



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

March 5, 2014

6:00 PM

Benton County Administration Building  
215 East Central Avenue, Bentonville AR

**Planning  
Board  
Approval:**

3-19-14

**Meeting Minutes**

**PUBLIC HEARING:**

**Call to Order:** The meeting was convened at 6:09 PM by Planning Board Chairman Ashley Tucker.

**Roll Call:** Jim Cole, Starr Leyva, Ken Knight, Rick Williams, Mark Curtis, Ron Homeyer, Ashley Tucker

**Staff present:** Administrator of General Services-John Sudduth, Senior County Planner-Michael McConnell, Planning Director-Rinke Singh, County Planner-Taylor Reamer, and Building Official-Glenn Tracy were present.

**Public Present:** 5 members of the public (See attached sign in sheet)

**Disposition of Minutes:** Mr. Curtis moved to approve the February 19, 2014 Planning Board Meeting Minutes. The motion was seconded by Mr. Cole. The motion carried 7-0.

**General Public Comment:** None

**Old Business:**

- A. John Dye Jr.,(LSD #14-360), 1978 Slack St, Pea Ridge, 15-11947-000  
Represented by John Dye Jr., 17252 N Hwy 94, Pea Ridge**

**Staff Report:** Staff gave a report on the proposed remodeling of a vacant 3,216 sq. ft. commercial building into a fitness center. It is noted that the applicant attended the Public Hearing on February 19, 2014, however, the matter was continued to March 5, 2014 to address these outstanding items: applicant to provide a detailed sketch plan including access driveway and parking stall dimensions, location of refuse enclosure, and screening detail. The applicant provided an updated vegetation buffer sketch plan that included a 190 foot length buffer with pot sized Leyland Cypress trees spaced 6 feet apart that would serve as screening between commercial and residential properties. The applicant also provided staff with a septic design for the property on Monday, March 3, 2014. Comments from the Health Department included the requirement for the applicant to address the location of the septic tank with respect to the proposed drive aisle on the east side of the building. The applicant provided an updated access and parking dimension design that met the requirements for Americans with Disabilities Act parking stalls and the required amount of parking spaces for a 3,200 square foot building. The applicant requested the following waivers:

- Waiver from the requirement of engineered drawings.
- Waiver from detailed Stormwater Management Plan.

**Outstanding Items:**

1. Applicant must obtain Health Department Approval for a new septic system before a certificate of occupancy can be issued.

**Applicant Comments: None**

**Board Comments:**

Mr. Tucker asked what the timeline was for Health Department approval.

Mr. Dye stated that there is no timeline, possibly two weeks.

Ms. Leyva asked what the prominent line was to the north of the building on the sketch plan.

Mr. Dye stated that there is an existing fence line on the property.

Ms. Leyva stated that the septic design was received by the Health Department February 27 and the site visit would take 2 weeks.

Mr. Knight asked about the possibility of a daycare center on the property.

Mr. Dye stated that there is no daycare center and if there would be one proper measures would be taken to consult with the Planning Department.

**Public Comment: None**

**Vote to allow requested waivers:** Mr. Curtis made a motion for approval. Mr. Williams seconded the motion. The motion carried 7-0.

**Vote to approve the site plan with stipulations:** Mr. Williams made a motion for approval with stipulations. Mr. Homeyer seconded the motion. The following stipulations were required as a condition of approval:

1. Standard Conditions – that applicant agrees to the standard conditions;
2. That Applicant shall provide Health Department approval before the issuance of a certificate of occupancy.

The motion carried 7-0.

**B. TowMate LLC, (#14-351), 15704 E. Hwy 12, Rogers, 18-03384-006  
Represented by Bryan Anderson, 15827 Serenity Point Ln., Rogers**

**Staff Report:** Staff gave a report that the applicant TowMate LLC received approval to construct a building for the assembly and shipping of wireless trailer lights. As part of the site plan review process, storm water considerations were reviewed in-depth. As requested by the Planning Board, staff visited the site after a significant rainfall event in August 2013 to verify that adequate stormwater management was on site. On September 12, 2013 staff sent a letter to the applicant requesting verification of engineering studies and analysis to ensure proper stormwater management was in place. The applicant submitted an application that was reviewed by the Planning Board on December 18, 2013 and was approved with the following revisions: redesign of the stormwater management measures on the east side of the building by creating a 6 foot wide and 18 inch deep open drainage channel and an 18 inch deep rainwater garden, also to raise the employee parking on the north-east side of the subject property. Staff identified error in notification; therefore this matter was discussed by the Planning Board on February 5, 2014. The Planning Board voted unanimously to extend the timeline for the issuance of a decision letter and to reconvene the Public Hearing in March after proof of notification was received from the applicant. February 19, 2014 the applicant submitted proper receipt of notification. The current proposal required that public hearing to be re-opened and public notice issues to be addressed.

