

BENTON COUNTY PLANNING BOARD
Technical Advisory Committee Meeting Minutes
April 11, 2007, 5:30 p.m.

Call to Order & Roll Call: The following Benton County Planning Board members were present: Tim Sorey, John Butler, Adele Lucas, and Bill Kneebone. The following Benton County Planning Office staff members were present: Ashley Pope, Kathleen Davis, and Karen Stewart.

Announcements:

- Ms. Pope requested that the nuisance ordinance be stricken from the agenda, since it had not made it through the Committee of 13.
- She also requested the addition of the Cousins Red Dirt Mine large scale development application to the agenda.
- She requested an addition under "Other Business" of the presentation of the Centerton Sports Park.
- Ms. Pope stated that Tim Lemons of Lemons Engineering had called earlier in the day asking to be moved up on the agenda, but since Deer Haven was third on the agenda she would leave things as they were.
- Ms. Pope drafted a resolution based on the January meeting, a copy of which she disseminated to the Board members.
- She also announced that the TAC & Planning Board meeting schedule for 2007 had been revised (copies were available to all interested parties).

Large Scale Development – **Cousins Red Dirt Mine** - Hwy 264, Cave Springs - CEI.

Adam Roark from CEI was present.

Mr. Kneebone asked if a "no" vote meant that Cousins Red Dirt Mine needed to wait a year to reapply. Mr. Sorey answered that typically yes, but that was not the case in this situation because it had been sent back to the Planning Board from the Appeal Board. Ms. Pope stated that Staff had received a letter from the Benton County Attorney discussing the project. Mr. Kneebone observed that the attorney seemed to favor the mine over the Planning Board.

Ms. Pope stated that this would be a brand new hearing, enabling the Board to study this project further.

Mr. Roark acknowledged the concerns of the public and of the Planning Board. He stated that the hours of operations would be from 7 a.m. to 6 p.m., Monday through Saturday. He stated that Cousins Red Dirt Mine had agreed to put a landscaping berm with irrigation in place for screening purposes. He stated that the concerns regarding dust control would be covered under the Storm Water Pollution Prevention Plan, but that sprinklers would be set up so that on dry, windy days the dirt could be wet down to prevent dust. He stated that a superintendent would live onsite and that concerned citizens and neighbors would have free access to him. Mr. Roark also addressed traffic concerns; he stated that AHTD requirements had been met or exceeded and that the trucks have adequate space for travel. He also stated that Murdock Road would be off-limits for use in the mining operations. He asserted that dump truck speed should not be a concern, since trucks leaving the mine will be traveling up a grade under full loads and would not be able to

achieve excessive speed. He informed the Board that a bond with the State for \$240,000 would ensure that the land is properly reclaimed.

Ms. Lucas and Mr. Kneebone asked for time to review the information provided by CEI. Mr. Sorey asked if the bond with the State is specifically for this mine; Mr. Roark assured him that it is. Mr. Kneebone stated that he would like to see a left turn lane on the road used by the dump trucks. Mr. Roark stated that it is just not feasible, according to AHTD.

Final Plat – **Deer Haven** – Smith Ridge Rd, Avoca – Lemons Engineering
Tim Lemons/Lemons Engineering was present.

Mr. Lemons gave an update on the progress of the project: Water is 95% complete, the sewer pump & pump station should be in by next week, the treatment plant is 70% complete, and the streets are 2/3 graveled.

Ms. Pope asked if the application was for the whole subdivision; Mr. Lemons answered that it is for all of the lots on the plat. Ms. Pope asked if the Road Department has been contacted regarding inspection; Mr. Lemons stated that they had not yet been contacted, but that he would be meeting with them soon.

Ms. Pope read excerpts of comments from the fire department and from Glen Scott: Roads are not complete, fire hydrants not in yet...

Mr. Lemons stated that there are 125 lots served by 5 hydrants.

