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

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

June 5, 2019

6:00 p.m.

Quorum Court Room
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, 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 and Joshua Bryant – JP Liaison to the Planning Board were present.

Public Present: 10 people signed the Sign In sheet

Disposition of Minutes: May 15, 2019

Mr. Williams motioned to approve the May 15, 2019, Planning Board Meeting minutes. The motion was seconded by Mr. Maienschein

Motion approved: 6 – 0

General Public Comment: None

Old Business:

New Business:

- i. **Rocky Springs RV Park Site Plan Review, #19-070, 17094 Martin Pedro Road, Siloam Springs; 18-10517-000**

Representatives: Aaron Boehmler, 705 SW Sterling Place, Bentonville

Staff gave a presentation on the Rocky Springs RV Park Site Plan Review, #19-070, 17094 Martin Pedro Road, Siloam Springs; 18-10517-000

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Mr. Boehmler added that they had planned to use a spring water source. After much discussion with the AR Department of Health, the applicant will not be pursuing potable water from the spring. Buffer requirements are far exceeding what is on site. Now proposing a well with its required buffering.

Mr. Tucker inquired about what the hardship of providing on-site stormwater detention was and if there was any engineering principle driving not providing on site detention. Mr. Boehmler stated that what they have seen in other municipalities in the area, when a site is adjacent to the flood plain, it is better to allow the water to flow downstream before the peak flow up river descends to the property. This is being proposed because the applicant's site is adjacent to the water channel. The hardship would be if the water were funneled as it was backing up from the channel the basin would be getting bigger and would be taking in additional water from the channel. The stream goes north to the Illinois River. Mr. Homeyer asked if the water discharge crossed the County road. Mr. Boehmler stated that the water travels underneath the highway. The water goes under the access road and then under the highway bridge. The water runs parallel to Martin Pedro Road as it goes north to the Illinois River. Mr. Tucker asked if the water flow line changed as it travels underneath the highway. Mr. Boehmler stated that the peak flow elevation will not be affected.

Public Comment:

Ms. Gayla Byrd, 17242 Martin Pedro Road, Siloam Springs
Focus of concerns: Lighting; discussion of full-cut-off lighting; use of lighting during what hours; additional concerns about storm water drainage so close to the floodplain.

Mr. Robin Cowin, 17300 Martin Pedro Road, Siloam Springs (in process of building a new home at this address)
Focus of concerns: property will become a trailer park; restrictions of how long people can stay

The length of stay was addressed at the May 15, 2019, Technical Advisory Committee meeting. Per Mr. Boehmler, in order for this RV park to be in the floodplain, those who wish to stay at the RV park cannot stay longer than 180 days. Applicant will be informing those who wish to stay at the RV park about this time limit. Those who stay

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at the RV park, would be able to simply change stall locations after 180 days rather than completely moving out. Permanent structures cannot be added on to a site (i.e. decks, porches, awnings, skirting, etc.) in order to leave quickly if necessary. Residents need to be able to hook up and leave quickly if anything was to happen. Mr. Bracy asked if it was allowable to leave the RV site but leave their trailer there (i.e. to go into town, on vacation, etc.). Mr. Boehmler stated that the residents could leave, leaving their RV there but it must be within 180 days only.

Mr. Boehmler stated that this RV park project is not a collaboration with neighboring equine activity.

Two lights are proposed on site for the entrance only. There will be no other lighting throughout the RV park. One light will be buffered by the trees along the channel. The second light will be along the access road in the middle of the barn and the house. The lights will be facing north toward the highway. Mr. Homeyer asked if there were any plans to add any lighting to the barns or the house. Mr. Boehmler stated that there was not. Mr. Tucker asked about the height of the light poles. Mr. Boehmler stated 20' – 25'. And that there will be no shut-off timers on the lights. Mr. Homeyer asked if the lighting would be dusk-to-dawn type. Mr. Boehmler stated that they would.

Mr. Homeyer asked about the hours of operation, 7 days a week, 365 days a year? Mr. Boehmler stated that that was correct. Entry/exit would not be restricted in any way or fashion.

Mr. Tucker motioned to approved the waiver. Mr. Torrez seconded the waiver.

Motion approved: 6 – 0

Mr. Williams motioned to approved the Site Plan Review subject to the four listed stipulations. Mr. Torrez seconded the motion.

Motion approved: 6 - 0

II. Stuckey Boat Sales Site Plan Review, #19-096, 14491 East AR Highway 12, Rogers; 18-03229-014

Representatives: Jason Ingalls, Expedient Civil Engineering, 11 Newnham Lane, Bella Vista

Staff gave a presentation on the Stuckey Boat Sales Site Plan Review, #19-096, 14491 East AR Highway 12, Rogers; 18-03229-014

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Mr. Tucker asked how often someone would be going to this site physically (once a day, twice a day, once a week, etc.). I am assuming this will be a fairly light use. Mr. Ingalls also assumed a very light use and compared it to Arrowhead Boat Sales (also on Highway 12, Rogers) but a tenth of a scale to that because this property will be unmanned. So, assume that this site will be visited a couple times a day at the most.

