FILED

2017 JAN -9 PM 1:30

TENA O'BRIEN
CO & PROBATE CLERK
BENTON COUNTY, AR

Benton County Planning Board
Public Hearing
Technical Advisory Committee Meeting

December 7, 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 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: John Sudduth – General Administrator, Kevin Gambrill – Planning Director, Taylor Reamer – Planning Manager, Derek Linn – Senior County Planner, Tracy Backs – County Planner and Glenn Tracy – Building Official were present.

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

Disposition of Minutes: November 16, 2016

Mr. Cole motioned to approve the November 16, 2016, Planning Board Meeting minutes. The motion was seconded by Mr. Williams. The motion carried 7-0.

General Public Comment: None

Old Business: None

New Business – Items for Public Hearing:

I. **McClain Minor Subdivision, #16-258, 20843 West Mountain Road, Gravette; 18-15237-000**

Representative: Not present.

Mr. Tucker: Did they notify us that they would not be here?

Mr. Linn: We were expecting an applicant to represent it. I am not aware of why they are not here.

FILED

2017 JAN -9 PM 1:30

TENA O'BRIEN
CO & PROBATE CLERK
BENTON COUNTY, AR

Mr. Tucker: Okay. I guess we have a couple of options for the Board. We could table it, which is probably the best option.

Mr. Cole motioned to table the application. Mr. Williams seconded the motion. The motion carried 7-0.

Mr. Tucker: The matter will be tabled. If they happen to arrive before the end of the meeting, we can entertain another motion to rehear it. For now, it will be postponed until our next meeting two weeks from today.

Mr. Homeyer recuses himself.

II. Iglesia Church Site Plan Review, Major Amendment, #16-269, 20491 Bruce Rutherford Road, Siloam Springs; 18-12650-002

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

Staff gave a presentation on the Iglesia Church Site Plan Review, Major Amendment, #16-269, 20491 Bruce Rutherford Road, Siloam Springs; 18-12650-002

Mr. Tucker: Anything to add Mr. Homeyer?

Mr. Homeyer: I think he covered it very well.

Mr. Tucker: Could you talk a little bit about removing a driveway on the north side?

Mr. Homeyer: When we reconfigured the building, and moved it further north, it made it much more difficult. County Staff had indicated that if we had a driveway on the north, they preferred that it be toward the middle of the property. Since that would not be possible with the new configuration, we just deleted that one altogether. It was also the applicants desire to only have the one driveway.

Mr. Tucker: Okay. It would have to be at least 250' to the east, maybe more.

Mr. Homeyer: At least, right.

Board Comments: None.

FILED

2017 JAN -9 PM 1:30

TERRA O'BRIEN
CO & PROBATE CLERK
BENTON COUNTY, AR

Staff Comments: None.

General Public Comment: None.

Mr. Williams motioned for approval with stipulations. Mr. Maienschein seconded the motion. Motion carried 6-0. *(Note: Mr. Homeyer was recused.)*

TECHNICAL ADVISORY COMMITTEE

1. **Call to Order:**

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

3. **New Business:**

   I. **Straightline Automotive – Site Plan Review - Major Amendment, #16-283, 9141 Greenhouse Road, Bentonville; 18-08679-004**

   Representative: Ross Bull, 9143 Greenhouse Road, Bentonville

   Staff gave a presentation on the Straightline Automotive – Site Plan Review - Major Amendment, #16-283, 9141 Greenhouse Road, Bentonville; 18-08679-004

   Mr. Tucker: I have a question for you *(Mr. Gambrill)*. The interpretation of requiring ADA to be an additional parking stall, where did that come from?

   Mr. Gambrill: The standards that Planning and Development regulations have for projects of a certain size and their requirement, and the number of ADA accessible spaces, comes directly from the Americans with Disabilities Act table.

   Mr. Tucker: The Americans with Disabilities Act table says if you have between 1 and 25, of those 1 to 25, one of them must be ADA.

   Mr. Gambrill: I would have to actually go into the name and title of the document. I apologize for not having it in front of me; but…

   Mr. Tucker: That's parroted in our document.

   Mr. Gambrill: It was a cut and paste.

FILED

2017 JAN -9 PM 1:30

TENA O'BRIEN
CO & PROBATE CLERK
BENTON COUNTY, AR

Mr. Tucker: It says 1 to 25; of those, one is required. I would like to solve that before next week because I've never seen it as an addition. It's always been, of the total that's required, it's a certain number of that total required.

