



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

September 21, 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, Sean Collyge, Ron Homeyer, Terry Maienschein, Ashley Tucker and Rick Williams were present. Jim Cole was absent.

Staff present: JC Brenaman – Building Inspector, Kevin Gambrill – Planning Director, Taylor Reamer – Planning Manager, Derek Linn – Senior County Planner and Tracy Backs – County Planner, were present.

Public Present: Seven people signed the sign-in sheet.

Disposition of Minutes: September 7, 2016

Mr. Williams motioned to approve the September 7, 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. Dickinson Septic Waiver, #16-178, 24382 Van Fleet Road, Siloam Springs; 18-15810-000

Applicant: Gary and Dena Dickinson, 24382 Van Fleet Road, Siloam Springs

Staff gave a presentation on the Dickinson Septic Waiver, #16-178, 24382 Van Fleet Road, Siloam Springs; 18-15810-000

Mr. Tucker: We will open it up to you (*Gary and Dena Dickinson*) for additional comment.

Mrs. Dickinson: I think the application speaks for itself. It's a horse barn. We want to put a bathroom in it.

Mr. Tucker: You're not building a house in it?

Mrs. Dickinson: No. If I have a sick horse and want to put a cot there to sleep next to it, that is possible. We are a single family residential agricultural operation and hope to stay there that way until we die God willing.

Board Comments: None.

Public Comments: None.

Mr. Maienschein motioned to approve. Mr. Homeyer seconded the motion.

Mr. Tucker: Any comment or discussion on the motion?

The motion carried 6-0.

Mr. Tucker: Your waiver carries. If you will get with Staff, they will get you the necessary paperwork. Good luck!

Mrs. Dickinson: Thank you very much!

II. Iglesia Church Site Plan Review, #16-192, 20491 Bruce Rutherford Road, Siloam Springs; 18-12650-002

Note: Mr. Ron Homeyer recuses himself from the Planning Board at this time.

Applicant Representative: Ron Homeyer, Civil Engineering, Inc. 701 South Mt. Olive, Siloam Springs

Staff gave a presentation on the Iglesia Church Site Plan Review, #16-192, 20491 Bruce Rutherford Road, Siloam Springs; 18-12650-002

Mr. Tucker: Mr. Homeyer, do you have anything additional to add?

Mr. Homeyer: Not at this time.

Board Comments: None.

Mr. Tucker: Do we have an occupancy number for the building, total?

Mr. Homeyer: Last I checked, there was not an architect involved yet so I do not know what the actual occupancy load is at this point.

Mr. Tucker: Is there any plan for expansion? Planned area for expansion?

Mr. Homeyer: I am sure they would love to expand at some point or have the need to expand at some point. They are focused more right now on getting what they are proposing and not so much on the future. If it has a center ridge, I am sure they would want to go south with it if they add on. Beyond that, I have no idea.

Mr. Tucker: We are assuming it's going to be a prefabricated metal building type construction or possibly something stick built.

Mr. Homeyer: I believe it is going to be pre-engineered metal building.

Mr. Gambrill: The public hearing report makes note of a proposed 250-seat church. Is that different from the occupancy that the Chair refers to?

Mr. Tucker: Sometimes, sometimes not. Depends on how they do the interior.

Mr. Reamer: The fire marshal's more looking at the separate uses that will be contained within the structure as far as a great hall compared to the restrooms, things like that.

Mr. Homeyer: Kitchens, classrooms, things of that nature. I know what he is looking for but I just haven't got any drawings to show or offer at this point.

Mr. Tucker: Okay. Not necessarily needed for what we are doing. I just kind of want to get an idea of what they are building and the scale of it. For any of the outstanding items, are there any that could not be completed prior to issuing a decision letter? The site plan revisions?

Mr. Homeyer: No, the site plan revisions will all be taken care of after making sure I do them correctly according to what the client instructs me to do. All those can be done. I am not sure if the septic even has been started yet either. I apologize. I did not ask.

Mr. Tucker: Okay, so before we issue a decision letter, we'll need that on the plan. So if in general, the area is known, a designer could tell you what area to place it in. If it takes a little while to do, we might have to revisit this during a hearing at some point.

Mr. Homeyer: I know that they have been talking to a designer for the septic. I have not heard back from her so I don't know where she's at on it.

