

BENTON COUNTY PLANNING BOARD
Technical Advisory Committee Meeting Minutes
July 3, 2007, 5:30 p.m.

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

Announcements:

Ms. Pope announced that July would be the last month of members John Butler's and Melana Ewing's terms on the Planning Board. She stated that their service would be recognized at the July 26th Quorum Court meeting. New Planning Board members Caleb Henry and Mark Gray will be sworn in at the same meeting. Ms. Pope also announced that Angler's Bend would not be on the agenda due to missing submittal items.

Old Business:

1. Tract Split - **Al Williams** - Cherokee Road, Gentry - Bates & Associates
Bryan Bunch of Bates & Associates was present.

Ms. Pope stated that this item was tabled last month, but a new plat was resubmitted for this month and all stipulations had been met. She stated that Staff will recommend approval at the public hearing.

Mr. Sorey asked if there were any issues with the project; Ms. Pope stated that the applicant had to add the parent tract legal description to the plat, provide a better vicinity map, and tie the tract split detail into the survey that was done. She stated that all these things were done.

Mr. Butler asked if this tract split could be handled administratively; Ms. Pope stated that the applicant is requesting a waiver. She stated that if the Board wanted her to, she would prepare a resolution stating how tract splits should be handled when the parent tract is not shown.

The Board discussed the matter and Ms. Pope stated that the Board would vote on the waiver at the July 18th meeting and she would have a resolution prepared at that time for the Board to vote on.

The Board agreed on this course of action.

2. Large Scale Development - **Centerton Sports Park** - Highway 279 & Seba Road, Centerton - JKJ Architects

Jim Mayer of JKJ Architects, Centerton Mayor Ken Williams, and Todd Wright of Centerton's Park Board were present.

Mr. Mayer stated that ESI completed a current survey, which was submitted to Staff on two sets of drawings. He stated that the Centerton Planning Board requested that the lower 5 acres of the project be set aside for the possibility of a future waste treatment facility.

Ms. Pope asked if the applicant would be putting in anything that would require a septic disposal system at this time; Mr. Mayer stated that they would not. He informed the Board that they would not even have seating benches for the public, due to the State's requirement for permanent rest rooms if permanent seating exists.

Mr. Sorey asked if there would be Porta-Potties on site; Mr. Mayer stated that there would be.

Ms. Ewing clarified that only the 2 Little League fields would be built as part of phase I of the project, and that the soccer fields, softball fields, and playground are not being built at this time; Mr. Mayer replied that her statement was correct - that the soccer fields, softball fields, and playground are part of a future phase.

Mr. Mayer stated that all they are requesting approval of at this time are the two Little League fields and the parking area. He then stated that he had a letter which stated that "the County already has the major part of that road (Seba Road) as 24 feet wide." He also stated that there are some existing utility poles that will have to be moved back before phase I of the project is completed in order to accommodate the widening (to 24 feet wide) of the portion of Seba Road adjacent to the project. He added that the County also recognized that the bridge on Seba Road is, "in very poor condition and it's only 19 feet wide, so they're going to go ahead and rebuild that."

Mayor Williams stated that Assistant County Administrator Travis Harp had sent out a memo that the County had no plans to rebuild the bridge, but that he had discussed the condition of the bridge with Mr. Fulfer, Superintendent of the Benton County Road Department, back in May. Mr. Fulfer stated that the bridge was getting ready to collapse, but he informed Mayor Williams that he had a large culvert out at the Road Department, which he planned to put in place of the bridge.

Mr. Kneebone asked if there is a lot of water flow under the bridge; Mayor Williams stated that there is no water flow unless it is raining - it is only a drainage ditch.

Mr. Butler asked how much traffic currently utilizes Seba Road; Mayor Williams stated that there is not much traffic on it currently - he stated that there are only 5 residences in that area, and many of those residents use a different route. He stated that on the day they were on site, they only saw two cars in the hour that they spent there. He added that there are no businesses in the area and that only 6 properties adjoin the project area (including properties diagonally across from the project site).

Ms. Pope showed photographs of the site to the Board; she stated that Staff's main concern with this project is the condition of the roads and the amount of traffic that will be on the roads. Staff also expressed concern regarding the condition of the bridge.

Mr. Sorey stated that major crossings like the one in the project area should be designed for a 25-year storm event. He also stated that the drainage analysis should be looked at carefully before, "something just gets thrown in". He added that, at some point, Seba Road would have to "be addressed in a fuller capacity and probably, at some point, be more than two lanes."

