



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

March 3, 2021

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, Mr. Torrez.

Roll Call: Bob Bracy, Sean Collyge, Terry Maienschein, Theresa Neal, Stephen Torrez, Bethany Rosenbaum, and Rick Williams were present.

Staff present: Taylor Reamer – Director of Planning, Madison Kienzle – County Planner

Public Present: See meeting sign in sheet.

Disposition of Minutes: February 3, 2021

Mr. Williams motioned to approve the February 3, 2021, Planning Board Meeting minutes. The motion was seconded by Mr. Maienschein.

Motion approved: 6 – 0

General Public Comment:

Old Business: None

New Business:

- I. Martinez Variance, case no. 21-007, 4 Lynn Lane, Rogers; 15-11538-000

Representative Antonio Martinez

Staff gave a presentation.

Mr. Martinez stated that most of the neighbors don't adhere to the 50 ft setback.

Dr. Rosenbaum asked whether the mobile was already in place, and whether there was an older mobile home in it's place before.

Mr. Martinez answered yes.

Mrs. Neal asked how far the mobile home is from the road.

Mr. Martinez answered 15-20 ft.

Mr. Torrez asked if the road was asphalt or gravel.

Mr. Martinez answered gravel.

Mr. Torrez asked if it is difficult to tell where the road ends.

Mr. Martinez answered yes.

Mr. Bracy pointed out an accessory structure owned by the neighbor that may encroach the property line. Mr. Bracy asks how far that structure is from the property line.

Mr. Martinez answered 25 ft.

Public comment: None

Dr. Rosenbaum motioned to approve. Mr. Williams seconded.

Motion approved: 7-0

TECHNICAL ADVISORY COMMITTEE

1. Call to Order

2. Old Business / Ongoing Applications: None

3. New Business:

- I. Burris Major Subdivision, case no. 21-019, Stage Coach Road, Gravette; 18-12170-004

Representative: Jennifer Watkins 1610 NW 12 Bentonville

Staff gave a presentation.

Mrs. Watkins stated that the property is going from two tracts to three, all of which are significant in size. However, they don't qualify for a minor subdivision due to previous splits out of the 86 acres. She stated that they also requested an infrastructure waiver due to there being no need.

Dr. Rosenbaum asked what is meant by a waiver of the infrastructure.

Mrs. Watkins replied that the waiver was filed because the split is not a true subdivision with road and utilities due to the size of the tracts and road frontage.

Dr. Rosenbaum asked if that is the same as a waiver of the preliminary plat requirement.

Mr. Reamer replies yes.

Dr. Rosenbaum asked when the land code changed where subdivisions followed the parent tract regardless of ownership or time frame?

Mr. Reamer replied February of 2014.

Mr. Bracy confirm the presence of an access easement providing access to all of the lots.

II. Myers Site Plan Review, case no. 21-022, 20500 S AR 59 Hwy, Siloam Springs; 18-13209-000

Brennon Myers 20500 S AR 59 Hwy, Siloam Springs, AR 72761

Staff gave a presentation.

Mr. Myers stated that the need for septic and potable water was only required if there were employees due to Federal OSHA standards.

Mr. Reamer replied that Mr. Myers would need to reach out to the Arkansas Department of Health Food Service and Sanitary Division that no potable water is required for a general retail store. There may be provisions for commercially occupied businesses to have access to those facilities due to the Americans with Disabilities Act and other State and Federal Regulations.

Mr. Torrez agreed that there may be some provisions requiring potable water.

Mr. Myers replied that the food would be packaged.

Mr. Torrez replied that people will still need to wash their hands, and to reach out the Arkansas Department of Health.

Dr. Rosenbaum notes that the plan seems preliminary because TAC report states that the facility will no longer serve alcohol while the application states that the general store will sell alcohol, cigarettes, coffee, and snacks. She asks if the application will be amended before the public hearing.

Mr. Reamer replies that there is a list of site plan revisions that need to be made, we can ask for them to eliminate in writing any retail sale of alcohol subject to the Arkansas Alcoholic Beverage Control Department.

Dr. Rosenbaum asks where delivery trucks will enter.

Mr. Myers replies that there is a space marked as a loading area.

Mr. Torrez asks if the Board is to expect an engineered drawing of the property.

Mr. Myers replied that the building is pre-existing and has been a business before, and the property has been measured with appropriate shrubbery.

Mr. Torrez explains that the current proposal is a different occupancy use from the

previous business and therefore subject to different standards. A hand-sketched site plan may be appropriate for a proposal that does not impact that public, however, this proposal has implications for the safety and welfare of the public.

Dr. Rosenbaum asked what the hours of operation will be.

Mr. Myers replied 6am -10pm. He also noted that they are in a rural area with the houses being very spread out, the impact to the area would be positive, and they are receiving a lot of encouragement. He and his wife had operated a food preparation business before, and there is a lot differentiation regarding health code and less restrictions for selling pre-packaged foods. He notes there is no running water to the building.

Mr. Bracy asks if there is one property.

