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

April 17, 2019

6:00 p.m.

Quorum Court Room
215 East Central Avenue
Bentonville, AR 72712

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

Meeting Minutes

PUBLIC HEARING:

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

Roll Call: Bob Bracy, Ron Homeyer, Terry Maienschein, Stephen Torrez, Ashley Tucker and Rick Williams were present. Sean Collyge was absent.

Staff present: Taylor Reamer – Director of Planning, Tracy Backs – County Planner were present

Public Present: 13 people signed the Sign In sheet

Disposition of Minutes: April 3, 2019

Mr. Williams motioned to approve the April 3, 2019, Planning Board Meeting minutes. The motion was seconded by Mr. Maienschein.

Motion approved: 6 – 0

General Public Comment: None

Old Business: None

New Business:

- I. **Bolin Storage Site Plan Review, #19-047; 414 East Nursery Road, Rogers; 18-03580-003**

Representative: Bill Platz, WR Consulting, P.O. Box 223, Bentonville

Staff gave a presentation on the Bolin Storage Site Plan Review, #19-047; 414 East Nursery Road, Rogers; 18-03580-003

Mr. Homeyer: Do you have anything else you wanted to add at this point?

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Mr. Platz: I am satisfied with all that. We don't plan for any water at this time for this facility. We have a fire hydrant at the entry coming in. We are hopeful that that is adequate.

Mr. Homeyer: The retaining wall is going to be 4' or less this time?

Mr. Platz: We dropped it to 4'. I have a note on the plans but I am sure that you haven't had a chance to see it. There will be 6' out of the right of way from that set back area. We've noted that on the drawings and that will be where it goes. There will be just a short piece for the building in the northeast corner.

Mr. Tucker: How deep is the site?

Mr. Platz: 660'.

Mr. Tucker: How far is the fire extinguisher from the back property line?

Mr. Platz: The retaining pond takes up about 100' of it. So, the last building may be about 525' from the fire hydrant, if that is where you are headed.

Mr. Tucker: I would bet that you are going to add a fire hydrant somewhere.

Mr. Platz: I would hope not but I understand your thoughts. They don't give those away.

Mr. Tucker: Is that fire hydrant in the city of Rogers or is it out in the County?

Mr. Platz: That's kind of up for grabs right there. It's Rogers Water and Rogers put the hydrant in. It's in an easement street. It's a County street.

Mr. Tucker: That 12" line is running east and west from Nursery Road. I couldn't see the two-ton running through there.

Mr. Platz: No.

Mr. Tucker: Just a warning about the hydrant.

Mr. Platz: I'll get a flow test if I need to. I think we have terrific pressure.

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Public Comment:

Archie Appleberry, 920 South 21st Street, Rogers; owns the adjoining property at 110 East Nursery Road, Rogers

Focus of comments: stormwater drainage; existing culvert drains directly on his property. Discussion of where the water from this application site will drain.

Mr. Tucker made a motion to approve this project with the stated stipulations that need to be amended prior to the issuance of a Decision Letter. Mr. Bracy seconded the motion.

Motion approved: 6 - 0

II. **Zehnder Major Subdivision and Preliminary Plat Waiver, #19-053; South Morning Star Road, Bentonville; 18-09182-008**

Representatives: Cathy Zehnder, 1806 Southwest 18th Street, Bentonville with daughters, Jayme Shaver, 4301 Southwest Beech Lane, Bentonville and April Berkshire, 3 Sidebottom Lane, Bella Vista

Staff gave a presentation on the Zehnder Major Subdivision and Preliminary Plat Waiver, #19-053; South Morning Star Road, Bentonville; 18-09182-008

Mr. Homeyer: Did the applicant have anything they wanted to add at this point?

Ms. Zehnder: No.

Mr. Tucker: There's one encroachment on your property, the shed that is in the right of way.

Ms. Zehnder: It's been moved.

Mr. Tucker: It's already been moved.

Ms. Shaver: They moved everything except for the propane tank. He has plans for someone (the gas company?) to come and haul that around to his new property line. But the shed has been relocated and they put up a new privacy fence on their correct property line. The tank is still there.

Mr. Tucker: But the tank will be moved to the property it is serving?

Ms. Zehnder: Yes.

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Ms. Shaver: They just put a fence up right along it; so, right now the tank is on our property until the gas company gets there to move that around.

Public Comment: None

Mr. Williams motioned to approve with stipulations. Mr. Torrez seconded the motion.