Mayor Williams stated that, within the city limits, from Main Street to Gamble Road, Seba Road is considered a collector street and is marked to two lanes, but it is three lanes wide. He went on to state that the three mile stretch from Gamble to

Highway 279 is on the County's five-year paving plan, but only to two lanes. He added that the City of Centerton's Street Department Superintendent has spoken with the County Judge about the possibility of the County and the City of Centerton splitting the cost of improving the road.

Mr. Sorey stated that the main issue that Board would be concerned with is the bridge on Seba Road. He stated that he would feel more comfortable if the agreement between the City and the County was already worked out. If the Board considers the applicant as a developer, he stated, the developer would be required to finance their part of the improvements to Seba Road.

Ms. Pope pointed out that Judge Black had initialed the memo stating that no plans exist to improve Seba Road or the bridge thereon, so she did not think that that County has any current plans to do anything to this road.

Mr. Ward stated that the bridge is an immediate concern with the project, regardless of any agreements made.

Mayor Williams stated that the applicant had agreed to widen the road to 24 feet at the first meeting they attended.

Mr. Kneebone stated that he was concerned about an agreement being made between the City of Centerton and the County, then being discarded upon the election of a new administration.

Mr. Butler stated that the applicant is merely trying to establish a field for "sandlot ball" and should be granted some leniency on the project; Mr. Sorey stated that the only agreement he wanted to impose on the developer is that "at such time as Seba Road improves and funds are made available, that they pick up their half of the road along their frontage, as any developer would." He stated that he also thought that the culvert was the only immediate concern.

The Board discussed the issue of the bridge.

Ms. Ewing pointed out that the additional traffic from ball games could have as many as 36 cars traveling that road at one time, with up to three games per night; Mayor Williams stated that there would only be two games per night, as the fields would not be lighted for phase I of the project.

Mr. Sorey stated that this is development and as such, "the needs of infrastructure need to be met." He added that he was not concerned that the road is a dirt road, as long as it is wide enough, but he is concerned with the unsafe bridge; Mr. Kneebone echoed this concern.

Mayor Williams stated that the applicant had committed to chip and seal the section of the road adjoining the property, and before the parks open next spring, the narrow parts of the road and the bridge issue would be taken care of.

Ms. Pope stated that the construction of the project would increase traffic on Seba Road; she stated that Staff believes the bridge must be repaired before construction begins; Mayor Williams cited issues with obtaining State grant money if they delay construction.

Ms. Lucas stated that the Board could stipulate that construction traffic must use Highways 102 and 279. She also stated that it is Arkansas state law that an administration's agreements must be honored by subsequent administrations.

Ms. Pope asked if it was still State law that a city could not make capital expenditures outside of its city limits; Mayor Williams stated that this is true, unless the property is owned by the city in question.

Stipulations for this project include:

- A drainage study must be completed.
- An agreement must be made with Benton County for improvement of one half of Seba Road along the frontage of this development.
- The design and installation of a replacement for the bridge on Seba Road prior to the completion of phase I of the project.

New Business:

1. Large Scale Development - **Wehmeyer Wireless Communications Facility (Cell Tower)** - Wehmeyer Road, Bella Vista - Satterfield Land Surveyors

There was no representation for this project and the Board did not discuss it.

2. Large Scale Development - **Beaver Shores Wireless Communications Facility (Cell Tower)** - Cypress Lane, Rogers - Satterfield Land Surveyors

There was no representation for this project and the Board did not discuss it.

3. Informal Plat / Replat - **Ray Brown Subdivision, Lot 9** - Billy Goat Bluff, Garfield - W / R Consulting

Karen Gaither was present.

Ms. Pope showed photographs of the site to the Board. She stated that Billy Goat Bluff is a white sign (private drive) road and the pavement width is about 16 feet.

Ms. Gaither stated that she plans to widen it to 20 feet. Ms. Pope asked if she planned to pave it all the way up; Ms. Gaither stated that she does.

There was discussion regarding the naming of Lighthouse Lane, how it would come off of Billy Goat Lane, and how the signage should be done in order to avoid confusion.

Ms. Pope stated that nearly all checklist items had been submitted on this project, but there had been no septic information submitted. She stated that this information is not usually required on replats, but asked the Board if they would require it in this instance. Ms. Gaither expressed surprise that the Board had not received the septic information from Corbett Engineering.

Mr. Sorey stated that it appeared as though there are test pits on the plat; Ms. Gaither stated that primary & secondary fields had been laid out and that Corbett Engineering could provide any further information that the Board might require.

Mr. Butler asked if there are any covenants governing this lot; Ms. Pope stated that she did not believe there were. Ms. Gaither stated that the Ray Brown Subdivision was created in 1973, so the covenants are over 29 years old and that there was nothing on file documenting them.

