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JOHN W. BELL
COUNTY CLERK
BENTON COUNTY, AR



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

November 18, 2020

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, Ron Homeyer, Terry Maienschein, 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: November 4, 2020

Mr. Williams motioned to approve the November 4, 2020, Planning Board Meeting minutes. The motion was seconded by Mr. Maienschein.

Motion approved: 7 – 0

General Public Comment:

Old Business: None

New Business:

- I. Aholu Major Subdivision and Waiver, case no. 20-209, Wildwood Way, Gravette; 18-12297-010

Representative: Kristina Bertschy

Staff gave presentation.

Ms. Bertschy: I have nothing to add at this time.

Mr. Torrez: What is the intention of the subdivision?

Ms. Bertschy: It is for a single-family dwelling.

Mr. Collyge motioned to approve the Aholu Major Subdivision and Waiver. Mr. Williams seconded the motion.

Motion approved: 7 – 0

- II. Song Variance, case no. 20-237, 9992 Jims Trl, Rogers; 15-03658-001 + 18-01647-010.

Representative: Kevin Wallace

Staff gave presentation.

Mr. Wallace: I am Roger Song's attorney. As you can see the variance is quite small it's 0.01 acre, so it will result in a 1-acre parcel and a 0.99-acre parcel. My understanding is that the purpose of that statute is to maintain aesthetically the properties in Benton County to maintain the rural appearance. So, 0.01 – acres are not something that can be seen by the naked eye, it's not going to be something that anyone would ever notice. So, it purports with the purpose of that statute. It also has the added benefit of allowing my client to build on the property, which would be beneficial to the neighborhood because most of the houses there are over 50 years old. Most of the lots there are much smaller than an acre 0.20 – 0.50 acres. So, these two lots will still be much larger than the other lots in the neighborhood. We're talking about adding a new home to the neighborhood which will increase property values for everyone there without any visual impacts on the neighborhood, which is what this statute is trying to maintain.

As far as I know, there are no viewshed easements that are going to be impacted. The neighbors may have something in the chain of title, but nothing has been presented to me that shows any kind of easements that would prevent someone from building on this property. As your representative mentioned we are only looking for a minor replat variance in an established subdivision that's been there for over 50 years. So, we're just talking about moving a lot line in a subdivision, and the threshold for that is much lower than a variance. So, if we can get a variance for 0.01 acre that doesn't impact the purpose the statute and contributes to the neighborhood, we respectfully submit that we should be allowed to do that.

Mr. Maienschein: The plat actually shows two lots, both of them are less than 1 – acre, they divided it equally. So, we're actually approving two lots that are less than an acre.

Mr. Torrez: Is that because there is an easement? Because I thought it was 1.00 – acre, and 0.99 – acre.

Mr. Maienschein: That is what they said but the plat shows.

Mr. Reamer: Mr. Wallace could you please clarify the true intent? The survey that was submitted details two lots 0.995 acres each.

Mr. Wallace: If you're speaking of the survey that was submitted most recently last week, then that I'm sure is the more correct. I need to correct what I said. It's still a 0.01 – acre variance, it's just two lots, so you're talking about two lots so it's less than 0.01 variance for each one. I would rely on that subsequent survey. The easement is

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MAYNARD
CO-CLERK
CENTRAL COUNTY, AR

quite large through there. The public easement, for the well that does take up a lot of space. I'm sure the gentleman was right when he said the acreage was 0.995 – acres, if that's what the most recent survey said, but again that's a tiny variance for both of those lots.

Mr. Homeyer: Does anyone use that 30 ft roadway?

Mr. Wallace: No sir, not at this time.

Mr. Reamer: Based off of what I have been able to gain from Court records and County records, the way this is labelled is a little misleading. This is a private access easement; this is not a roadway or right-of-way. There is access to that property to the Northeast via a private drive on the North side that they are utilizing today. There is no improvement as far as an access drive at this point. They are using an offsite private drive to access the property.

Mr. Bracy: I understand there is only one well. Can one well support two properties.

Mr. Reamer: Based on what we received from the Arkansas Department of Health, yes.

Mr. Bracy: Legally who will own the well?

Mr. Reamer: That is to be drafted in the easement. I wouldn't say that is uncommon, but it is unique.

Public comment: None

Mr. Torrez: Last time we talked about this, we had concerns regarding the septic system, and ensuring we had enough setbacks. Is that resolved here?

Mr. Reamer: Yes, the Health Department does utilize setbacks from the property lines of 10 ft. Additionally, these are existing septic systems. They have been designed and installed according to the standard set by the Arkansas Department of Health. The proposed lot line adjustment complies, albeit closely.

Mr. Collyge motioned to approve the Song Variance. Mr. Homeyer seconded the motion.

Motion approved: 7 – 0

- III. Brogren Major Subdivision and Waiver, case no. 20-239, 11413 Stage Coach Rd, Gravette; 18-12170-003+

Representative: Jacqueline Brogren

Staff gave presentation.