Mr. Gambrill: So it's not independent, in addition to. In your view, it's not an addition. It's of that number required.

Mr. Tucker: It's not an addition. In ANSI A117.1, it says that it is a percentage.

Mr. Gambrill: And that's correct too. I have read that.

Mr. Homeyer: The only comment I have on that is when you have it in addition to, if you are at one of those break points, where parking requires 25, 50, 75 or 100 and then you, in addition to, add those handicap spaces, you are adding an additional handicap space. Once you go beyond that breakpoint.

Mr. Tucker: So you might go from 25 to 26, which means now you have to have two instead of one.

Mr. Gambrill: That's the way we have always interpreted it. Once you kick over into that 26 – 50, you need to provide two. Now is it two amongst anything from 25 – 50 standard spaces?

Mr. Homeyer: My interpretation and use over the years, has always been if you are required 25 spaces, then one of those 25 must be a handicap space. You don't add one to it.

Mr. Gambrill: It's an allocation thing of that total. Interesting. Staff will look into that. That's for sure.

Mr. Tucker: So that may decrease the breadth of the variance request, or waiver request, or however we would handle that from three to one or two.

Mr. Gambrill: Staff will look into that. We will definitely have something prior to the Public Hearing.

Mr. Tucker: I completely admit, there have been some changes to ADA within the past year. Since I don't do a lot of civil work anymore, I don't read those. I just do what is inside the building and five feet from it now.

FILED

2017 JAN -9 PM 1:30

TERA O'BRIEN
CO & PROBATE CLERK
BENTON COUNTY, AR

Mr. Bull, do you have anything else to add to that, to the whole site plan?

Mr. Bull: No.

Mr. Tucker: Talk a little bit about what has changed in your plans over the past two years since we have seen this before.

Mr. Bull: Me being a lay person, we decided that this was my personal storage (which is the smaller storage building that was already on the property when I bought it). The reason that we jumped in there and added in to that was because we saw that the developer behind us, was starting to develop. Things were starting to come around pretty quick. We knew when we put this building in there I was going to have that back corner basically blocked where I couldn't do anything. So, we decided that we would add on to that and stay within the boundaries of the setbacks and everything. What needed to be done was all inspected by the County. Nobody said, "*hey, you better think about this because it is not on the site plan.*" Everybody just kept going along. Because I can tell you, if I would have known that, I would have not added that right then or I would have gone through different channels. So, the next thing I know, this building is up, my building is up and somebody says, *"hey, you shouldn't have done that."* There is no ill intent. I can certainly tell you that. Obviously, I wasn't trying to get away with anything because inspectors are there. Glenn's *(Tracy)* group came and inspected each piece of it. Nobody ever said anything to me about it.

Mr. Tucker: You can kind of see the point where we are in. We approved this as a commercial building. Now I guess, we are not really in the business of regulating personal use. We did approve it as a commercial use. It's not an expansion of a commercial use. We would have to withdraw that from the plan. I can't figure out how we would do that. Withdrawal it from the plan to show it as not a part of the commercial use but it is on the commercial property.

Mr. Bull: I get it. Can you kind of see my side of it? I am thinking it is personal. It makes more sense to me to just jump in and do this right now. If not, I would have to come and ask Creekside Subdivision if I can take out a huge chunk of their fence. Can I back into your lots with concrete trucks in construction? I think it's just a lot smarter to use my space before the big building was built and jump in and do that. I can assure you that if I had known it was going to create all this, I wouldn't have done it like that. I

FILED

2017 JAN -9 PM 1:30

TENA [illegible]
CO & PROBATE CLERK
BENTON COUNTY, AR

thought it was a good use of space and time before the big building was built. Every part of that has been inspected just like it was supposed to. I do find it interesting though, that nothing was ever said about it from day one when they came out to inspect. Nobody said this isn't part of your Site Plan, because I could have used that education.

Board Comments: None.

Mr. Tucker: I think there are three things in front of us. One of them is the landscaping. Two was the removal of the parking. Third is gravel to concrete. The gravel to concrete, Kevin *(Gambrill)*, you stated that impervious coverage was already calculated.

