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TENA O'BRIEN
CO. & PROBATE CLERK
BENTON COUNTY, ARK

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

June 20, 2018

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, Bob Bracy.

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

Staff present: Taylor Reamer – Director of Planning, Tracy Backs – County Planner, Marc Trollinger – Fire Marshal and Joshua Bryant – JP Planning Board Liaison were present

Public Present: 10 people signed the sign-in sheet.

Disposition of Minutes: June 6, 2018

Mr. Tucker motioned to approve the June 6, 2018, Planning Board Meeting minutes. The motion was seconded by Mr. Collyge.

Motion approved: 5 – 0

General Public Comment:

Old Business:

New Business – Items for Public Hearing:

- I. **Brown Preliminary Plat Waiver and Major Subdivision #18-130, #18-133, 10683 Shady Lane Circle, Gravette; 18-12297-008**

Representative: Michael Brown, 901 SW Pure Globe Street, Bentonville

Staff gave a presentation on the Brown Preliminary Plat Waiver and Major Subdivision #18-130, #18-133, 10683 Shady Lane Circle, Gravette; 18-12297-008

Mr. Bracy: Do you have anything that you could add to that, sir?

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Mr. Brown: No, everything is there.

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Mr. Tucker: Could you describe why you are making this small block wrapped by the larger parcel?

Mr. Brown: Yes. We are building a house and we just didn't want the 5.9 acres added so we are splitting off the house.

Mr. Tucker: Just the minimum amount of property?

Mr. Brown: Yes.

Mr. Tucker: Just so you know, you will probably be back here at some point to straighten that out.

Mr. Brown: Yes, agreed. It's just for right now for that reason.

Mr. Tucker: Alright. Thank you.

Mr. Bracy: Does the easement in the road access the property in question or does it just end someplace?

Mr. Brown: No, there is a house to the north. We actually own what I call the little panhandle that actually extends up. They have an easement all the way back to their houses. So, we are not impacting that at all.

Public comment: None.

Mr. Tucker made a motion to approve the waiver. Mr. Homeyer seconded the motion.

Motion to approve waiver: 5 - 0

Mr. Homeyer made a motion to approve the major subdivision. Mr. Tucker seconded the motion.

Motion to approve the major subdivision: 5 - 0

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II. WEN Investment Group Site Plan Review, #18-134, 14635 + 14637 + 14639
Highway 62, Garfield; 18-04272-000

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Representative: Derek Hileman, CEI Engineering, 3108 SW Regency Parkway,
Bentonville

Staff gave a presentation on the WEN Investment Group Site Plan Review, #18-
134, 14635 + 14637 + 14639 Highway 62, Garfield; 18-04272-000

Mr. Bracy: Is there anything you would like to add to that, sir?

Mr. Hileman: No

Mr. Tucker: The parking calculation, is that based on the area of mini-storage?

Mr. Reamer: All we have right now is storage and warehouse. It doesn't matter
that it's mini-storage.

Mr. Tucker: I am trying to think of how this would apply given the revisions to
the ordinance.

Mr. Reamer: It would depend on how many mini-storage units there would be on
site.

Mr. Tucker: Okay. We haven't defined what kind of storage it is.

Mr. Reamer: Right. Correct.

Mr. Tucker: Okay. Is this the old site that was the craft fair?

Mr. Hileman: Yes.

Mr. Tucker: So, it was semi used for a commercial business in the past years?

Mr. Bracy: The road leading into this property, is it paved there and then goes to
gravel?

Mr. Hileman: Is it paved just into the property. As you turn, it is gravel.

Mr. Tucker: There used to be a dirt loop where people put tents up for the craft
fair.

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Mr. Bracy: Your proposal showing a traffic pattern, is that traffic pattern only for four-wheeled, two axle vehicles or will tractor-trailer type vehicles be entering because of the manufacturing avenue?

Mr. Hileman: No, large vehicles.

Mr. Bracy: So, there will be no change in the radii coming on to the main road?

Mr. Hileman: No change.

Mr. Bracy: In the parking, it was required to have three ADA spaces. I only see two of them.