Mr. Bracy inquired about signage. Mr. Reamer mentioned that it was mentioned at TAC (May 15, 2019) that an existing sign (4' x 6'-8' wooden sign, non-illuminated) would be preserved and used for this new business.

Public Comment: None

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

Motion approved: 6 - 0

- III. **Lakeside Storage Site Plan Review | Major Amendment, #19-097, 15509 Highway 12 East, Rogers; 18-03384-001**
- a. **Lakeside Storage Site Plan Review | Parking Variance, #19-100, 15509 Highway 12 East, Rogers; 18-03384-001**

Representatives: Tina Ford, Bates & Associates, 7230 South Pleasant Ridge Drive, Fayetteville and Corey Booth, Wilshar Steel, 325 45th Street, Rogers; (construction manager for the property owner)

Staff gave a presentation on the Lakeside Storage Site Plan Review | Major Amendment, #19-097, 15509 Highway 12 East, Rogers; 18-03384-001

Ms. Ford mentioned that the parking variance was being requested because there will be no on-site parking for employees.

Mr. Homeyer asked if there will be any outside storage. Ms. Ford said that there will be outside storage in the back of the facility.

Mr. Torrez inquired about what the County's stance was on ADA

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ing at storage facilities. Mr. Reamer stated that ADA requirements don't change with the use. It is simply that provided parking on the facility has to comply with ADA standards. Therefore, providing zero parking spaces would require zero ADA parking spaces. Mr. Reamer mentioned previous conversations had by the Planning Board that a ratio of self-service storage units have to be ADA accessible per the DOJ (i.e. special openers, access aisles for wheel chair access, etc.) Mr. Reamer stated that a hard surface is available for ADA compliance. For self-service storage you are parking at the unit. This use is unique for self-service storage facilities in regard to path of travel.

Mr. Tucker asked if there would be any grading occurring adjacent to the existing stream, since the creek is one of the Federally protected water ways. Mr. Tucker is concerned that there will be impact to something that is Federally regulated. Ms. Ford stated that the grading stops north of the creek. There is an existing fence line and the grading will be done within the fenced-in area. The creek bed and bank are outside the fenced area.

Mr. Bracy stated that he didn't see access to the far east units or an available turn around. Mr. Homeyer noticed that gravel will be removed but he is assuming enough gravel will remain to access the eastern units. Ms. Ford stated that the gravel will be removed just for the detention pond area which will then be sodded. Gravel will remain in the loading/unloading area. Ms. Ford will clarify details on the site plan to make sure there is enough room between the new six units and the detention pond. Appears to be about 35' between the roadway and the detention pond. Mr. Bracy asked how the pond was protected from driving into it. Ms. Ford said that there is not protected planned for the shallow detention pond. Mr. Reamer suggested to the Board that plans could be revised to show railroad ties, curb stops, or something to designate the sodded, detention area in relation to the drive aisle to preserve the detention area and to provide turning templates for the trucks.

Public Comment: None

Mr. Tucker motioned to approve the parking waiver. Mr. Torrez seconded the motion.

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Motion approved: 6 – 0

Mr. Torrez motioned to approve the Site Plan Review (with the stipulations that the site plan show more details (i.e. drive aisle designation, preservation of the detention area, truck turning templates and the three other listed stipulations). Mr. Maienschein seconded the motion.

Motion approved: 6 - 0

TECHNICAL ADVISORY COMMITTEE

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

- I. **Jones Major Subdivision, #19-098, 9850 South Morning Star Road, Bentonville; 18-09182-007**
 - **Jones Major Subdivision – Preliminary Plat Waiver, #19-111, 9850 South Morning Star Road, Bentonville; 18-09182-007**

Representative: Barbara Jones, 9850 South Morning Star Road, Bentonville

Staff gave a presentation on the Jones Major Subdivision, #19-098, 9850 South Morning Star Road, Bentonville; 18-09182-007

- Jones Major Subdivision – Preliminary Plat Waiver, #19-111, 9850 South Morning Star Road, Bentonville; 18-09182-007

Mr. Reamer stated that the east/west property line will need to be moved in order to comply with building setbacks for the sheds. The sheds will be completely contained on tract 1 in compliance with building setbacks. Tract 2 will be completely vacant until a structure is built. Moving the property line south will still keep them in compliance with the necessary road frontage at the right of way line.

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II. Humane Society for Animals Site Plan Review, #19-103, 407 East Nursery Road, Rogers; 18-03578-000

Representative: William Platz, WR Consulting, Bentonville

Staff gave a presentation on the Humane Society for Animals Site Plan Review, #19-103, 407 East Nursery Road, Rogers; 18-03578-000

Mr. Platz mentioned that he is currently working with the Arkansas Department of Health on the septic design since public sewer is not available at this facility.