Mr. Gambrill: Actually the applicant refreshed my own memory. I remember having an e-mail saying that we got the cover letter. It's probably in our stormwater permit file, frankly. I had him resurrect the 2014 CEI cover letter, drainage report letter. Actually, the cover letter does say that they have incorporated impervious coverage. They assumed imperious coverage for the whole area that is shown on the site plan originally as gravel. So, they have already calculated in that impervious cover. The run off coefficients do not reach the threshold where there is any problem, at least not breaching the stormwater detention that they have done.

Mr. Tucker: The boundary did not exceed the boundary that was originally approved.

Mr. Gambrill: No, sir.

Mr. Tucker: I don't know it it's a point of interest or at some point it is mute. It's either gravel or it's asphalt.

Mr. Gambrill: The stormwater permit, frankly, takes care of that because there is already a specialized permit that is dealing with the impervious cover. Obviously, that needed to be applied for after the original approval just to make sure the site was kosher with whatever stormwater permitting was coming in.

Mr. Tucker: The third was how to handle the parcel. I would assume that we can't really change the parcel without some type of joinder from the lender. If you have a mortgage on your house or your business, they would

FILED

2017 JAN -9 PM 1:30

TENA O'BRIEN
CO & PROBATE CLERK
BENTON COUNTY, AR

have a lot to say about parcel sizes and boundaries and things like that.

Mr. Bull: After Kevin and I chatted a couple weeks ago, I actually went over there and they said that we could do that. Filled out some paperwork, signed it. They did something on their computer. Then I just had a conversation with them yesterday. They said that because there are two different lien holders on each parcel now, that they can't do that. They didn't get back to me until I called them to follow up on that. The supervisor that said yes, we can do it and use this form, was wrong in advising the counter person.

Mr. Tucker: So, in order to adjust the lot line, your lender would actually have to complete that form.

Mr. Gambrill: No, the real estate supervisor and I went over some history in the notes with the previous attempts back in 2014. The reason why is consistent with what Mr. Bull is saying. Technically, if there are different owners, you have to pick one or the other. It makes it difficult for them to combine them. However, according to her [real estate supervisor], if there is a signed affidavit from Mr. Bull that says it's one or the other, they [the real estate division] are okay with it. Under normal circumstances, if it's technically a different property owner, they [real estate division] wouldn't do it. In this case, there are obviously related owners. It's a legal designation.

Mr. Bull: I did sign that affidavit when I was there. I still think there is some confusion in their office in how it went down.

Mr. Gambrill: It may have to do with the fact that originally this parcel was in the process of annexation with Centerton. The original tract 1B that was surveyed out at 1-1/2 acres, was approved by Centerton and taken to the Recorder's office. For some reason, when it ultimately made it to Real Estate, the ½ -acre easement as shown on tract 1B was construed as its own parcel. Incorrect. The supervisor I spoke to basically verified that it's probably not supposed to be two pieces.

Mr. Tucker: It really is 1-1/2 acres.

Mr. Gambrill: There is another one [plat]. I called it a lot consolidation when I was renaming my files. There was one [plat] that was done later.

FILED

2017 JAN -9 PM 1:30

TERRY GRIER
CO & PROBATE CLERK
BENTON COUNTY, AR

Mr. Bull: When Centerton did Creekside, they took a whole bunch of us right there that were pretty close, and just threw us in there and said that we needed to come to the meeting. We didn't want to be annexed in. They said, we were hoping that you would. It was cheaper from our attorney's side of things. We said, with all due respect, we don't want in. They tried to force us to stay in. No, that's not what we want to do. From the time that they annexed us in, obviously, we came out of County's hands. They are the ones that broke this up. It's been confusing ever since then. We did annex out as quickly as we could but they held our paperwork up. Mayor Bill promised us it would take so many days to get out because he was not happy because we weren't staying in the City. It's our choice and this is where we want to stay. As far as I know, all the neighbors down the road stayed County too.

Mr. Gambrill: So for plan purposes, it was shown the second plat that they had done took off the 0.02 acre well house. It was 1.5 acres initially. Technically today, combined it is 1.48. That 0.02 difference is technically a well house that is now owned by Creekside. It was originally platted. That's why it's 1.48 if you combine the two. There is a recorded plat. You can get these plats recorded. If they ultimately don't make it to Real Estate, and are filed appropriately with a deed, and then shown in the GIS appropriately, that's why you get entities in space that aren't legal, that don't carry a legal deed.