Mr. Collyge motioned to approve the Brogren Major Subdivision. Mr. Maienschein seconded the motion.

IV. Proposed Amendments to the Planning and Development Regulations O-2018-42

Mr. Reamer: The revision is available for review on the screen as well as in the report.

Mr. Torrez: I want to break this down as I understand it, if something is approved someone can file a lawsuit, and they have 30 days to do that. Do I understand correctly?

Mr. Reamer: Once a Planning Board decision is made, it is effective immediately. The applicant may execute the decision immediately. If and when an appeal is filed to the decision, at any time, a 30-day stay will be issued to the applicant in order for the Court system to decide on any further injunction or issuance of a stay.

Mr. Torrez: So, the Court order could be filed at any time.

Mr. Reamer: Yes.

Mr. Torrez: Okay, so from that point the stay would be 30 days.

Mr. Homeyer: Since I made comments at the TAC meeting, I will say that this proposal is better than the original.

Public comment: None

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

Motion approved: 7 - 0

TECHNICAL ADVISORY COMMITTEE

- 1. Call to Order
- 2. Old Business / Ongoing Applications: None
- 3. New Business:
 - I. Straightline Automotive Site Plan Review: Major Amendment, case no. 20-255, 9145 Greenhouse Rd, Bentonville; 18-08679-000

Representative: Ross Bull

Staff gave presentation.

Mr. Bull: Basically, this is just phase two of what we did six years ago. The structure is 1200 sq ft., 20 X 30.

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MRS. BULL
COUNTY CLERK
CLAY COUNTY, AR

Mr. Williams: In the original approval, was there an issue with multiple access aprons to Greenhouse Road?

Mr. Reamer: To my knowledge there was not a denied driveway permit application. Mr. Bull, did you file an application for a driveway permit for additional access to greenhouse road based on the 2014 and 2016 review?

Mr. Bull: I don't remember if we applied for it, but it was on our site plan.

Mr. Reamer: What is the height of the proposed structure?

Mr. Bull: It will be 14 ft. It will match the existing building now.

Mr. Reamer: For clarification from the property owner, what does the business flow look like for this particular aspect of your automotive service?

Mr. Bull: What this is going to be is a two-lane quick lube. It will free up space in the parking lot. It will free up space on the road for people coming in and out, and waiting. Now, when they come in to get an oil change, they drop it off, they have somebody pick them up so now we have two cars coming in. With this new proposed building they can just drive through and drive out there won't be so many cars in the parking lot. Also, with this proposal, we should have plenty of parking spaces, I wanted a circle drive so that our big truck deliveries can pull right off the road and make their deliveries and pull out whether they are headed north or south.

Mr. Reamer: So, this proposed structure, a customer would drive to the bay doors, exit their vehicle and then enter the waiting room?

Mr. Bull: Correct.

Mr. Reamer: All business related to this two-bay service station would be handled in this structure.

Mr. Reamer: Correct.

Mr. Torrez: What is your approximate customer count of customers flowing in and out?

Mr. Bull: In that building there would probably be 8-12 a day. What we're trying to do is take our oil changes and put them in another structure where it will be easier for our customers, less people pulling in and out. As Greenhouse gets busier, we feel that that is important. It's a big expense to us to do that, but we feel like in the long run I think it will serve the community better, serve our company better, and I think it will be safer for what we are trying to do.

Mr. Torrez: Will there be added services?

Mr. Bull: No, we have one bay dedicated to this right now in the current structure, so technically, we won't even be adding employees they will just move over to this new structure.

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J. W. HALL
CLERK OF THE COURT
BERNARD COUNTY, AR

Mr. Torrez: Can you explain to me what the landscaping at your site will be? This is not totally compatible with the surrounding residential. How do you buffer your site?

Mr. Bull: Right now, we buffer it to the south with 25-30 ft tall mature trees, a wooden privacy fence, and a block structure. On the north side there is a lot less auto repair noise and we buffer with mature trees and wooden fence.

Mr. Torrez: Is that your residence we see on the site plan? 56.0

Mr. Bull: It is, but it is going to turn into office space.

Mr. Homeyer: Is that 40 ft from the north property line to the corner of the building?

Mr. Bull: The site plan shows 45 ft.

Mr. Reamer: It is 46.7 ft.

Mr. Homeyer: So, the building itself is over 40 ft from the property line.

Mr. Reamer: Correct. And there is significant greenspace area that can be dedicated.

Mr. Bull: There is 20 ft from the proposed fence to the curb.

Mr. Bracy: What buffers on the north side?

Mr. Bull: There are trees and a wooden fence.

Mr. Torrez: There are neighbors to the North and you have four trees on your side of the fence.

II. Schroeder Site Plan Review, case no. 20-227, Coppermine Rd, Rogers; 18-00920-000

Representative: Adam & Nickole Schroeder

Staff gave presentation

Mr. Bracy: Is that a single-family dwelling?

Mrs. Schroeder: Yes, that is our home.

Mr. Bracy: The drive goes to both the residence and this building.