**Considerations for the Planning Board**

1. The applicant agrees to obtain a stormwater permit for any land disturbance on-site prior to the issuance of a construction permit;

2. The owner agrees to maintain the proposed swale along the employee parking in order to prevent flooding on the adjacent property;
3. The owner agrees to monitor stormwater and flooding issues on-site in the future.

**Applicant Comments: None**

**Board Comments:**

Ms. Leyva asked if the applicant had any concern with the new stipulations staff has proposed.

Mr. Tucker asked if the original plan for a drainage channel was essentially created by AHTD when the culvert was cleaned out after rain events.

Mr. Anderson stated that due to the circumstances of the drainage pattern, the permit that he was trying to get through the Corps of Engineers was the responsibility of an abutting property owner.

Mr. Tucker asked staff what 'monitoring' meant in the stipulation for the proposal.

Mr. Anderson stated that as a property owner in the proximity of the flooding area, the maintenance of the flood control is essential to protecting the properties in the area, including his own.

Mr. Curtis stated that he supports the wording used in the proposed stipulations.

**Public Comment:**

**A. Mike Foster, 8176 Harbor Dr., Rogers, AR 72756**

Mr. Foster voiced his support for the development that the applicant is proposing.

**Vote to approve revised site plan TowMate LLC with Stipulations:** Mr. Williams made a motion to approve the proposal with stipulations. Ms. Leyva seconded the motion. The following stipulations were required in addition to the existing stipulations:

1. The applicant agrees to obtain a stormwater permit for any land disturbance on-site prior to the issuance of a construction permit;
2. The owner agrees to maintain the proposed swale along the employee parking in order to prevent flooding on the adjacent property;
3. The owner agrees to monitor stormwater and flooding issues on-site in the future.

The motion carried 7-0.

**New Business: None**

Public Hearing adjourned at 6:45pm

**TECHNICAL ADVISORY COMMITTEE**

**Call to Order: 6:46pm**

**Old Business: None**

**New Business:**

**A. Douthit Tract Split, (#13-306), 16401 Butler Rd. Siloam Springs, 18-10432-000**

Represented by Scott Blacksher, Blew and Associates, 1323 N Marrion Way, Apt. 102, Fayetteville, AR 72704; Michael Douthit, 2050 S. Mount Olive, Siloam Springs, AR; Julie Douthit 16323 Butler Rd., Siloam Springs, AR

**Staff Report:** Staff gave a report on the proposed tract split of the subject property, dividing the 2.55 acre tract into two new tracts: one that is 1.79 acres and the other 1.85 acres. The subject property has a slope of over 20% on the north-west section of property. The proposed tract split would create a tract, Tract 2, that would not be developable. The mobile home to the north is located 15.4' within the building setback; the applicant is requesting a 9.6' variance from the setback regulation for the mobile home within the setback. Administrative approval was not permitted on this tract split due to not meeting the minimum requirements in the administrative approval ordinance. The survey provided to staff does not meet the requirements of Chapter V, Section 8 "survey tract or plat must show all applicable setbacks, improvements, lateral line fields, water wells, well houses, easements, and all other matters of record." The survey of the plat must also show the required 25' building setback from the road bed.

Applicant is requesting the following:

- I. Variance for existing mobile home within the required building setback
- II. Approval of the Proposed tract split

**Board Comments:**

Mr. Blacksher stated that the survey was done by Blew and Associates and shows the existing encroachment of the mobile home on the setback requirement. There is no utility easement on the subject property, but understands that one will need to be shown on the plat survey. The tract split does not affect the current encroachment and there is nothing to be done to fix the encroachment.