Mr. Tucker: Yes, if I remember right, this well house actually has a property line running through it.

Mr. Gambrill: Yes, the developer has it now.

Mr. Tucker: Of the things that we don't need to be concerned with, the lot size is one of them.

Mr. Gambrill: From a planning perspective, Staff would agree that the minimum of one acre requirement that was initially an issue, isn't as much of an issue because of the connection to public sewer.

Mr. Tucker: Okay and it will be solved outside through other legal means to validate the original intent of it being over an acre.

Mr. Gambrill: Correct. For prosterity sake, Staff certainly wanted to bring this matter up to the Board because of the flux and the changes that are

FILED

2017 JAN -9 PM 1:30

TERRY O'BRIEN
CO & PROBATE CLERK
BENTON COUNTY, AR

happening. For full disclosure purposes, so that everybody understands the history not just from the plan changes but from the makeup of the parcel array.

Mr. Tucker: Landscaping and buffering: The vast majority of the buffering is existing today. There are some gaps in it. It does not extend to the remotest area of the business.

Mr. Maienschein: The fence kind of replaced the landscaping, didn't it?

Mr. Tucker: The fence does a job of buffering. Typically, in the County, we have used a fence as a second tier.

Mr. Maienschein: The plants that he would plant inside the fence wouldn't be seen.

Mr. Tucker: Unless they are 55' tall trees.

Mr. Bracy: Looking at the photo, the fence takes care of a lot of it. You have trees and you have a fence.

Mr. Tucker: I guess what I am hearing from the Board is that the additional buffering has already been accomplished just not by the means of the tree canopy.

Mr. Homeyer: I guess my only question is, is the intent of the buffering to buffer the structure or is it to buffer the activities? Because if we are trying to buffer the activities, I am assuming that there are no penetrations on the west or south walls?

Mr. Bull: Correct. There is one walk through door which is a metal fire door on the west side.

Mr. Homeyer: But that's east of your private storage building though too, right?

Mr. Bull: Yes.

Mr. Homeyer: So I think the building itself is providing a buffer to the adjoining neighbors from the use. If we are just trying to buffer the building, then yes, I think we need to add the additional landscaping. But if

FILED

2017 JAN -9 PM 1:30

TENA [illegible]
CO & PROBATE CLERK
BENTON COUNTY, AR

we are trying to buffer the use, then in my opinion I think it is adequately buffered with the fencing, trees and buildings.

Mr. Tucker: We don't have a lot coverage ratio. I believe we tried that and it did not fly before. I think that is a good photograph. At this point, the yard is well maintained. The fence today is as good as it every will be.

Mr. Bull: We actually set the building 5' away from those trees so when we were doing construction, we wouldn't hurt the trees, the root ball, so we could keep them.

Mr. Tucker: So I guess for next week, what we are looking for is an update to the plan. Kevin *(Gambrill)* if you could work with the applicant on the total number of spaces. I think that hinges around the ADA question. We will have to have a variance request and understand what the hardship is of building two more parking spaces. Could they be built or is there some reason that they can't or shouldn't be built?

Mr. Bull: Technically, we already use where the gravel parking is for extra parking. That's where the parking would be anyway. All of that is gravel and even closer to the left which would put it closer to the building.

Mr. Tucker: Could those spaces be designated on the plan and the total parking count?

Mr. Bull: Yes, very easily. Pretty much we are already using them for that. That's where all the employees park over there.

Mr. Gambrill: Mr. Derek Linn is our senior planner and he is also a landscape architect. I would like him to interject some thoughts about the root bulb, the impervious cover and perhaps something that may come into play in the future with the critical root structure of the trees. This is not my forte of expertise but I would like to ask Mr. Linn to repeat some of the information that he had provided me earlier this afternoon.

Mr. Linn: Sure thing. Regarding critical root zone of mature trees is typically defined as the most important structural part of the roots. While the roots on mature pines likely extend well beyond the canopy of the tree, the critical root zone is defined as that area within the canopy drip line, where the needles come out. When construction approaches trunks, or to consider trees preserved, it is recommended that compaction and excavation is kept out of the drip line of the trees.