Mr. Hileman: I will add one more, yes.

Mr. Bracy: So, it is not on this document?

Mr. Hileman: It is not. I will add it on where the other two are right in front of the warehouse. The office is actually private.

Public comments: None.

Mr. Homeyer motioned to approve the waiver. Mr. Collyge seconded the motion

Motion approved: 5 - 0.

Mr. Homeyer motioned to approve the site plan review. Mr. Collyge seconded the motion.

Mr. Tucker: Because it requires a parking table, there's other changes to parking because it is noncompliant. How will that be handled?

Mr. Reamer: You mean reorientation of the site plan or just the additional parking space?

Mr. Tucker: The additional parking space.

Mr. Reamer: Based on the way we reviewed it for this particular project, that is an outstanding item (i.e. the parking that is required) and reviewed by the Board. That would have to be complied with. If they can't, they would be back here.

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Mr. Tucker: They would come back here.

Mr. Reamer: That's correct.

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CG. & PROBATE CLERK
BENTON COUNTY, ARK

Mr. Tucker: That was what I was wondering.

Mr. Reamer: It should be a very simply administrative revision to the site plan by the project engineer.

Motion approved: 5 - 0

TECHNICAL ADVISORY COMMITTEE

1. **Call to Order:**
2. **Old Business / Ongoing Applications:** None
3. **New Business:**
 - I. **Estrada Septic Waiver, #18-129, 2341 Patterson Road, Pea Ridge; 15-10870-000**

Representative: Sergio Estrada, 2341 Patterson Road, Pea Ridge

Staff gave a presentation on the Estrada Septic Waiver, #18-129, 2341 Patterson Road, Pea Ridge; 15-10870-000

Mr. Bracy: Do you have anything to add to that, sir?

Mr. Estrada: No, sir.

Mr. Tucker: The trailer that sits parallel to the road, is there a white house to the north?

Mr. Estrada: No, that's our property. It's just a little building where I keep animals.

Mr. Tucker: Okay. So, you are not using it as a house?

Mr. Estrada: No.

Mr. Bracy: Taylor (*Reamer*), is this in a subdivision?

TERESA O'BRIEN
CO. & PROBATE CLERK
MUNICIPALITY OF ARIZONA

Mr. Reamer: This is in a subdivision, Otter Creek, Phase 1, Lot 6.

Mr. Bracy: What is the size of this lot?

Mr. Reamer: 3.25 acres.

**II. Porter Setback Variance, #18-147, 9770 Little Spavinaw Road, Gravette;
18-12363-004**

Representative: Larry Porter, 9770 Little Spavinaw Road, Gravette

Staff gave a presentation on the Porter Setback Variance, #18-147, 9770 Little Spavinaw Road, Gravette; 18-12363-004

Mr. Bracy: Is there anything you would like to add, sir?

Mr. Porter: No sir. I believe it's all been covered. Just that the lot actually drops off quite substantially out past the dirt work which is almost un-mowable because it is so steep before the floodplain. I am trying to utilize the existing space we have for the project.

Taylor Reamer shows the topo of the parcel on the screen.

Mr. Reamer: This would be the slope and beyond that is all floodplain. The white lines are 2' slopes and the orange lines are 10' slopes.

Mr. Bracy: Any room to move the building even 5'? 28' is just.....Even the old standards were 35'. Would you still be a foot or two into your existing topo? What is the hardship of going just...

Mr. Porter: The concern is not having any access around the corner of the building where I will have a lean-to for parking tractors and other equipment.

Mr. Bracy: So, to have sufficient access to get to the back?

Mr. Porter: Yes, sir. I'd say that was the reason.

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III. **Abel / Pyles Setback Variance, #18-149, 13926, 13928 Cloverdale Road,
Rogers; 18-05154-000, 18-05156-000**

CLERK OF DISTRICT COURT
& PROBATE CLERK
BENTON COUNTY, ARK

Representative: John Abel, 11 Ulverston Drive, Bella Vista and Larry Kelly

Staff gave a presentation on the Abel / Pyles Setback Variance, #18-149, 13926, 13928 Cloverdale Road, Rogers; 18-05154-000, 18-05156-000

Mr. Bracy: Is there anything you would like to add, sir?