Mrs. Schroeder: Yes, there is also a 2-car garage.

Mr. Bracy: To the Northeast of the building in question, there is something out in the woods, what is that?

Mr. Schroeder: It is a retaining wall.

Mr. Bracy: So, the topography drops down.

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W. J. SELL
CLERK
BERTON COUNTY, AR

Mr. Schroeder: Yes, it is a hillside.

Mrs. Schroeder: It is very heavy in trees behind us.

Mr. Bracy: Is these two properties?

Mr. Reamer: Yes, this is on two adjacent lots, not within a subdivision.

Mr. Bracy: So, does our ruling require buffering in between?

Mr. Reamer: Generally, not between an adjacent commonly owned property.

Mr. Bracy: What would happen if they sold one of the properties?

Mr. Reamer: That would be a consideration for the Board.

Mr. Torrez: It is similar to the tower a couple of weeks ago, the tower can only be so many feet from the property line and we talked about buffering and we said that it's the next person's issue.

Mr. Reamer: At this point, buffering would be difficult due to the hardscape that is existing. There could be a deed restriction placed on these two properties that they must be bought and sold together to eliminate that issue. There are remedies that could be completed if the Board chose.

Mr. Bracy: So, there are a number of remedies, other than just trying to make one parcel?

Mr. Reamer: That would also be an option. Can the property owner give us the business flow, how it operates, 7-7 Monday through Friday, Saturday?

Mr. Schroeder: Operating hours are 9am-5pm Monday through Friday. On Saturday I work 9am - 2pm. We don't have a sign, we don't advertise. We get a customer's unit completed, call them to come pick it up, and then schedule a new customer, and we do everything inside of the building.

Mrs. Schroeder: So, there's no heavy traffic since we only work on a couple of things at a time and it takes days to do.

Mr. Torrez: How do you dispose of hazardous waste?

Mr. Schroeder: I return it to Wal-Mart.

Mr. Bracy: When you say marine repair, you are talking about boats on trailers?

Mrs. Schroeder: We're mostly working on jet skis.

Mr. Bracy: I am concerned about the turnaround radius.

Mr. Schroeder: We have them back it into the drive.

APPELL
CO & CLERK
BENTON COUNTY, AR

Mr. Torrez: So, you use Coppermine Road to back in.

Mr. Schroeder: Yes. A lot of times we have them pull into the grass strip on the side.

Mrs. Schroeder: There is an area to pull off of the road to back in so that you're not holding up traffic.

Mr. Schroeder: Which there is not a lot of traffic on Coppermine Rd. It's not a through-street.

Mr. Torrez: How long have you been in business?

Mr. Schroeder: We bought the house a year ago, and we started doing work in July.

Mr. Torrez: How did this come to our attention?

Mr. Reamer: Nuisance complaint.

Mrs. Schroeder: I want to point out that most of our work is mobile. At the marina and the boat dock. We do most things away from the house, there are only some things done there.

Mr. Torrez: Do you have any staff?

Mr. Schroeder: Just us.

4. **Other Business:** None

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

- I. Harrington Minor Subdivision, case no. 20-133, 12085, 12089, 12093 Ervin McGarrah Road, Lowell; 18-02484-0000
- II. Boswell Minor Replat, case no. 20-150, 10571 Jasper Ln, Rogers; 15-03528-000
- III. Huckeba Minor Subdivision, case no. 20-203, 13954 Old Hwy 68 Springdale; 18-11142-002
- IV. Hare Minor Subdivision, case no. 20-222, 16870 Hide Away Ln, Decatur; 18-11300-010
- V. Huddleston Property Line Adjustment, case no. 20-233, S Tillys Hill Rd, Decatur; 18-11444-000
- VI. United Bilt Minor Subdivision, case no. 20-232, 15026 E Hwy 264, Lowell; 18-02742-001
- VII. Fitzgerald Minor Subdivision, case no. 20-234, Lucas Dr, Pea Ridge; 18-07752-000
- VIII. Mike & Susans LLC Minor Subdivision, case no. 20-240, 23044 E AR 12 Hwy, Little Flock; 18-00050-000
- IX. Owens Minor Subdivision, case no. 20-241, 14253 AR 43 Hwy, Siloam Springs; 18-15831-000
- X. Good Minor Subdivision, case no. 20-243, 10601 Elzeys Rd, Rogers; 18-01643-002
- XI. Piatkowski Minor Subdivision, case no. 20-248, 215 Stateline Rd, Sulphur Springs; 18-15454-000

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XII. Luedtke Minor Subdivision, case no. 20-251, 12531 Fire Run Rd, Garfield; 18-04537-000

6. Discussion Item: None

Meeting Adjourned: 7:10 p.m.


Next Meeting: December 2, 2020

APPROVED THIS 3rd DAY OF FEBRUARY, 2020.

ATTEST:

APPROVED:


PLANNING DIRECTOR


PLANNING BOARD CHAIR or
PLANNING BOARD VICE CHAIR