FILED

2017 JAN -9 PM 1:30

TENA O'BRIEN
CO & PROBATE CLERK
BENTON COUNTY, AR

Mr. Tucker: So in this photograph, you can see that the drip line of the tree has been encroached on by about 20 – 25 percent on one side.

Mr. Linn: Yes, I have done follow up tree inspection through previous jobs on construction projects, three years after construction. A lot of times the trees don't show their stress immediately after construction but that stress can be shown physically years down the road. That's all I would add.

Mr. Tucker: Pines tend to show it a little earlier. I think that's a good point. Buffering has always been a challenge for us because the day that it is planted is always it's best. It never gets any better after that. The fence, 20 years from now the termites will have their way with it over time. At some point, one of the trees is going to die. If we were to interject additional landscaping, between the trees, we are further disturbing the root structure of the trees. Right now, the stress that the trees are under has already occurred. If the Board chooses, any additional stress would be caused by additional plantings or we also have the option under our ordinance to require dead trees to be replaced. That's something we can talk about at the hearing. It sounds like the majority of the Board wasn't in favor of adding additional buffering or adding additional landscaping. Those are also options available in the regulation.

Mr. Bracy: Except for the far corner, with the canopy of those trees overlapping so much, if you put something in between there, would it even grow? It's restricted by sunlight. The pine needles are going to be in that area. Would you really get anything of any value other than expense?

Mr. Maienschein: No.

Mr. Tucker: So from a site plan perspective, it looks like we need to have the parking count updated. Get with Kevin *(Gambrill)* on the ADA space. Looks like there are a few revisions noted. It doesn't look like we need number three, combination of the lots. You'll have to show a fence around the dumpster enclosure. I believe that is it. Any problem with having that done in two weeks?

Mr. Bull: No.

Mr. Sudduth: Since we have the owner here, I want to bring one more thing to his attention. Your storage of your discarded tires, you need to consider that because it can't be allowed to accumulate water and sit out

FILED

2017 JAN -9 PM 1:31

TENA O'BRIEN
CO & PROBATE CLERK
BENTON COUNTY, AR

there. I don't know what your timeframe is for getting them removed, but if we get a complaint or it becomes a problem, especially since you live next to it, we will be out to talk to you about that. So just consider that. It was interesting the other day I say a story on the number one killer of humans from the insect and animal world. It isn't grizzly bears, alligators or whatever....it is mosquitos and all the diseases they carry. So, you need to be concerned about that. Here in northwest Arkansas we have an extended period where mosquitos can be a problem. Health codes, a lot of different codes, you just need to be aware and maybe consider not letting water accumulate for an extended period of time and how you recycle them. I wanted to bring that up since you are here.

Mr. Bull: We have a used tire company that comes around and buys our tires. That's why they were out. We call them and they are there within a couple, three days. We actually do tarp our old tires. Whenever we do get 24, 25 that we can take to solid waste. As soon as we get that many, they are hauled off. It's usually about every two to three weeks.

Mr. Sudduth: Most people in the business nowadays know the inherent danger of it. Try to get them processed as soon as possible. While he is here, I just want to bring that up. I can be an issue for fire code as well as health code.

Mr. Bull: Like I say, I live there so I don't want it.

Mr. Tucker: Okay. We will see you in two weeks.

II. Buffer Site Plan Review, #16-285, 8950 South Highway 59, Decatur; 15-07447-000

Representative: Bobby Hubbard, 17610 Hubbard Road, Decatur

Staff gave a presentation on the Buffer Site Plan Review, #16-285, 8950 South Highway 59, Decatur; 15-07447-000

Mr. Tucker: Do you have anything to add?

Mr. Hubbard: Utilities are on site. Decatur water already has a meter to the facility. The electric meters are in place. Right now, we have an electric meter for the modular. I have an electrician checking to see if that's going to be resized or if we are just going to reuse it. If it's big enough, it is already in place. I have spoken with the Fire Marshal. He

FILED

2017 JAN -9 PM 1:31

JENNY O'BRIEN
CO & PROBATE CLERK
BENTON COUNTY, AR

voiced various concerns. Most of them I think we are going to address at permitting when we get the building permit. With the plan, there were a lot of interior questions. Seating, emergency lighting, exits, things like that. We discussed that. Really, the only question he had that would pertain to the site plan is that he wanted to make sure that the 10' setback from the existing building would be met, which it will. There is an overhang. Right now, the site plan shows it kind of touching. It's kind of generic in location. If it is that close, part of that overhang will be removed or the building will just be slid to the west until we achieve the 10 feet. He was satisfied I think after our conversation that most of the details we would work out on the design of the building for permitting. Other than that, the reason for the additional septic system, you can't really get there without crossing the parking and drives so we thought the second system would be better. And, of course, it is an old system. I don't know how big the existing system is. We haven't had any problems or failures with it. We just thought a new one would just eliminate anything going forward.