Motion approved: 6 - 0

III. **Benton Washington Regional Public Water Authority Site Plan Review, #19-055; 14524 Blueberry Lane, Garfield; 18-02146-013**

Representatives: Scott Borman, General Manager, Benton Washington Regional Public Water Authority and Matt Dunn, project engineer, Crist Engineers, Little Rock

Staff gave a presentation on the Benton Washington Regional Public Water Authority Site Plan Review, #19-055; 14524 Blueberry Lane, Garfield; 18-02146-013

Mr. Homeyer: Do you have anything else you want to add at this point?

Mr. Borman: Not really. Can we pull the site plan up again? That additional easement that's on the other side of where we have the access road, there is a parcel in between there and our existing property where our existing tank is. We just entered into an agreement this week with Noalmark (*Broadcasting Corporation*). It's an old guyed wire easement that they had. We are purchasing that from them. They are going to do a quick claim on it. In the next couple of weeks, we'll have that done. Then, we will have that entire corner up there adjacent to our property that we just bought.

Mr. Tucker: Is this going to be tall enough that it will have a strobe light?

Mr. Borman: Yes. We have the FAA letter back already.

Mr. Tucker: Is it a slow red?

Mr. Borman: Yes. It won't be the bright white. It will be red strobe. Clear Channel has a couple of towers on the property adjacent to there. They have the red lights also other there.

Mr. Tucker: Are you going to put any antennas on it?

Mr. Borman: Nobody has approached us at this time. If they do down the road, it would have to be a nonobtrusive installation. Verizon is in the process of putting another tower up by Gateway right now. So, I do not

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ect them to be coming to us. I would just prefer that they don't in the long run.

Mr. Tucker: It would be a great location.

Mr. Borman: It would be a great location but I think they have several antennas hanging on those Clear Channel towers already. The overall height of the tank will be 120' once constructed to the top of the bowl.

Public Comment: None

Mr. Tucker made a motion to approve the site plan subject to standard conditions. Mr. Torrez seconded the motion.

Motion approved: 6 - 0

TECHNICAL ADVISORY COMMITTEE

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

I. **CMI Acquisitions/Capps Telecommunications Tower, #19-064, 22078 UTL Highway 62, Garfield; 18-00305-000**

Representatives: David McGehee, 121 Village Boulevard, Madison, MS; representing CMI Acquisitions for Verizon

Staff gave a presentation on the CMI Acquisitions/Capps Telecommunications Tower, #19-064, 22078 UTL Highway 62, Garfield; 18-00305-000

Mr. Homeyer: Do you have any additional comments you would like to make at this point?

Mr. McGehee: No sir, no additional comments at this time. I am glad to answer any questions.

Mr. Tucker: Could you state the reason/justification for your two variance requests?

Mr. McGehee: Yes. Verizon has a real estate process. We submitted three candidates to them. They chose this candidate. The agent had met the variance from the road; but when they surveyed it, they had to shift the tower

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a little bit due to some drop off areas and erosion issues. It was about the only place on the property that we could get it without the variances to the homes there. The landlord approves. We are going to submit a tower structural letter PE stamped stating that if there were any sort of catastrophic failure, that it would be within this radius, including the variance area.

Mr. Tucker: Really, our concern is more falling ice or falling debris (i.e. a door, cover or a sheet of ice blows off, etc.).

Mr. McGehee: I see.

Mr. Tucker: So, take a look at that. I am okay as long as we don't have a potential hazard for the property owner or somebody driving by and a sheet of ice falls on their wind shield.

Mr. Torrez: I have a question for staff. I think I saw something like 19% to the road and 24% to residence for the variances. How often do we accept these types of variances? Is this rather common when we do these types of towers that they come in with a variance and they say yes? Or do most towers, when they come in, they don't even have that stipulation? They figure it out on the property they are buying with their engineering?.

Mr. Reamer: Generally, most applications for new towers are not associated with any variances. Additionally, the Board did provide the stipulation to a previous application that had a setback variance to the road to re-engineer it. That was late last year. Essentially not accepting the variance and requiring them to satisfy the setback requirement.

Mr. Torrez: I kind of recall the same as you stated. So, to Mr. Tucker's point and to the applicant's point, I would almost suggest that your client either look at purchasing more property or invest in more engineering to get this tower out of the variance.

Mr. McGehee: I see. I think out of the variance to the road is the one being closest to being met. The height of the proposed tower is 250'. The variance I think is 250' plus a 50' buffer. I think that we are at 243'; so, closer on that one than the other. We originally had it met and then with the geography issues, they had to bump it just a little closer.