Mr. Sorey stated the Avoca Fire Department had reviewed this project & that Staff should have a letter on file. He suggested that 1000' of space between hydrants should be acceptable for the County.

Ms. Pope stated that there should only be 500' of space between hydrants, per Will Hanna, Benton County Fire Marshal, and that the Attorney General opinion on the fire code is that it is State Law.

Mr. Sorey stated his concern with the project's level of completion in regard to streets and other infrastructure; Ms. Pope stated that Staff would not recommend approval unless the improvements were bonded.

Mr. Lemons stated that they would review the progress on the project and look into bonding.

Mr. Butler commented on the fact that an earlier plat showed 128 lots, but only 125 on the final plat; Mr. Lemons stated that lots 36, 37, and 89 were absorbed into adjoining lots.

Mr. Sorey requested clarification of the 911 address box on the plat and asked whether or not the utility easements and drainage easements were shown on the final plat; Mr. Lemons stated that the easement document was taken from the approved preliminary plat and moved to the final plat.

Mr. Sorey read the letter from the Avoca Fire Department into the record.

Mr. Lemons stated that he would check with the Avoca Fire Department regarding their concerns. Mr. Lemons stated that he would contact Staff on Monday.

Variance for Set-Back from Property Line – **Todd Verge** – Autumn Run Lane, Rogers
Todd Verge was present.

Ms. Pope stated that a site plan is required; she clarified that Mr. Verge is requesting a 3' setback - instead of the normal 10' setback – on the side of his property.

Mr. Butler inquired about associations or covenants governing where property owners may build on their property; Mr. Verge stated that the covenant only prohibits building in front of the house.

Mr. Butler stated that letters from the adjacent property owners and a copy of the covenants would be required; Ms. Pope added that photographs would be necessary, and would be provided at the next meeting.

Lot Split – **Windy Hills Estates, Lot 12** – Windy Hills Road, Rogers – Davis Land Surveying

Edward Hubbard, owner of lot 12, was present.

Ms. Pope stated that the results of the perc test and soil pit analysis were not in yet, but that the Board could conditionally approve the lot split contingent on the test results.

Mr. Butler asked if there are any covenants governing the lot split; Ms. Pope stated that there are not.

Mr. Sorey stated that the vicinity map and the road location don't seem to "marry up";

Mr. Hubbard stated that the utility easement in front of the mobile home changes from a 50' easement to a 40' roadway.

Mr. Sorey asked if there would be a statement on the plat regarding no future building in the setbacks; Ms. Pope stated that there is a note to that effect on lot 12B on the plat.

Large Scale Development – **Spanker Creek Farm Seasonal Craft Fair** – Benton County Road 40, Bentonville – CEI

Adam Roark of CEI and Patti Hyde were present.

Ms. Pope stated that all stipulations had been met, but that there were still concerns regarding the craft fair's hours of operation.

Ms. Hyde stated that the hours of operation would be from 8 a.m. to 5 p.m. on weekdays and Saturday and from 9 a.m. to 4 p.m. on Sunday. The craft fair would be held on the first weekend in May and the third weekend in October.

Mr. Roark stated that they have their plan prepared and that the planned parking is adequate.

Mr. Butler stated that any substantial changes to the craft fair would need to come back before the Board.

Mr. Sorey stated that the estimated limits of floodway/flood plain would be required, as well as copies of the Corps of Engineers and ADEQ permits for the bridges on the property. He also enquired about the electrical hookups for vendors.

Mr. Roark stated that all overhead electric was indicated on the plan.

Ms. Hyde stated that Max Dalton is the master electrician on the project.

Mr. Sorey stated that the location of the Port-A-Potties should be dispersed, but that he would leave that to Ms. Hyde.

Ms. Hyde stated that they should have 1 Port-A-Potty per 100 attendees.

Mr. Sorey stated that the parking count was shown on the plan, and then enquired about the basis that was to be supplied.