Mr. Abel: I think that pretty well covers it. Those two lots are being combined into one single lot so that I can utilize the water and septic.

Mr. Bracy: Taylor (*Reamer*) will that come to the Board to change that to one lot?

Mr. Reamer: No. It will not.

Mr. Tucker: The old pad that is there....is that the house that burned?

Mr. Abel: Yes.

Mr. Tucker: And the slab is okay?

Mr. Abel: Yes. With a 50' setback, I would be half way across the slab.

Mr. Tucker: And you are basically right on the edge of the easement for the power company.

Mr. Abel: Right.

Mr. Kelly: I am just helping Mr. Abel with his project. We met with Carroll Electric yesterday. When John (*Abel*) bought the property, there was no declared or recorded easement for Carroll Electric. We met with them yesterday and did get a determination. I've got that information that it is a 30' wide easement.

Mr. Tucker: 15' on either side?

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CLERK
BENTON COUNTY, ARK

Mr. Kelly: Right. Trying to set that back any further with the topography and the easement in the way, is just impossible.

Mr. Trollinger: Just for informational purposes, since that house burned, any slab plumbing, etc. will have to be checked before the building permit can be issued.

Mr. Kelly: Probably that location will be a shop. That's where he's headed.

IV. Fellows Site Plan Review, #18-148, 4916 North AR Highway 94 and 5034 North Second Street, Rogers; 18-07608-000, 18-07611-000

Representatives: Ryan and Sherri Fellows, 3207 SW Joshua Avenue, Fayetteville

Staff gave a presentation on the Fellows Site Plan Review, #18-148, 4916 North AR Highway 94 and 5034 North Second Street, Rogers; 18-07608-000, 18-07611-000

Mr. Bracy: Do you have anything to add?

Mr. Fellows: No, sir.

Mr. Bracy: There is another concrete drive to access this property further down the road? It goes up into a loop where the event center is going to be.

Mr. Fellows: Correct. There is a concrete access on the north side of the property.

Mr. Bracy: What will happen to that drive? I am assuming that you will have a new drive coming off of the upper portion of the property.

Mr. Fellows: We are not planning any additional accesses. The one to the south will be the main entrance for people attending the events. The north side is just for residential use. We are also thinking of using that for emergency access as well.

Mr. Bracy: So that you have two exits out?

Mr. Fellows: Yes.

Mr. Tucker: Were you going to live on site?

Mr. Fellows: Yes.

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Mr. Bracy: Since the parking is gravel, you are aware that the ADA handicap spaces have to be hard surface?

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Mr. Fellows: Correct.

Mr. Bracy: That will be shown on the revised parking lot?

Mr. Fellows: Yes, sir.

Mr. Tucker: You probably will also have to have a 75,000-pound truck route. I am not seeing it on the plan. You may want to have the ADA spaces down by the event venue. I can't remember how steep this is.

Mr. Fellows: From the parking area to the venue is fairly level.

Mr. Tucker: So, you may just have to do a sidewalk.

Mr. Fellows: Sidewalk, correct.

Mr. Maienschein: There's an existing foundation out there where a house burned?

Mr. Fellows: Correct.

Mr. Maienschein: Will that be part of the venue?

Mr. Fellows: Underneath it, we are planning to utilize that for the bride and groom suite and then on top of that, have a deck area for an outdoor space.

Mr. Maienschein: Nice view!

Mr. Fellows: Yes.

Mr. Tucker: I have to comment on the hours of operation on this and the access is significantly better than the one we saw just a few weeks ago. It's on a county highway. The lot size and shape are more conducive to screening and buffering.

Mr. Fellows: It's actually from the existing structures, you can't view any surrounding residences at all. Heavily vegetated.