We did not come here when we placed the modular. At that time, Planning really didn't think it was needed. We did buy a permit to put the modular in place. It was inspected. Basically, what we are doing is we just need a little bit more space. We just want to pull that out and put this building in place. Right now, the church that meets at the livestock auction is actually still leasing that modular. We just pay a lease. We are just kind of expanding. Out total count on it is 80. The actual building is going to be divided in half. So, we have 5th and under on one side. Some teenagers in on the other side. There will be a few classrooms on each side. I just want to clarify that now that it's not just a big open building. The sale barn facility is actually used. This is more just little kids stuff where we have classrooms for the youth.

Mr. Tucker: Do both occur at the same time, the livestock auction and the church?

Mr. Hubbard: No. They actually have business there on Tuesdays. The church actually meets on Sundays and Wednesday night.

Mr. Tucker: They are not doing the Saturday/Sunday church before the auction.

Mr. Hubbard: No. They are totally separate days. The parking was brought up. They thought that might be a concern that we really hammer

FILED

2017 JAN -9 PM 1:31

CO & PROBATE CLERK
BENTON COUNTY, AR

out how many more spaces we are going to need. We have enough space. Pretty much the way this property works, if there's not a building set up, they park on it. The owners of the sale barn actually own the north parcel, the east parcel and the south parcel that adjoin this ten acres that we are looking at. On the site plan you can see that it's just written parking, parking, parking. It's not really the customary this many square feet for a parking space. It's just kind of come and go. If you have been around these facilities, with these trailers and who knows how they park. All I know is that they just need to have enough room. Handicap parking is not located. The porch does actually have a handicap ramp. It's not really designated but no one parks there unless they are handicapped. That's how they do business there.

Mr. Tucker: Okay. I am not really a fan of doubling the parking if the facilities are not overlapping hours. How is that recommended to be handled in the items? It doesn't look like we are doing a waiver for parking.

Mr. Reamer: The area requirement is met, obviously, via the site plan. Agricultural use, or the sale barn use, is not included in any of the parking requirements. It is specifically just for the church facility when it is operating. The outstanding item listed in the TAC Report, is really to delineate where the 9' x 11' spaces are going to be for when the church facility is operating. Obviously, there is plenty of room in these gravel or grass parking areas.

Mr. Hubbard: I wasn't saying we were having trouble with it. It was just part of our discussion when I sat down with Planning and we started to go through the application. Obviously, we didn't hire an engineer for this.

Mr. Tucker: I just wanted to make sure that we weren't missing a waiver on our list of things to do.

Board Comments: None.

Staff Comments: None.

Mr. Tucker: Any reason you couldn't make the changes?

Mr. Hubbard: No, I will get with them. Some of this stuff I may not understand how they want it labeled or how they want it to look like. I will

FILED

2017 JAN -9 PM 1:31

TENA BRIEN
CO & PROBATE CLERK
BENTON COUNTY, AR

call and work through this with them and we can get this to you.

Mr. Tucker: Okay. We will see you in two weeks.

4. **Other Business:** None

5. **Staff Updates:**

   I. **Administrative Approvals:**

      i. Ackerman Minor Subdivision, #16-260, 16165 Highway 102, Decatur; 18-11304-000
      ii. Hess Minor Subdivision, #16-270, 13835/13836 Sunset Bay Boulevard, Rogers; 15-15566/67/68/69-000
      iii. CSM Investments Minor Subdivision, #16-275, 14037 Mariano Road, Bentonville; 18-07150-001