Mr. Sorey asked if it was Ms. Gaither's plan to widen and pave the new road as well as Billy Goat Bluff out to Slate Gap; Ms. Gaither stated that what she would like to do is to widen and pave Billy Goat to 20 feet from Slate Gap up through the portion of the road that is currently greater than a 15 degree grade after that continue the paving or widen it and put down a thick layer of SB2, which would be carried into Lighthouse Lane.

Mr. Sorey stated that the Board would need to see a plan regarding whatever road improvements she proposes. He stated that the engineer would know what is required, such as a typical cross-section. He added that they would not need profiles, since they already have the topos.

Ms. Ewing asked if the applicant would have covenants for this subdivision; Ms. Gaither answered that she would, stating that the covenants would restrict further lot splits, prohibit mobile homes, and stipulate that the property owners' would maintain the roads.

Mr. Butler noted that a statement would need to be put on the plat stating that no further lot splits would be permitted.

Ms. Pope stated the stipulations on this project:

- The driveway and signage must be shown on the replat.
- The information on the septic pits must be submitted.
- Ensure that there are no existing written covenants.
- A condition of approval for this project would be the widening and paving of Billy Goat Bluff
- A plan for the roads in the project must be submitted.
- A note on the plat stating that no further lot splits would be permitted.
- A 90-foot radius on the cul-de-sac is required.

Other Business:

Chair recognized Gene Buescher. He stated that he had been trying to complete a commercial development as-built for Nathan Martin of Martin Building Products. He stated that the project was discovered by an inspector who brought it to the Planning Coordinator's attention. He stated that he was told by the Planning Coordinator that the Board would not have to rule on the project, so he requested a

letter stating this to avoid future issues. He stated that Kathie Henson signed a letter, which he provided a copy of to the Board.

Mr. Buescher stated that he didn't think that there was any good reason that he was being denied the opportunity to present the project to the Board; Ms. Pope stated that the application was being deferred due to lack of required documentation that should have been provided by the applicant.

Mr. Buescher stated that, in the past, the TAC meeting was used as a means to find out what checklist items might be missing; Ms. Lucas stated that the Board is trying to get away from that practice, as it slows the process. Mr. Sorey added that the Board adopted a resolution in order to "tighten up" the process and that the Board supports Staff.

Ms. Pope stated that the applicant's storm water and erosion control plans are missing, which in an "as-built" situation would entail a letter from a professional engineer stating that the engineer sees no problems with drainage and no adverse impact on surrounding property owners. She then asked Mr. Buescher if he had the list of missing items.

- Mr. Buescher read the list of missing items:
- Hazardous chemical compliance letter
- Storm water detention plan
- Sedimentation and erosion control
- Solid waste disposal contract
- Environmental compliance
- Service acceptance letter from fire department with jurisdiction

Mr. Buescher stated that he could understand some of these items being required for proposed plan, but did not understand the need for some of them on an as-built; Mr. Sorey stated that part of the issue is that on an as-built, there is already a compliance issue, since the applicant built his commercial building without the Board's approval.

Mr. Buescher objected again to this project being delayed another month; Mr. Sorey stated that Staff had been instructed not to let items come to the Board unless they were substantially complete.

Mr. Buescher questioned the need for the TAC review if all items were to be completed in advance; Mr. Sorey answered that in order for the Board to review a project, all items needed to be submitted. He added that some items are more crucial than others.

Ms. Pope stated that the approval of projects is only part of what the Board does and that they should not get bogged down by incomplete submissions. Ms. Pope stated that her objective is to have the process streamlined - applicants should

meet at least the minimum requirements - so that the Board can review projects and make their recommendations.

Mr. Buescher stated that all of the affected adjoining property owners had already been notified via certified mail of the public hearing to be held on the 18th of July. He asked if he needed to notify them again that the project would not be on the agenda. Ms. Pope volunteered Staff to notify these property owners.

Mr. Butler asked if the project was complete enough for the Board to be able to review it; Ms. Ewing stated that if it had been, Staff would have allowed it on the agenda.

Mr. Sorey pointed out that the engineer's letter regarding drainage and no adverse impact on surrounding property owners might take more time than the two weeks between TAC and the public hearing.

Mr. Butler asked if Staff had the plans for this project; Ms. Pope informed him that there is no record of the project at all.

Mr. Butler stated that he believed the Board had seen this project before; Ms. Pope stated that Martin Building Products had been before the Board before, but it was a different location.

Mr. Sorey questioned why this applicant did not submit a large scale development request on this project before it was built; they apparently knew about the requirement, since they had submitted one for their other location.

Staff stated that there is no record of this project on file and that the applicant never paid the large scale development application fee.

The Board concluded discussion on the item.

Adjournment: The meeting was adjourned at 7:00 p.m.