Mr. Tucker: Okay. We will keep an eye on it. We have a sunset provision. So if for some reason we get close to the sunset provision, we will revisit it and bring it back up.

Mr. Homeyer: I would think by the end of the year you will have all the answers but I don't know that for a fact.

Mr. Tucker: Okay. We will open it up to public comment. Is there anyone in the audience who would like to speak?

Public Comment:

Vivian Padgett, 20547 Bruce Rutherford Drive, Siloam Springs

This is the south residential adjoining property. I did not understand the part where they talked about the runoff for the water. I want to make sure that the water does not run off toward our property. We are kind of on an incline and we already have a lot of run off when it rains. So I want to make sure that it does not affect more run off toward our property.

Mr. Tucker: So you are concerned with run off to the south?

Ms. Padgett: Yes.

Mr. Tucker: Okay. Mr. Homeyer could you address that question? How run off to the south is being contained or diverted.

Ms. Padgett: I will say though that I was glad to see that the church is up in the corner because there is a lot of property behind us there. So that might not affect anything but I just wanted to make sure.

Mr. Tucker: Okay. Do you have any other comments or questions?

Ms. Padgett: No.

Mr. Homeyer: The general direction of flow is from east to west to the road. I believe when it hits the road, it does turn to go south. So, I will have to look at that and make sure we are not going to add any substantial water. I know somewhere down there it turns and goes through some private property. I just need to identify where that is.

Mr. Tucker: Okay. We have roughly nine acres. Do we have a drainage report with flow calculations?

Mr. Homeyer: Not yet.

Mr. Tucker: Okay. That is something we will need to add as a condition.

Mr. Gambrell: Do you want a drainage report itself or do you want a cover letter that makes reference to the calculations?

Mr. Tucker: Just the cover letter.

Mr. Reamer: Pre and post development coefficients can be noted on the plan.

Mr. Bracy: Is there another site plan? This is chopping off a lot of the bottom part of the nine acres.

Mr. Tucker: Could we go to the County GIS?

Mr. Reamer distributes paper copies of the complete plans for the Iglesia Church.

Mr. Tucker: It looks like there is a swale along the south property as well. That would divert the water to the east.

Mr. Homeyer: I need to look at that. There might be a small berm along the fence line. This property I think has been row cropped over the years.

Mr. Tucker: I can't tell what the grade is. So there is a berm going this way and a swale going this way. I was pointing left to right. It looks like there is kind of a berm about where the corner is. Generally southwest to northeast. Maybe an old farm road or an old route through a highway. If you could note that on the plan. Confirm that the pre and post don't impact offsite properties.

Mr. Homeyer: I should have done that already. Yes, I will get that done and in soon. Next week at the latest.

Mr. Tucker: It looks like you have plenty of land to take care of that. Anything else from the Board or Staff or any other public comments? We will make sure that that is addressed prior to a decision letter being issued to the applicant. I look for a motion from the Board.

Mr. Williams motioned for approval with stipulations stated. Motion seconded by Mr. Bracy.

Mr. Tucker: Any discussion on the motion?

Motion carried 5-0.

Mr. Tucker: Your client's motion carries. Get with Staff.

Mr. Homeyer: Yes. We will get everything figured out.

TECHNICAL ADVISORY COMMITTEE

1. **Call to Order:**
2. **Old Business / Ongoing Applications:** None
3. **New Business:**
 - I. **Gorgas Site Plan Review, #16-213, 20570 Park Road, Rogers;
15-09826-000**

Applicant: Dave Chasten, 8830 Garrison Road, Rogers; also present was John Gorgas, 20510 Park Road, Rogers

Staff gave a presentation on the Gorgas Site Plan Review, #16-213, 20570 Park Road, Rogers; 15-09826-000

Mr. Tucker: Do you have anything to add?

Mr. Chasten: Yes, the water on the site is Benton County water #5. It is city water. It is not on a well. The septic was existing. It has been there forever. I was trying to get a hold of the Health Department to come out so that they can check it out and do whatever but it has always been there. With the restaurant and the two bathrooms that were up in the restaurant, the septic took care of those two bathrooms plus the bathrooms that were down in the block building. When it was a restaurant, it took care of a kitchen, one bathroom and a pool-hall area down in that area. There were two bath rooms downstairs at one time but when they built the kitchen they did away with one bathroom and kept one. Then they added on to the kitchen again did away with that bathroom because they had two bathrooms up in the restaurant/bar area. So it actually accommodated four bathrooms at one time.