Mr. Roark stated that he had looked through the County regulations and tried to apply them. There are 1028 parking spaces and 315 vendor locations, but they could have up to 1600 parking spaces.

Mr. Sorey stated that the Board would be prudent to limit the number of vendors.

Ms. Pope stated that studies regarding parking standards would need to be investigated.

Mr. Roark stated that he had discussed the craft fair with the Bella Vista Fire Department and that they would come out to the site to review and inspect the set up.

Ms. Hyde added that the Benton County Sheriffs' Office would maintain a 24-hour presence at the site during the craft fair.

Ms. Pope questioned whether or not emergency vehicles would have access; Mr. Roark answered that there would be adequate access for emergency vehicles.

Ms. Hyde added that a fireman/paramedic would also be onsite 24 hours a day during the craft fair - her son.

Mr. Sorey pointed out that access across the drainage way could be a liability; Ms Hyde stated that Deputy Gray would be onsite to handle any issues.

Lot Split – Twin Coves Resort – Twin Coves Road, Rogers – Bill Jenkins Surveying
This lot split was not discussed due to lack of representation at the meeting.

Informal Plat – Eagle View Estates I – Pinewoods Drive, Rogers – C. Bass Surveying
Clifford Bass was present.

Ms. Pope pointed out that the lots were irregular in design and that there were lots shown on both sides of the road; Mr. Bass stated that parts of the lots are unusable.

Mr. Sorey stated that he is against bisecting lots with road right-of-ways and suggested changing lots to 2a/2b & 3a/3b; the Board then discussed putting a note on the plat stating that lots 2a/2b & 3a/3b must be sold together, and the unbuildable lots were noted as such.

Large Scale Development – Expert Fence Company – Howland Road – W/R Consulting
Bill Platz was present. He stated that the large scale development would consist of a small office and fenced materials storage.

Ms. Pope stated that Staff's concerns were:

- The easement to the well should be shown.
- The septic tank is not 50 feet from the property line.
- The adjacent land owners need to be notified.
- Health Department approval on the septic system and the connection to the well are required.
- Approval from the City of Bentonville is required.
- The right-of-way to Howland Rd. and McMillan must be shown on the plat.
- A letter regarding hazardous chemical compliance is required from Emergency Management.
- The vicinity map should be on both site plans.

Mr. Sorey stated that the detention basin discharge berm is difficult to read.

Mr. Butler asked if there would be signage showing that the building is a business; Mr. Platz stated that there would be a sign on the building itself.

Mr. Butler asked if this was a lot split; Mr. Platz stated that this was a separate tract with a separate survey.

Final Plat – Eagle Ridge Estates Phase II – W. Highway 12, Gentry - James Surveying
Ron Tracy of Tracy Consulting was present. He stated that Tracy Consulting is working with James Surveying on this project.

Ms. Pope stated that all checklist items had been met and only needed to ensure that taxes on the property had been paid, per the checklist.

Mr. Butler asked whether any substantial changes had been made to the plat; Mr. Tracy stated that only "touch up" changes had been made - the easements were widened.

Mr. Sorey stated that the grading plan was much better, but that the detail of the crown and slope on the cross-section of the street did not match. He then enquired about whether or not a bond should be required on the road if it were not completed by the final plat; Mr. Tracy stated that the road be private and would remain compacted aggregate. Mr. Sorey stated that there are no issues to be bonded for, since the road would be private.

Preliminary Plat – **Edens Bluff Lake Estates** – Ervin McGarrah, Lowell – Engineering Services

Jim Harrelson of ESI and the developer, Steve Lewis, were present with Carmen and Daniel Andreasen.

Ms. Pope stated that Staff review shows:

- 911 approval
- Right-of-way
- The easements need their widths labeled on the plat
- ADEQ storm water / erosion control

The Board discussed that the topography of the land would not allow the cul-de-sacs to be connected.

Ms. Pope asked if the grades were at a maximum of 10 percent; Mr. Harrelson stated that they were, so Ms. Pope stated that they met Benton County standards.