Mr. Reamer replied yes.

Mr. Bracy asks if the set of buildings at 20466 is a part of the site.

Mr. Myers replied that is the adjacent RV park.

Mr. Bracy asks if buffering would be required for the north property line.

Mr. Reamer replied that the buffering could either be on the north property or the furthest extent of the commercial use which would be north of the residence.

Mr. Bracy notes that to the south there is a residence, so buffering would be from the road to the building. He asks if that is proposed.

Mr. Reamer replied that the vegetative screening proposed is along the Southern property line, from the residence, to the south to the building.

Mr. Bracy asks for the buffering to be clearer on the site plan. He also requests dimensions from the building to the property line, and to the residence. He asks if there are two access point on Hwy 59 to be used by the business.

Mr. Myers replied that there is a northern alternate exit, and if the width of the access is not sufficient it would become exit only.

Mr. Reamer states that the Arkansas Department of Transportation will handle any width requirements as well as apron requirements for this property due to the frontage along the state highway.

Mr. Bracy asked is two weeks will be enough time to acquire all of the information that has been asked for.

Mr. Myers notes that he tried to show that he plans to have 94 ft of shrubbery. He is concerned about the buffering toward the south residence. There is going to be a lot of light shining from the cars. He notes that other than naming the species of shrubs he doesn't know why the buffering isn't sufficient. Regarding the parking, he noted that he was clear on the amount of commercial space would be used. The commercial space

will be cut off on the north side of the general store which 45 ft to the fence where there are more shrubbery markings, 43 ft, 43 ft, and 33 ft. That is facing the highway side. There is an alternate exit. There is a confusion regarding how much will be occupied, because there is no room for ADA parking places.

Mr. Reamer replied that in the staff report, it is broken down what is required by ordinance for parking. There are seven spaces needed for the retail use, one space needed for the storage use, eight spaces total. A scaled representation with dimensions must be provided. There must also be one ADA parking space.

Mr. Myers asked if the setback from the road to the building must be shown.

Mr. Reamer replied yes.

Dr. Rosenbaum asked if the sign would need to be approved by Planning.

Mr. Reamer replied that the sign should be shown on the site plan, the County does not have a sign ordinance, but it would need to be reviewed as an improvement for the proposal.

Dr. Rosenbaum asked where the sign would be located.

Mr. Myers replied that it is mark on the site plan in the middle of the private use on the west side the property. He asked if there is an ordinance regarding cut offs for the signage light.

Mr. Torrez requests that on the revised site plan to please include the height and width of the sign.

III. Haynes Variance, case no. 21-032, 9934 Monte Ne Estates, Rogers; 15-06160-001

Representative: Robert Haynes 1218 E Necessary Road, Rogers Arkansas

Staff gave presentation.

Mr. Maienschein asked if he was planning to park his car at the end of the walkway.

Mr. Torrez reiterates this question.

Mr. Haynes replied that this is the front of the home, and there is not a slope for the first 10-15 ft. The walkway is actually 16ft from the edge of the road. He says that they plan to let guests park here rather than in the commonly shared driveway. He notes that they park here anyway but it is not safe.

Mr. Maienschein stated that it needs to show the proposed parking area. He also notes that anything place in the setback may have to be moved if the County needs to conduct maintenance.

Mr. Haynes replied that he was aware and that the walkway material will be inexpensive. He got the idea for the walkway from other houses around the lake.

Mr. Maienschein noted that it is basically an access drive, with steps and a walkway to the house.

Mr. Haynes replied that there will be no steps due to the elevation.

Mr. Maienschein asked if it would be a ramp.

Mr. Haynes replied that there will be no elevation change.

Mr. Bracy asked if he was trying to make the walk way handicap accessible.

Mr. Haynes replied that it wasn't the intent but that would be beneficial.

Mr. Bracy asked if the parking would be in the right-of-way.

Mr. Reamer replied yes, and that the County Road Department would need to be contacted regarding parking in the public right-of-way and whether that is permissible.

Dr. Rosenbaum noted that there could be an issue accessing the proposed parking depending on how traffic level of the road. She also asked if rental properties have any standards regarding parking and access.

Mr. Reamer replied that in the County there are no rental guidelines related to a single-family residential house being used as a long-term rental. The county also does not have short-term rental regulations. He adds that while long-term rental homes may have 4 drivers maximum, short-term rentals that accommodate 10 people may have 6+ drivers with parking needs. He noted that this could be a problem in the future.

Mr. Torrez summarized that the main issue to be resolved before the public hearing is the intent to park in the public right-of-way. He recommends that the revised site plan show the parking out of the right-of-way.

Mr. Haynes replied that he has no problem to revising the site plan to reflect that. He noted that the parking is not intended to be permanent parking.

Mr. Bracy noted the repeated overnight parking would be considered long-term parking.

Mrs. Haynes noted that there is a street light, and that there would only be two cars parked there at any given time.