IV. **Other Business:** None

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

- I. Cornwell Minor Subdivision, #18-150, 13398, 13406 Roland David Road, Pea Ridge; 18-05413-000, 18-15412-001, 18-05414-000

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VI. Discussion Items:

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DEPTON COUNTY, OHIO

I. Board Chair / Vice-Chair Nominations

Mr. Reamer: At the meeting on the 18th (of July), which is our next meeting, the new Board Chair and Vice-Chair will need to be elected by the Board. So, this was a discussion to either nominate or get interest from any Board members wishing to serve as Chair or Vice Chair. That's for you all to discuss.

Mr. Bracy: Good! Hi Terry!

Mr. Maienschein: No, thank you.

Mr. Reamer: So, no action needs to be taken. This was just for you all to discuss.

Mr. Bracy: Pre-warning to think about.

Mr. Reamer: Correct, yes.

Mr. Homeyer: It's nice to have a head's up.

II. Bike/Ped Trail Tract Split

Mr. Reamer: Secondly, we have been approached by a title company for a potential tract split for a bike/ped trail. The tract split would not equal one acre. It would also not be a developable piece of property. Essentially the real estate would encompass a total 30' easement. It would split it to own it and then plat an access easement through the entire length of the property. This would be for a regional bike/ped path. Due to the fact that it does not equal one acre, would a variance request be required? There are exemptions under the subdivision regulations for access dedication. Would it meet the exemption and not require a one-acre minimum? Or would it still be required to meet the one-acre minimum even though it's exempt from the subdivision regulations? That's a question Staff has for the Board for this particular type of instance.

Mr. Bracy: Do we have to decide that tonight or next week?

Mr. Reamer: Anytime. This is really for Staff's own knowledge for projects down the road.

Mr. Maienschein: This isn't a specific instance?

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Mr. Reamer: No.

Mr. Tucker: If it is, you couldn't tell us.

Mr. Reamer: Right, yes.

Mr. Homeyer: Would the final ownership of the path be private or public?

Mr. Reamer: Public. That's where we are going. It's going to be owned by a public entity.

Reviewing exemptions in the Benton County Planning and Development Regulations for Chapter 5.

Mr. Tucker: So, a dedication of land for an access easement.

Mr. Reamer: No difference for a bike/ ped versus vehicular. That's where I was going with the dedication. It was just a unique caveat that ownership was going to be changing but it's still a dedication via that survey plat for access.

Mr. Tucker: Does it continue?

Mr. Reamer: Yes. This is a link of an overall bike/ped trail. It just so happens to be this jurisdiction.

Mr. Tucker: So, it probably crosses a corner of a lot or something.

Mr. Reamer: Correct.

Mr. Bracy: If it splits, does the private owner still own both sides of the split or just take one half?

Mr. Reamer: Ownership will change for a 30' x 90' piece of property.

Mr. Bracy: But the plot will still be intact? And that will go to public land then?

Mr. Reamer: Correct. It would be similar for a conveyance of property for dedication of a right-of-way for potential improvements down the road. This would be a similar instance for dedication of access or utility.

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NO. 10 PERCENTAGE CHAIR
BENTON COUNTY, ARIZ.

Mr. Bracy: Who is asking for this request? The public land or the land owner?

Mr. Reamer: A third party. They are wanting to make sure it clears. They want to do a right-of-way.

Mr. Homeyer: So, if I can go back up to the beginning and say we are exempting it from this ordinance and it fits one of these exemptions, then none of the ordinance should apply (i.e. lot size or anything). If I am reading that correctly, right? The real determination is does that qualify under an exemption? Exemption number 4 looks like the perfect cover for use in this instance.

Mr. Bracy: Is the trail public?

Mr. Reamer: Yes.

Mr. Bracy: So, the discussion is if it's a motorized vehicle or just biking/walking.

Mr. Reamer: That's the discussion we wanted to have. So, thank you.

Meeting Adjourned: 7:05 p.m.


Next Meeting: Wednesday, July 18, 2018

APPROVED THIS 10th DAY OF July, 2018

ATTEST:


PLANNING DIRECTOR or
SENIOR COUNTY PLANNER

APPROVED:


PLANNING BOARD CHAIR or
PLANNING BOARD VICE CHAIR