trail, Garfield; 15-03929-000
- ii. Thompson Minor Subdivision, #16-182, 18372 Pepper Hills, Siloam Springs; 15-17708-000

6. **Discussion Items:** None

Mr. Tucker: Do we have the additional things that we were going to take to the legislative committee? Are we going to wait for Taylor (*Reamer*) or Kevin (*Gambrill*) to get back?

Mr. Linn: Yes, we will probably wait until one of them gets back. Do you want to speak to exactly what items you are referring to?

Mr. Tucker: We had some definitions. We had an additional division of the land use categories. We are trying to create something between general commercial and heavy industrial. Maybe put a little more nuance to that so there is room for something of lighter use. And then obviously parking that has been on our agenda for about a year. To revise it. We haven't done anything with it yet.

I will not be here next time. So, hopefully we will have a quorum.

Mr. Homeyer: Just as a point of order...you are not here and I will have an item on the agenda for TAC.

Mr. Tucker: So we will have to elect a temporary Chairman prior to TAC. I will be back at the next meeting.

Mr. Cole: I will be gone for the second meeting in September.

Meeting Adjourned: 7:26 p.m.

Next Meeting: Wednesday, September 7, 2016

APPROVED THIS 5TH DAY OF October, 2016

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ATTEST:



PLANNING DIRECTOR or
~~PLANNING MANAGER~~

APPROVED:



PLANNING BOARD CHAIR or
~~PLANNING BOARD VICE CHAIR~~