Mr. Tucker: The last one (*project*) that we looked at that we denied their variance, they had room available. They just chose not to. What we are going to ask you for is to make the case that you either can't physically move it, can't buy more land and make it work, or show that it does work and that it's not a potential hazard.

Mr. Homeyer: The third option is to justify why you won't be able to lower it to meet the setback requirements.

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Mr. Torrez: I think that is our request. We look forward to hearing back from you.

Mr. Maienschein asks to review the site topography.

Mr. Reamer: So, you have the base of the tower where the cursor is. And then it slopes significantly.

Mr. Tucker: It could move north but really couldn't move west.

Mr. Homeyer: It's a pretty steep site. If you move north, you get closer to the residence.

Mr. Bracy asks to review the aerial view.

Mr. Reamer: I don't have a topographic aerial right now. But, the base of the tower is this yellow asterisk. This is going to be the top of the hill. From right to left, it will drastically lose elevation. Where the cursor is now would be a ravine. This is the top and bottom of the ravine.

Mr. Tucker: That's trailer house, right?

Mr. Reamer: It's a mobile home. That's correct.

Mr. Bracy: And that vertical yellow line is the existing trailer home's property line?

Mr. Reamer: Correct.

Mr. McGehee: Yes, there's a pretty steep ravine to the west of the site, like Mr. Reamer said. I think we provided an erosion control plan. They have a buffer proposed on the west side. We had it right where it met that buffer and then the surveyor and engineer shifted it south a little bit, unfortunately.

Mr. Bracy: You said that your real estate group had two other locations? What was the reason that they weren't chosen?

Mr. McGehee: Verizon's engineers choose these locations. They said that this location was the most suitable to fill the coverage gap that exists there. They provided the propagation maps. I don't know if we have them for you; but basically, the gap between the Bush community (there's a tower to the east) and Gateway on the west side. They run an engineered propagation and they are the ones that chose this site as best able to cover everything.

Mr. Maienschein: When that 300' circle overlaps an adjoining property, does that restrict the owner of that property from building into that area?

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Mr. Reamer: No. This graphic is simply a spatial representation of what 300' looks like from the base of the tower. It's not an easement and there's no restriction about use of property. It's just a graphic showing what the requirement is at the County level. No, there is no restriction.

Mr. Maienschein: So, he could get closer to the existing house?

Mr. Reamer: Correct. I think there is potential to stay on the same contour on the site and just move it further north to alleviate the setback from Highway 62. That would then place it closer to the existing residence. There may just need to be additional justification, documentation provided by the applicant for both the engineering propagation as well as site characteristics, etc.

Mr. Maienschein: Is there any local objection?

Mr. Reamer: Not at this time.

Mr. McGehee: I don't know how relevant this is, but there is a power line easement that runs east/west between this site and the road, partially cleared. Can I just reiterate what we need to supply to support this so I can convey it to them? Some documentation from the engineer as to why we couldn't move it, shift it north a little bit?

Mr. Tucker: Yes, and a fall diagram if a piece of debris falls from it.

Mr. McGehee: Okay.

Mr. Tucker: They should be able to do that at the design wind speed.

Mr. Torrez: I can tell you that my preference would be to have no variance on this.

Mr. Bracy: That's a pretty tight quadrant on that property. My concern is, the further north you go, the closer you get to the residence. It's a little confusing in that it overlaps two other properties. If there were structures in those properties, that would create a variance that is even greater or would restrict those property owners from building any kind of structure that falls within that 300' radius.

Mr. Reamer: Like I was saying, if the tower were to be placed there, it doesn't prevent adjacent property owners or the subject property owner from placing another home there. This is a requirement of the telecommunications tower to locate themselves away from residences.

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Mr. Bracy: Right. But that puts the other property owners in a Catch 22, doesn't it? Because maybe the regulation doesn't permit that but then that violates this tower's....

Mr. Reamer: Correct. It's a tough location, yes.

Mr. Bracy: If there were other properties being looked at other than the possibility of re-engineering the height to get the better coverage, it may outweigh trying to vary something here. I am concerned for the property owners.

Mr. Homeyer: Do you understand what we need back?

Mr. McGehee: Yes, sir. I understand the falling debris issue. Typically, we have only seen falling debris of ice within the fenced compound. The lines are covered with a corrugated ice bridge. If ice falls, it breaks it up before it falls. I don't think we've seen any blowing ice. We can surely get something in writing to that affect. And then the location, as to why they had to move it closer to the road with the geography. And then some sort of documentation as to why this height is required. We could lower it, I guess.

