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Benton County Planning Board
Public Hearing
Technical Advisory Committee Meeting

BETSY HARRELL
CLERK & PROBATE CLERK
BENTON COUNTY, AR

October 2, 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, Ashley Tucker

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

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

Public Present: Thirteen people signed the Sign In sheet

Disposition of Minutes: September 18, 2019

Mr. Williams motioned to approve the September 18, 2019, Planning Board Meeting minutes. The motion was seconded by Mr. Maienschein

Motion approved: 7 – 0

General Public Comment: None

Old Business: None

New Business:

I. Steinbroner Setback Variance, case no. 19-198, 18700 Coppermine Road, Rogers; 15-01719-000

Representative: Jonathan Steinbroner, 6918 West Altamonte Drive, Rogers

Staff gave a presentation on the Steinbroner Setback Variance, case no. 19-198, 18700 Coppermine Road, Rogers; 15-01719-000

Mr. Steinbroner recapped the reasons for the variance request: the draining and well on the west side of the property, the steep topography on the rear of the property, not wanting to cut down a mature pine tree on the property and the proposed location of a new house. Mr.

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Steinbronner claims that he did not know the proper building permit requirements at the time he started to build the garage. Video provided by Mr. Steinbronner was shown to all and he narrates it as it is shown.

Mr. Torrez inquired about the partially built retaining wall, which will be about 42" high when completed. Engineered drawings were not done. Mr. Torrez was concerned that Mr. Steinbronner did not know the soil conditions, etc. Mr. Steinbronner commented that he did his "due diligence" on the wall. Mr. Torrez asked Mr. Steinbronner if the retaining wall is protected against the rain with a tarp. The wall is not protected against rain.

Mr. Bracy asked when Mr. Steinbronner started this project. Mr. Steinbronner stated that he started about 18 months ago. Mr. Steinbronner stated that the garage support will rest inside the brick retaining wall. The wall itself is holding up the soil. The wall has proper drainage and it weeps like it is supposed to. Rain is not an issue. The garage, once installed, will be about 6" away from the retaining wall on each side. Inside the retaining wall is approximately 19'. Inside the retaining wall will be backfilled with a top layer of SB2, no concrete foundation. The metal garage will be anchored into the ground with mobile home anchors. The length of the garage will be 25' with 6" eaves on each side.

Mr. Bracy asked about an existing foundation. Mr. Steinbronner said that there was an existing foundation but that most of it has been removed and red dirt was brought in to fill the hole in the middle of the property left over from the previous walk-out dwelling. The red dirt would have to be removed when the Steinbronner's eventually build.

Mr. Bracy asked what the hardship was to at least bringing the home back to at least 35'. Mr. Tucker asked if Mr. Steinbronner could move the house another 2' back. Mr. Steinbronner thought the house could be moved back because there would be some green space behind the house. The alternative septic system will need to be house behind the house somewhere.

Mr. Torrez asked Mr. Steinbronner how he could modify the garage to avoid the 2-1/2' from the property line issue. Mr. Steinbronner said that the garage would simply need to be smaller if it was moved to the west.

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At present, the garage is 18' wide x 25' long to house a mower, boat and side by side. Mr. Torrez felt that the 2-1/2' variance was extreme. Mr. Torrez suggested a 14' x 25' garage instead. Mr. Steinbroner stated that if the garage were moved to the west, the pine tree would be right in front of the garage door. The garage door is 10' wide. Mr. Torrez felt that the Mr. Steinbroner's hardship reasoning behind the variance was self-inflicted. Mr. Steinbroner was attempting to keep the garage far enough from the house for fire code.

Mr. Bracy suggested moving the house/garage to at least 35' from the center of the road. Mr. Tucker stated this would allow Mr. Steinbroner to park a car in front of the house.

Mr. Homeyer asked Mr. Steinbroner why the garage couldn't be parallel to the property line and 10' off of it. Mr. Steinbroner said he would then have to rotate the house accordingly and this would bring the house over the drainage system. Mr. Tucker mentioned that the structure placement would be out of character with the other structures in the area. Mr. Steinbroner wanted the home/garage to face the road like all the other dwellings in the area.

Mr. Torrez stated that he was having difficulty making a decision without a survey. Site plan offered by Mr. Steinbroner is simply a not-to-scale sketch.

Public Comments:

Ms. Mackenzie Trofholz, 18714 Coppermine Road, Rogers

Focus of comments: No hardship exists; safety; fire restrictions; safety to children; blocks visibility of traffic entering from the west; devaluation of property; no permanent structures exist forcing Mr. Steinbroner to build so close to the lot line. In general, feel that Mr. Steinbroner has other options that don't encroach on the Trofholz property.