Mr. Tucker: So over time it has changed and changed.

Mr. Chasten: It has changed over time. To tell you how long it has been, I used to go there when it was a bait shop/gas station in 1972. And it has changed since then. As far as the septic goes, I don't know if they have upgraded since then. It looks like it has been upgraded. So far as records of it being upgraded, I have no idea.

Mr. Tucker: So are all the buildings on site on the same septic system?

Mr. Chasten: Yes.

Mr. Tucker: Do you know if all of those were permitted additions to it or not?

Mr. Chasten: I have no clue. All I know is that it was all put together. We donated the building to the fire department so that they could do a practice burn on it. That's how we got rid of it.

So far as the building goes, all we are looking for is some restrooms for the recreation area and we are going to do window air conditioning units. So there will be two restrooms up there so people don't have to leave the rec area and go all the way to their rooms in order to use the restroom. That's in the existing block building.

Mr. Tucker: Anything else?

Mr. Chasten: That's it.

Board Comments: None.

Mr. Gambrell: Other than the obvious septic issues, we will wait to hear from Caroline (*Eastman*).

Mr. Tucker: Obviously a volleyball court isn't necessarily a partial structure. It's a commercial use. I don't know that we are here necessarily to regulate volleyball courts but it is part of the project. We are assuming you used the building pad.

Mr. Chasten: No, there was never a pad. What the building was an old food trailer that was set on blocks. Then they added on to it, covered it up and added on to it three times. Then they built a walkway from that building down to the block building that was the original bait shop and gas station. When they burned it down, the only thing left was the trailer. We cut it in three pieces and hauled it to RemCo. So there was never any concrete there at all. It was just block and there wasn't even a footing really.

Mr. Tucker: Okay. Have notices gone out?

Mr. Reamer: Yes.

Mr. Tucker: I guess we will see you in two weeks.

II. Dake Septic Waiver, #16-197, 13340 South Hendrix Road, Bentonville; 18-08446-000

Applicant: Brandon Dake, 4403 Braymore Drive, Rogers

Staff gave a presentation on the Dake Septic Waiver, #16-197, 13340 South Hendrix Road, Bentonville; 18-08446-000

Mr. Tucker: Any additional comments?

Mr. Dake: No sir.

Mr. Tucker: Could you tell us more?

Mr. Dake: Yes, I just want to build a new home out there. It's not a mobile home. I don't know if that matters. At this time, it is not being used. I am trying to work to fix it up. It has been neglected for a long time. Most of those chicken houses are gone. The site is clean. I am just trying to get my permit which I found out I couldn't do until I did this. So this is where I am at. Just trying to get it going. I didn't want the initial expense of doing a survey. I just had the place surveyed when I bought it a year ago. I know how long it takes them; and at this time, I just did not want to do that. I want to get the ball rolling and get started on the building process before it gets too cold.

Mr. Tucker: What are you going to use the separate building for?

Mr. Dake: The existing house?

Mr. Tucker: Yes.

Mr. Dake: I am trying to fix it up for my father right now. That's probably a year away with the condition that it is in. Fix it up and make it nice. Eventually maybe rent it out but that's a long way out.

Board Comments: None.

Mr. Tucker: This is one of those loopholes that we are trying to find where all of these multiple septic systems are so that in the future, if you decide to sell a piece, we know where they both are.

Mr. Dake: Okay.

Mr. Tucker: I guess we will see you in two weeks.

**III. Stacy Septic Waiver, #16-207, 8671 Buening Lane, Decatur;
18-11305-003; Applicant rescinded current application.**

**IV. Williams Waiver, #16-211, 19901 Walker Road, Siloam Springs;
18-13122-004**

Applicant: Beverly Williams, 19901 Walker Road, Siloam Springs; also present was Zach Pinoy, 18991 Highway 16, Siloam Springs

Staff gave a presentation on the Williams Waiver, #16-211, 19901 Walker Road, Siloam Springs; 18-13122-004

Mr. Tucker: Okay. Could you tell us a little bit about what you would like to do?

Mr. Pinoy: I am just trying to get a place moved onto my grandparents (*property*) to live there, rent from them, and to take care of them. Gurney Williams is my grandfather.