Mr. Haynes stated that the road is a circle drive that is partially gravel, therefore, the only traffic would be from their two neighbors. He stated that they had considered pouring concrete for a place where they could turn into the front, however, they were deterred by the presence of service lines. Furthermore, one of the goals of the project is to decrease the amount of traffic in the shared drive. He stated that he has shared his plans with that neighbor, but not the others.

Mr. Bracy asked where the utilities are located.

Mr. Haynes replied that they are near the driveway.

Mr. Bracy asked if there are any utilities along the roadway.

Mr. Haynes replied that he is not sure, they have not been marked. The water meter is by the drive way. The gas meter is on the corner next to a telephone pole.

Mr. Torrez asked what goes beyond the driveway.

Mr. Haynes replied that it is a paved road that goes down his property, through a gate, and to Mr. Graves' house. He used the road for the construction because the trucks could access the property more easily that way. The road is no longer used.

Mr. Bracy recommends that Mr. Haynes find out where the utility easements are located. States that while you can put gravel in the right-of-way you cannot put hard surface, or build on it.

Mr. Haynes asked if every home has concrete poured across the right-of-way.

Mr. Williams states that generally the concrete does not connect the two houses, there would be normally be strip between the poured concrete.

Mr. Bracy states that you can dig where concrete is poured over utilities, and you can't permanently place anything on top. He noted that a car parked overnight would be considered something permanent.

IV. Nichols/Verizon Telecommunications Tower, case no. 21-034, 12425 Springtown Rd, Gentry; 18-10794-000

Representative: Jennifer Waymack-Standerfer 2302 SW Nottingham Ave, Bentonville, AR

Staff gave a presentation.

Mrs. Waymack-Standerfer stated that there are chicken houses on the property. The location of the tower will be south of those. The access to the tower is going to be Springtown Rd, which is the same access that reaches out to the chicken houses. The proposed tower is a response to data usage issues that Verizon is having. The new tower will improve coverage in residential areas and along Hwy 12, offload usage from surrounding sites, and improve 4G networks. There will be three more tower requests from Verizon in the near future. They will be spread out through Benton County.

Mr. Torrez stated that he'll be interested to hear what the public has to say.

Mr. Bracy asked for clarification on a line depicted on the survey.

Mr. Reamer replied that it is an overhead electrical easement which is currently in place.

Mr. Bracy asked if the line was far enough from the tower.

Mrs. Waymack-Standerfer replied that a letter was obtained from the electrical

company stating that they would provide electric to the site.

Mr. McGehee stated that the easement does not quite abut the tower.

Mr. Bracy asked if it was an underground service. If it's an overhead service the tower is within 50-70 ft with a tower that is hundreds of feet tall which would mean the tower was higher than the elevated electrical wires. If the tower is 250 ft it would need to be some 300 ft away from the overhead.

Mr. Reamer stated that written confirmation from the service provider and line owner that they are aware of the location of the tower in relation to their infrastructure would be sufficient.

Mr. Bracy asked what type of fuels the backup generator uses.

Mr. McGehee replied that they use LP or natural gas when it is available, this one will use a tank.

Dr. Rosenbaum asked how the height of the tower relates to coverage, and can they tower be used for 5G in the future.

Mr. McGehee replied that the tower is proposed as 4G but it can also improve 5G capacity in the future. The height provides more distant coverage.

Mrs. Waymack-Standerfer adds that Verizon tries to enhance their current structures where they can. They pick the locations based on where there are no existing structures and where they experience a drop in coverage. They get more coverage by building higher, and they don't have to build as many towers close together.

Mr. Bracy stated that more towers are being built with the technology removing the power systems from the floor up into the top of the tower where the antennas are at, including this tower. He asked if this tower will be leased to other service providers.

Mrs. Waymack-Standerfer replied that the clients stated in their letter that they will co-locate where they can.

Mr. Bracy stated that there is no interference between 5G and 4G wavelengths. He stated that his main concern is regarding the electrical line.

Mrs. Waymack-Standerfer stated that she would follow up on the electrical line at the public hearing.

4. Other Business: None

5. Staff Updates - Administrative Approvals:

- I. Coose Property Line Adjustment, case no. 20-205, 10563 McKnight Ln, Rogers; 18-04180-000
- II. Luneau Farms Property Line Adjustment, case no. 20-286, 15631 Osage Hills Rd, Siloam Springs; 18-11112-000
- III. Fraine Minor Sub, case no. 21-006, 11910 Plank Rd, Rogers; 18-00474-002

- IV. Moorman Minor Sub, case no. 21-003, 15618 Black Ave, Sulphur Springs; 18-15561-000
- V. Necessary Property Line Adjustment, case no. 21-035, Coose Bay Blvd, Rogers; 18-0529-001

6. Discussion Item: None

Meeting Adjourned: 8:00 p.m.

Next Meeting: April 7, 2020

APPROVED THIS 17th DAY OF March, 2021.

ATTEST:

APPROVED:


PLANNING DIRECTOR


PLANNING BOARD CHAIR or
PLANNING BOARD VICE CHAIR