Mr. Oliver Keisel, 18541 Coppermine Road, Rogers

Residential home builder, OAK Homes & Landscape

Focus of comments: sketch vs. survey; home/garage can be built within the setbacks with a proper foundation; don't see a hardship; setting precedent in the neighborhood

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Ms. Erica Schmitz, 18460 Coppermine Road, Rogers
Focus of comments: eyesore of metal structure; putting 'cart before the horse'; drainage; no architectural plans; piece meal plans

Mr. Steinbroner stated that he could put gutters on the roof of the garage for proper drainage. Mr. Steinbroner felt that the garage would sit back off the property far enough to still see oncoming traffic. Garage structure would not impede the neighbor's (Trofholz) lake view.

Mr. Tucker suggests rotating the house 90 degrees to get it out of the setback. Mr. Torrez stated that the comments from the neighboring citizens match the comments from the Board. Mr. Torrez feels that the Board does not have enough information to take a vote and stresses that Mr. Steinbroner should invest in a survey.

Mr. Bracy feels that the alternative septic system needs further review from the AR Department of Health. Mr. Bracy feels that the Board needs more technical data to base a decision on.

Mr. Homeyer stated that he sees two issues: (1) the house does not exist; therefore, there is not a legitimate hardship regarding the garage setback; (2) 2-1/2' is more than fifty percent less than the required setback. Mr. Homeyer will vote 'no' on this project as presented.

Mr. Williams made a motion to deny this setback variance request. Mr. Maienschein seconded the motion to deny.

Motion to deny setback variance: 7 – 0

Reasons for voting to deny:

Mr. Bracy: does not see a hardship; recommends that the applicant hire a residential contractor

Mr. Collyge: not enough technical information; applicant needs a survey

Mr. Homeyer: does not see a hardship based on a future home structure

Mr. Maienschein: does not see a hardship

Mr. Torrez: does not see a hardship

Mr. Tucker: does not see a hardship

Mr. Williams: does not see a hardship.

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TECHNICAL ADVISORY COMMITTEE

**BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR**

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

I. Joint Forces K9 Group Site Plan Review, case no. 19-216, 17606 AR Highway 16, Siloam Springs; 18-10608-000

Representatives: Bob Shewmake, P.O. Box 3341, Bella Vista, AR
and Rob Shewmake, 2655 Ulmerton Road, Clearwater, FL

Staff gave a presentation on the Joint Forces K9 Group Site Plan Review, case no. 19-216, 17606 AR Highway 16, Siloam Springs; 18-10608-000

Mr. Bob Shewmake discussed the outstanding items on this project (driveway, service letters, a conversation with the Benton County Fire Marshal and an updated site plan) Mr. Shewmake inquired if the required parking guidelines could be determined based on a 'warehouse' instead of retail facility. Mr. Shewmake discussed the lighting requirement and gave further detail on the existing security system the site (including LED lighting). Mr. Tucker explained that the only requirement is that the full-cut-off lighting stay within the confines of the property line.

Mr. Rob Shewmake further explained with they do as a business. They do everything from pet training to working with working dogs (service dogs, dogs used with law enforcement agencies, protection dog services, hunting dog services). Clients come from Arkansas and several neighboring states to use the master/certified dog trainers available at this facility. They also offer a scent detection program for dogs owned by individuals, businesses and law enforcement. They also assist with Parkinson's patients.

The name 'Joint Forces' is due to the fact that many of the staff are current or prior law enforcement or veterans. Additionally, dogs are imported from Europe as a dual continent effort. The focus is on boarding and dog training. There is no retail function at this facility. Per Benton County Planning and Development regulations, this facility was categorized as a 'kennel.' This facility is not non-profit.

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Mr. Bob Shewmake stated that they would like to get a variance from the parking requirement. Decision was made to treat the facility as a portion of office space with another portion as warehouse and come up with a revised parking calculation. May be easier to simply denote the parking spaces on the site plan. Actual paving/stripping for parking spaces is not required.

II. Spring Creek Custom Machining Site Plan Review, case no. 19-218, 1519 East Apple Blossom Avenue, Lowell; 18-02887-004

Representatives: Ms. Robyn Lane, landscape architect for EB Landworks, Inc., 2191 East Chancellor, Fayetteville and Mr. Spencer Cox, 1313 East Cicero, Fayetteville

Staff gave a presentation on the Spring Creek Custom Machining Site Plan Review, case no. 19-218, 1519 East Apple Blossom Avenue, Lowell; 18-02887-004

Mr. Cox indicated that Spring Creek Custom Machining mostly supports the large industrial businesses in the area (i.e. Glad, Bekaert, Rockline, etc.). Custom machining usually calls for less than 500 custom pieces. Mr. Cox bought the business two years ago.

Discussion of stored hazardous fluids (cutting fluid, pre-mixed coolant, etc.) kept on the site in quantities of more than 300 gallons. Barrels removed periodically by Safety-Kleen Systems. Mr. Tucker inquired about noxious fumes. Mr. Cox said that there would be none. Mr. Tucker inquired about a soda blasting cabinet or paint booth. Mr. Cox said that they will have one on site used bi-weekly for small runs. Discussion of hydrant flow test for a future sprinkler system.