Mr. Sorey asked how many existing structures were on the property; Mr. Harrelson stated that there is one existing structure and one being built.

Ms. Pope stated that all landowners that are a part of the subdivision must sign the plat.

Mr. Butler asked why the drainage that seems to be off of the property is shown on the plat; Mr. Harrelson stated that it drains into the property.

Ms. Pope stated that the City of Lowell Planning has granted approval and the necessary variances for the project.

Mr. Sorey asked who has rights to the abandoned access easement;

Ms. Pope enquired about the feasibility of placing turn-arounds in the cul-de-sacs (about every 600 feet) to enable emergency vehicle access.

Mr. Sorey stated that the access easements (current and abandoned) need to be clarified, as well as the abandoned easements being signed off on. He also enquired about the slopes and erosion control.

Mr. Harrelson stated that they were in the process of getting the ADEQ stormwater, permit.

Mr. Butler asked if the property is in the flood plain; Mr. Lewis stated that the property is 180 feet above the water.

Mr. Sorey stated that the 35' radius on the cul-de-sac pavement should be 40'. He also stated that, due to low water pressure issues, specialized fire hydrants to avoid collapsing the water lines should be investigated.

Mr. Harrelson stated that there are no hydrants in the subdivision.

Large Scale Development - **Benton County Road Department Facility** – S. Wimpy Jones Rd., - Garfield - Sandcreek Engineering

Brian Sartain of Sandcreek Engineering was present.

Mr. Sartain stated that the City of Garfield granted their approval of the project contingent on Health Department approval; he stated that they should receive that approval this week.

Ms. Pope stated that Dennis Mitchell Road is paved.

Mr. Sorey enquired about what changes have been made to the project; Mr. Sartain stated that storage bins have been moved and grading limits have been moved per NEBCO's request.

Other Business:

Centerton Sports Park (ball fields)

Centerton Mayor Ken Williams and Jim Mayer of JKJ Architects were present.

Mr. Mayer stated that the Centerton Sports Park would be located at the intersection of Seba Road and Highway 279. The property is about 40 acres, on which the already approved Animal Control Facility is being built. During phase I of the project, 2 ball fields will be developed. He also stated that Seba Road is not paved, there will be no drinking water (only water for irrigation), and only Port-A-Potties. He stated that there would be some paved parking for handicapped access.

Mr. Williams stated that this would be a multi-year project and would include areas for soccer, baseball, walking trails, a skate park, basketball courts and play areas. He estimated that the project would take ten to twelve years and that the facility would continually improve.

Ms. Pope stated that Staff's concern was with the lack of water onsite.

Mr. Williams stated that they would first build the two ball fields, then the soccer field, then on to more permanent solutions for water and roads.

Ms. Pope stated that Seba Road is not ready for traffic.

Mr. Mayer stated that there would be parking available for 60 cars; Mr. Williams concurred that they could handle the parking.

Mr. Sorey stated that they needed to take a hard look at the parking situation and ensure that the site can meet the parking needs.

Mr. Williams stated that the project is an attempt to provide park space for kids to play ball. He also stated that the road would be widened right away, but it would not be paved.

Mr. Sorey stated that the Bentonville park system schedules games for most of Benton County. He also stated that the issues with this project would be typical of large scale development permit requests: concerned neighbors and traffic.

Having an agreement between the City of Centerton and Benton County concerning this project was mentioned.

Mr. Williams stated that the proposed location is sparsely populated.

Ms. Pope stated that the phasing plan and proposed improvement plan are important.

Mr. Butler stated that the park should be planned with concession areas set aside. He suggested contacting the Pea Ridge park system and Doc Wheeler park staff for ideas.

Mr. Williams stated that a plan will be submitted to the Parks and Tourism Department, but they are not yet ready to submit a large scale development permit application to Benton County. He stated that they would probably be ready in about two months.