II. Beavers/Howard Site Plan Review, #19-065, 14696 Highway 62, Garfield; 18-04270-001

Representatives: Robbie Howard, 21450 Lakeview Drive, Garfield

Staff gave a presentation on the Beavers/Howard Site Plan Review, #19-065, 14696 Highway 62, Garfield; 18-04270-001

Mr. Homeyer: Does the applicant have anything else he would like to offer at this point?

Mr. Howard: No, sir.

Mr. Bracy: You said that that old restaurant building has been damaged. Is that going to be removed from the site?

Mr. Howard: The restaurant building is intact. It's the house that is on the property. It's a home that caught fire. It's not livable. I've gotten estimate from \$8K to \$20K to have that tore down and removed. I have talked to the fire department about burning it. Conditions would have to be really good because on the west side of it is a place that sells canoes. I am trying to clean up a little bit more around it. Have the Avoca Fire Marshal come back out to take a look at it again. It was pretty grown up around it but I have it pretty well cleaned up so it's not such a bad fire hazard. On the left side, I've

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already added from the building we are in all the way to the garage, new SB2 gravel, so it is solid. It's all the way to the back so the lot is all ready now. I would load and unload everything in the back. I kind of made a circle drive out of those two driveways. I've had a few people come in there to tell me that it used to be a car lot years ago. I don't know if you guys remember that.

Mr. Tucker: I remember the one across the street that we approved. What size truck are you going to have to do deliveries?

Mr. Howard: I won't have any deliveries. We are picking them up ourselves. That's what we are doing with inventory now. It's motorcycles and cars. I would rather just have all motorcycles but maybe some cars, SUV, stuff like that. On that highway, that's the best place to sell them. A transport delivery service is \$200 a car. I can take a car hauler and two people with me and bring them back.

Mr. Tucker: You'll have a 24' or less....

Mr. Howard: A 20'.

Mr. Homeyer: Can future plans for fencing around this site?

Mr. Howard: There's a fence on the back of the property from corner to corner because that is the Highway Department behind us. They have a 6' chain link fence. There is no need for one in the front for it.

Mr. Maienschein: What are your hours of operation?

Mr. Howard: Monday – Friday: 9 a.m. – 6 p.m.; Saturday will be played by ear, but plans are from 10 a.m. – 2 p.m. If it gets busy, I'll stay open later on Saturdays.

Mr. Maienschein: You don't feel that you need a bathroom around there?

Mr. Howard: There are two bathrooms in that building.

Mr. Reamer: The building with the gray roof, 14696, is the existing restaurant.

Mr. Howard: The building was pink when we bought it. We've had to remodel it. There are two bathrooms, an office, a lounge area and a big room in the back.

Mr. Reamer: No installation of a new septic.

Mr. Howard: The lady that owned the bar-b-que restaurant before, spent \$6,000 on a septic. She made sure to let me know that.

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Mr. Tucker: Is that other car dealership still there?

Mr. Howard: No, sir.

Mr. Tucker: It's all gone? They couldn't get septic.

Mr. Howard: That's what I heard. The couldn't get it to perc.

4. **Other Business:** None

5. **Staff Updates - Administrative Approvals:**

- I. Moore Minor Subdivision, #18-237, Ervin McGarran Road, Lowell; 18-02502-010
- II. Latham Tract Split, #18-090; 16604 Smith Ridge Road, Garfield; 18-04494-000
- III. Hagedorn Minor Subdivision, #19-049; 13002 Bryant Road, Gentry; 18-10890-000
- IV. KC Eddleman Minor Subdivision, #19-059; 13347 Steward Place Road, Hindsville; 18-10904-000
- V. Ward Jones Realty Property Line Adjustment, #19-060, 13411 Fairway Court, Siloam Springs; 15-01946-013

6. **Discussion Items:** None

Meeting Adjourned: 7:15 p.m.

Next Meeting: May 1, 2019

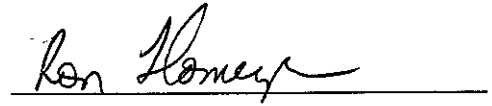
APPROVED THIS 1st DAY OF May, 2019.

ATTEST:



**PLANNING DIRECTOR or
SENIOR COUNTY PLANNER**

APPROVED:



**PLANNING BOARD CHAIR or
PLANNING BOARD VICE CHAIR**