Mr. Tucker asked if the public had access to this facility. Mr. Platz stated that the animals will be treated (grooming and medical needs) in the existing facility and then moved to this new facility for public viewing display and adoption. Outdoor runs, kennels will be created with the new facility.

Mr. Homeyer requests that Mr. Bracy takes the place as Planning Board Chair so that Mr. Homeyer can present the following project.

III. Hendren Site Plan Review, #19-107, 10927 North AR 59 Highway, Gravette; 18-15191-022

Representative: Ron Homeyer, Civil Engineering, Inc., Siloam Springs

Staff gave a presentation on the Hendren Site Plan Review, #19-107, 10927 North AR 59 Highway, Gravette; 18-15191-022

Mr. Homeyer mentioned that parking counts are yet to be determined.

Mr. Tucker asked if there would be any outdoor storage of the stone. Mr. Homeyer said that the stone would be stored under roof in the rear of the building and that there would be no outside storage of stone. The roadway will be built to be more durable in order to stand up to the deliveries of the stone.

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**Diamond Communications, McGarrah Telecommunications
Tower, #19-108, 15114 East Highway 264, Lowell; 18-02745-001**
- **Diamond Communications, McGarrah
Telecommunications Tower Setback Variance, #19-108,
15114 East Highway 264, Lowell; 18-02745-001**

Representative: Max Deitchler, Kutak Rock Attorneys at Law,
234 East Millsap Road, Fayetteville

Mr. Reamer stated that the applicant on this project, Mr. James Curley, resides in Little Rock, Arkansas. The National Guard has stopped transportation out of Little Rock due to the area flooding. Therefore, Mr. Curley could not attending this meeting and Mr. Deitchler is attending on behalf of this project.

Staff gave a presentation on the Diamond Communications,
McGarrah Telecommunications Tower, #19-108, 15114 East
Highway 264, Lowell; 18-02745-001

- Diamond Communications, McGarrah Telecommunications
Tower Setback Variance, #19-108, 15114 East Highway
264, Lowell; 18-02745-001

Mr. Tucker asked why the tower was being rebuilt five years later. Per Mr. Reamer, the engineering was not sufficient to hang equipment on the existing monopole. The pole was built but never occupied. Mr. Williams asked what the hardship was on the variance. Mr. Homeyer assumed it was geography as there is a deep ravine right at the edge of where the pole is being built. Mr. Curley will need to come with an explanation of the hardship reasoning for the variance. The 2014 Planning Board approved a similar variance.

Mr. Bracy discussed the height of the tower plus fifty feet requirement. Mr. Reamer stated that he felt the tower builders' selection process needs to comply with the County requirements. Not many tower consultants have been aware of our setback requirements. Their focus is a tower site that will provide improved coverage without the forethought of the County's set back

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requirements. Mr. Bracy feared that the Planning Board would be inundated with a considerable amount of cell tower variances. To date, the Planning Board has not approved a cell tower variance, other than this one five years ago. Mr. Torrez agreed that there seemed to be poor site selection as they apply to code requirements. Mr. Tucker mentioned in a rural area no one is observing the tower and there is less control over a rural tower than over an urban-placed tower. Mr. Homeyer stated that if the Planning Board gets into a situation where all applicants need to request a cell tower variance, that review of the regulation is in order. Mr. Bracy asked how the Benton County regulations are communicated to County developers and citizens as a whole. Mr. Bracy inquired as to why build another tower 50' away if the applicant didn't use the first tower. Mr. Homeyer stated that apparently the existing tower wasn't tall enough and when the tower was needed, it wasn't structurally strong enough to support necessary equipment.

4. **Other Business: None**

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

- I. Kyles Minor Subdivision, #18-162, 19232 Eagle Point Road, Garfield; 18-01581-000
- II. Acord/Henley Property Line Adjustment, #18-286, 17381 Martin Pedro Road, Siloam Springs; 18-10509-000
- III. T & K Farm, LLC Minor Subdivision, #19-069, 9505 Pine Grove Road, Gentry; 18-14489-000
- IV. BTP Cattle Company, LLC, #19-085, White Oak Ridge Road, Pea Ridge; 18-07742-000

6. **Discussion Items: None**

Meeting Adjourned: 7:50 p.m.

Next Meeting: June 19, 2019

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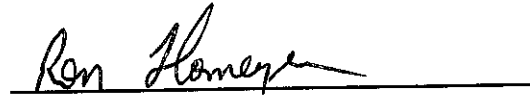
APPROVED THIS 19th DAY OF June,
2019.

ATTEST:



PLANNING DIRECTOR or
SENIOR COUNTY PLANNER

APPROVED:



PLANNING BOARD CHAIR or
PLANNING BOARD VICE CHAIR