Mr. Tucker asked where the location of the new mobile home would be, and stated that there is a steep slope ordinance in Benton County where any slope over 20% is not developable due to the inaccessibility of emergency vehicles.

Mr. Tucker asked if septic locations were included on the survey.

Ms. Singh stated that no septic tanks or septic lines were identified on the survey.

Mr. Tucker stated that septic systems cannot be divided between two plats, that to split the subject property the septic tank and septic fields must be identified on the survey.

Ms. Leyva asked where the water supply to the existing mobile homes on the property was from.

Mr. Douthit stated that the supply of water comes from a natural spring on another property.

Ms. Leyva stated that the locations of running spring water must be located, just as if it were water lines. So that the tract split doesn't separate the mobile homes from the water source.

Mr. Curtis asked where the new mobile home will be located.

Mr. Douthit stated it would be on the western tract, Tract 2.

Mr. Tucker asked what kind of easement is associated with the power line running through the subject property.

Mr. Blacksher stated that his company has no record of the specific size of the utility easement.

Mr. Tucker stated that taking the slope ordinance and the utility easement into consideration, would the tract split of the property render undevelopable land for Tract 2.

Ms. Singh stated there may be an ongoing or past environmental case concerning the subject property.

Mr. Tucker asked if notice had gone out to abutting property owners.

Mr. Blacksher stated that the notices had been sent out and receipts would be submitted to the Planning staff March 7, 2014.

Mr. Tucker stated that if notice receipts were received by staff this proposal would be heard at the next public hearing.

**B. Nelson Variance, (#14-359), 21559 Indian Creek Rd. Garfield, 15-10311-000**

No Representative is present for this item, no discussion will be held.

**Old Business: None**

**OTHER BUSINESS:**

1. Mr. Cole has been reappointed and sworn in to another term as a member of the Planning Board.

2. Mr. Curtis asked staff for an update on the Charles Schroeder complaint case.

Ms. Singh stated that she along with Senior Environmental Officer, Officer Higgins had visited the site and that the boats and vehicles have been removed from the vicinity of the stream bank. Mr. Schroder is in contact with the Corps of Engineers to see what he is allowed to do regarding the open channel on his property.

3. Mr. Curtis asked staff for an update on Area Lake Boat Storage.

Ms. Singh stated that Senior County Planner-Mike McConnell and County Planner-Taylor Reamer visited the site to see if any construction equipment was on site.

Mr. McConnell stated there were 4 flatbed trailers, 1 enclosed trailer, no trucks, and a tow behind grader on site.

Ms. Singh stated that when she referenced the file from this case, the approved uses included storage of equipment for David Morris construction. Mr. McConnell provided a copy of the requested uses provided by the applicant in 2012 to the Board members.

Mr. Curtis asked about the large enclosed trailer in front of the property.

Mr. McConnell stated that the trailer was used for a hail damage business, as advertised on the trailer, and that the trailer was behind the fence line.

Mr. Tucker asked if the trailer was parked in a parking area and that if the trailer is stored on site, the trailer must be in a parking stall.

Mr. Knight asked if Mr. Morris is licensed to do construction contracting from this location.

Ms. Singh stated that the property is only licensed for boat storage.

4. Mr. Knight proposed to approve meeting minutes from Public hearing by way of voice vote, rather than roll call.

Mr. Tucker stated that if a matter is procedural, the board can vote by raise of hand or voice vote, if the matter is a resolution a roll call must be done for the vote.

**Vote to change the approval process of public hearing meeting minutes:** Mr. Curtis made a motion to approve minutes by way of voice or raise of hand voting. Mr. Knight seconded the motion. Motion carried 7-0.

**STAFF UPDATES:**

On February 26, 2014, the Quorum court approved the third reading of the new Planning Regulations and fee ordinance. There is now a 30 day appeal period and that will end on March 27 and March 28 will be the first day the new regulations will be in effect. Any formal application made before March 28 will be regulated by the current planning regulations. By the new regulations, there is a loophole dealing with Adult Oriented business, there needs to be a revision of the regulations concerning these businesses.

Taylor Reamer has joined the Planning Division as of February 24  
Amber Beale resigned as Planning Manager on February 27

**DISCUSSION ITEMS: None**

**Administrative Review: None**

Meeting Adjourned at 7:26pm