Board Comments: None.

Mr. Gambrill: It's a legacy system on an existing dwelling. It's more of a non-conforming matter with relation to our regs.

Mr. Tucker: Like I said before, this is really so we know where they are. At some point, if you subdivide the property and sell off, the septic system with the new trailer goes with the trailer. That's essentially what we are trying to do. We will see you in two weeks.

4. Other Business: None

5. Staff Updates:

I. Administrative Approvals:

- i. Yoder Minor Subdivision, #16-205, 24848 Loux Road, Maysville, 18-16353-001
- ii. Parker Minor Subdivision, #16-204, 10964 McKnight Lane, Rogers, 18-01058-000, 18-01053-000
- iii. Slaney Minor Subdivision, #16-198, 22587 Pine Log Drive, Garfield, 18-00240-000
- iv. Trueblood Minor Subdivision, #16-219, 10203 Orchard Road, Decatur 18-15323-000
- v. Poor Minor Subdivision, #16-209, 15881 Indian Creek Road, Garfield 18-01955-000, 18-00346-000

6. Discussion Items: None

Mr. Gambrill: I just want to make sure the Board did receive my e-mail about ex-parte communication.

Mr. Tucker: Essentially, if you communicate, between two Board members, you need to include Mr. Sissom please. As a matter of form. It's good to communicate, especially with the press, in case there is something they want to publish.

Mr. Gambrill: More to Staff's point, if you entertain ex-parte communications and things go to litigation, in any way, it has the potential of making your decisions null if carried forward by attorneys and legal counsels.

Mr. Tucker: One question, only because it's Bikes, Blues and BBQ time and we haven't heard from our favorite Bikes, Blues and BBQ friend. Do we have anything new from them?

Mr. Gambrill: No we do not. There was someone who I believe had approached us.

Mr. Reamer: A third party entertainment consultant, I guess you could call them, as far as utilizing the property for a potential site of concert entertainment. I do know that Glenn (*Tracy*), the Building Official, I do believe closed out all building permits for the property. Therefore, if anything were to continue, new architectural standards and plans would be required of the applicant.

Mr. Tucker: They have ceased construction and terminated their permit?

Mr. Reamer: Correct. It has been, I believe, over two years since the Building Division has seen any change in the property. Yearly visits are made and pictures are taken and just no improvements. No construction is being conducted.

Mr. Tucker: This was about the time that we approved it last.

Mr. Gambrill: The gentleman that is usually here for these requests, pulled his application at Public Hearing. He went to TAC when he was attempting to go forward with a Temporary Use Permit, for the south side, not the amphitheater portion of the property, but the pasture land to the south side. He had pulled his application before Public Hearing, so it never went forward to the decision making process. That is the last official correspondence that the County has seen.

Mr. Tucker: I've had several people ask me about it so I thought I would bring it up.

Mr. Reamer: I don't know if all the Board members are completely familiar with this project. I just want to pull it up really quick.

Mr. Tucker: I think we approved it like the 5th of September...something like that.

Mr. Reamer: This is the subject property. You may have heard of it back in mid-2000 possibly as far as a proposed amphitheater to house music events and the likes.

Mr. Tucker: It's very large.

Mr. Gambrill: There was a former Board member that may have referred to this as a "Greek ruin." But it is a sizable improvement on an even more sizable piece of acreage. There is common ownership on the south side of Logan Cave which has been the subject of prospective leases for Bikes, Blues and BBQ for a variety of entertainment events. That's all.

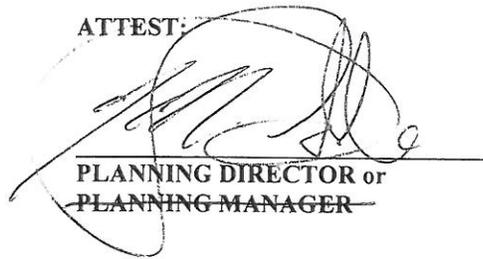
Mr. Tucker: Okay. Well I guess that's it.

Meeting Adjourned: 6:50 p.m.

Next Meeting: Wednesday, October 5, 2016

APPROVED THIS 5th DAY OF October, 2016

ATTEST:



PLANNING DIRECTOR or
PLANNING MANAGER

APPROVED:



PLANNING BOARD CHAIR or
PLANNING BOARD VICE CHAIR