6. **Discussion Items:**

Mr. Sudduth: You all know we have a new judge coming, Barry Moehring. He comes on January 1. Will be sworn in around January 3rd. One of the things I already talked to Judge-Elect Moehring about is, I want to have a good liaison to the Quorum Court. We will be looking at that. Trying to pick a JP that will show up at our meetings. To me, it is kind of relevant because every time we have Board or Committee meetings, those type things, they report back to the Quorum Court as a whole. We really have not had that unless there has been a high-profile case. I am looking forward to getting somebody that will report back and say on this day and this day the Planning Board met and we talked about these different cases. I believe that it is very important for the Quorum Court to know what we do and the Board members commitment and how much we meet. So anyway, I am looking forward to a slight change to where we have a little bit more involvement from the Quorum Court and that liaison so that we have that information going back to the Quorum Court. I like for them to know what is going on. How much development we have. I think that it is very beneficial for the Planning Division, myself and particularly the amount of work that the Board does. I think we will have better coverage overall once we get a new liaison that comes in. That is just my thought and if you have anything you want to add to that or any thoughts, or I am thinking wrong or whatever. It is legal for them to appoint somebody. They will appoint somebody and I want them to report back so they kind of get a feel for what we do.

Mr. Tucker: We also had our Appeals Board seated. They are sworn in and they've had a meeting.

Mr. Gambrill: We had one meeting and they are going to meet again next Wednesday morning at 10 a.m. They will have their second meeting. It will be administrative in nature. Because of the way this year is panning out with budget, and the availability

FILED
2017 JAN -9 PM 1:31
CO & PROBATE CLERK
BENTON COUNTY, AR

or lack thereof in the Quorum Court. After this year passes and the next year comes upon us, they will decide how often they want to meet. At that point, if they meet once a year, technically, they would meet [the intent of 'regular' meetings]. Do we want them to meet once a year? No, we would like them to be more active. But, if we don't have a formalized appeal, there is some question about the frequency.

Mr. Tucker: Quarterly, at least, would be ideal. The statute says that they have to meet regularly. Once a year is regularly. We will leave it up to them.

Mr. Sudduth: I concur with that. At one time, we talked about monthly. Kevin *(Gambrill)* brought this up. Build it and they will come. I think as we increase enforcement with all the development out in the County, you will see more of a need. They are going to do more than land use law. They will also be looking at the building, fire codes, mechanical, fuel, gas, all the different codes that they can be appealing decisions of the Building Official. Once they get into the rhythm of it, I know where I come from, it was heavily used. We had a lot of trade ups in the codes. I know that Mr. Tucker is aware and a lot of the Board members are aware of the code requirements and how do you take a really tough situation and still make them comply with code and the intent of codes. Somewhere down the line, that's where it will go. To be involved in the first-time Benton County has had an Appeals Board, is pretty much an honor. I would like to thank Staff for all the work that they have done here. It has been a tremendous amount of work. Mr. Tucker knows that there was also a lot of work, years of work, to get it into the regulations. I don't want to dwell on it but I really do appreciate all your service to the County. Every day it is getting more and more valuable. I talked to Kevin *(Gambrill)* about taking some of the regulations that we need to be looking at once we get a new judge on board. I don't want to do a whole revamp of the regs and lose it for whatever reason. I would like to look at items that would better assist the citizens and help us in regulating and designing for the County as a whole. I think that is something we will probably tackle this year too with the Board's approval. I would like to move forward with some of the regulations, the problems that we are having. I am looking forward to 2017 and I think it is going to be a good year.

Mr. Tucker: Mr. Moehring wasn't always one of our sympathizers. He has often been a harsh critic. He also voted for the regulation. I feel like he will be a good partner whether harsh critic or not.

Mr. Sudduth: Right. And it's always different when you are on the other side. We have life, limb and property that we protect in the design of structures, enforcement of codes and also separations of our development and the planning regulations. That's what we do. It is very critical as we have seen we have had such a tremendous loss of life in the recent fire. Thirty-six plus people dying for lack of enforcement. I believe in what we do. It is very critical that we continue forth. We will do what the community allows us to do. I think it will be a good experience working with Mr. Moehring.

FILED

2017 JAN -9 PM 1:31

CO & PROBATE CLERK
BENTON COUNTY, AR

Meeting Adjourned: 7:25 p.m.

Next Meeting: Wednesday, December 21, 2016

APPROVED THIS 21st **DAY OF** December**, 2016**

ATTEST:

PLANNING DIRECTOR or
PLANNING MANAGER

APPROVED:

PLANNING BOARD CHAIR or
PLANNING BOARD VICE CHAIR