Mr. Homeyer inquired if there were going to be any truck docks on site. Mr. Cox said that there would be no docks. Loading/unloading is done with fork-lift trucks. There will be semi-trucks on site daily (one per day on average). Semi-truck drive radius indicated on the site plan is tight. Ms. Lane said that the truck turning radius will be investigated for accuracy and maneuverability. Mr. Tucker requested an auto-turn template as well.

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Mr. Reamer inquired about the noise level of the machines shop and the hours of operation would be. Mr. Cox said that the noise level would be virtually nil outside the building. The semi-trucks create the largest source of noise. Hours of operation are 5 a.m. to 5 p.m.

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III. Central Arkansas Recycling and Disposal Services (CARDS) Site Plan Review, case no. 19-219, 14170 Springtown Road, Siloam Springs; 18-10978-000

Representatives: James Koch, P.O. Box 415, Fayetteville, engineer of record for the CARDS project and Allissa Sims, 234 East Millsap Road, Fayetteville, attorney for the applicant.

Staff gave a presentation on the Central Arkansas Recycling and Disposal Services (CARDS) Site Plan Review, case no. 19-219, 14170 Springtown Road, Siloam Springs; 18-10978-000

Ms. Sims stated that they had recently received the approved septic plan as well as a No Rise Certification from the engineer. Mr. Koch indicated that the CARDS structure had been removed from the FEMA flood plain.

Discussion of the U.S. Fish & Wildlife letter regarding the run off to Logan Cave.

Discussion of traffic impact to the area. Specific amounts hauled in/out is scaled and permitted based on regulations. Traffic analysis done by Peters & Associates Engineers. Per Ms. Sims, drivers would drive their personal vehicles to the CARDS site, get in the trash collection vehicle, drive it from the CARDS site to a route and then drive the trash collection vehicle back to CARDS.

Per Ms. Sims, presently this facility would not be a transfer station but would be in the future. Mr. Koch, all material handled by the CARDS facility is classified as 'nonhazardous material' (i.e. paper, aluminum, wood, etc.) Hazardous material is excluded from the CARDS permit. Trash is hauled to the south end of the facility where it is off loaded onto a conveyor belt inside the facility where it is handpicked and sorted. CARDS is more of a recycling facility rather than a trash disposal site or a dump.

There is an area within the building for truck maintenance.

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Mr. Homeyer inquired about the purpose of the liquid storage tank. Mr. Koch stated that it was necessary to have a storage tank to satisfy the 'no wash out of materials' permit. There will be a sump pump installed within the drainage system that pumps the waste water into the liquid storage tank. Periodically a truck will visit the site to pump the liquid out of the storage tank and haul it off.

Mr. Tucker discussed the public image issues of a recycling facility. May be helpful to have photographs or a video to show how the facility works.

Mr. Bracy discussed flying trash debris from the trash hauling trucks. Mr. Koch stated that the trash is contained and covered while on the trucks. Mr. Koch is unsure as to what the DOT requirements are for transportation of trash material. Mr. Koch discussed the on-site detention pond area and ADEQ regulations. Mr. Tucker suggested installing a chain linked fence to contain any escaping trash.

Mr. Homeyer thought the driveway looked very steep and suggested discussing its slope with the Fire Marshal.

4. **Other Business: None**

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

- I. Shores Property Line Adjustment, #19-203, 10493 Tara Lane, Rogers; 15-03492-001
- II. Meza Minor Subdivision, #19-206, 16832 Greenridge Drive, Garfield; 15-11302-001
- III. Jones Lot Combination, #19-212, Park Ridge Drive, Lowell; 15-17066-000

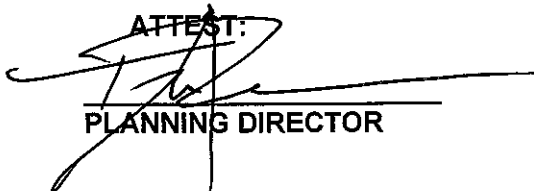
6. **Discussion Item: None**

Meeting Adjourned: 8:23 p.m.

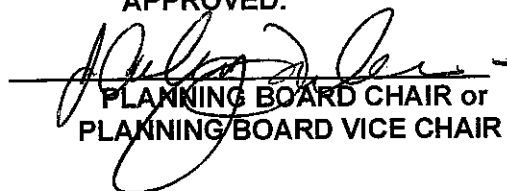
Next Meeting: October 16, 2019

APPROVED THIS 16th DAY OF October, 2019.

ATTEST:


PLANNING DIRECTOR

APPROVED:


PLANNING BOARD CHAIR or
PLANNING BOARD VICE CHAIR

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