



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

September 18, 2013

6:00 PM

Benton County Administration Building
215 East Central Avenue

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:06 PM by Planning Board Chair Ashley Tucker.

Roll Call: Mark Curtis, Jim Cole, Starr Leyva, Ashley Tucker, Ken Knight, Rick Williams, and John Pate were present.

Staff present: Administrator of General Services John Sudduth, Chief Building Inspector Glenn Tracy, Planning Division Manager Rinkey Singh, Planning Coordinator Amber Beale, and Planning Assistant Matt Benton were present.

Public: Five (5) members of the public were present.

Disposition of Minutes: Mr. Knight moved to approve the September 4, 2013 Planning Board Meeting Minutes. The motion was seconded by Mr. Curtis. The motion carried 7-0.

General Public Comment: Donna Mayhue of Sulphur Springs addressed the Board regarding concerns she has with telecommunication towers. Staff was provided information from the American Academy of Environmental Medicine. Ms. Mayhue also spoke on the potential dangers of wireless internet connections and advocated for the use of wired connections as a safer option.

Mr. Knight asked Ms. Mayhue if she was more concerned with RF output or EMR output. She replied that she didn't understand the science behind the technology, but suggested the Board increase the fee for new tower construction so that additional staff could be hired for monitoring purposes.

Old Business: None

New Business: A.) Larry Butler Variance Request, File # 13-304
Represented by Larry Butler of 8336 Timberlake Loop, Rogers

Comments from Staff: Staff gave the Board an update on the proposal since the Technical Advisory Committee. Staff noted the applicant had provided a written confirmation that he understood the building will have to be removed at his cost if the variance request is denied.

Staff suggested the following stipulation as a condition for the issuance of a building permit:

- The applicant shall provide documentation to confirm ownership or lease interest.

Comments from Applicant: Mr. Butler stated he had no comments.

Questions/Comments from the Board: Mr. Tucker asked Mr. Butler if any changes had been made to the proposal since the Technical Advisory Committee. Mr. Butler replied that no changes had occurred.

Mr. Curtis asked staff if the applicant had provided confirmation of ownership. Ms. Singh stated that Mr. Butler had shown her the confirmation of ownership, but that she did not have a physical copy due to lack of access to a copier at the time it was presented. She noted that a physical copy was listed as a condition for issuing a building permit.

Public Comment: None

Vote: Mr. Curtis made a motion to grant the applicant's variance request with staff's suggested stipulation. The motion was seconded by Mr. Cole. The motion passed 7-0.

B.) Ozark Mountain Trading Company, LSD #13-311
Represented by Larry Jenkins of 14644 E. Highway 62, Garfield

Comments from Staff: Staff gave an update on the proposal since the Technical Advisory Committee. Staff stated that aerial photos of the site all the way back to 2004 show that parking within the setback has been an ongoing issue and suggested buffering. Staff noted the applicant agreed to provide the required ADA parking on compacted gravel and include the required signage. Staff has confirmed with Bobby Keaton that since the dimensions of the driveway access would not change, no permit would be necessary.

Staff noted that the applicant sought the following waivers:

- A waiver from submitting a detailed stormwater detention plan or study due to the limited impervious surfaces proposed on-site.
- A waiver from engineered drawings due to the minor nature of the proposal.

Staff noted that the applicant had addressed all outstanding items and that the Board might consider the following stipulations be added to their decision:

- The applicant agrees to fulfill all the Standard Stipulations prior to undertaking any construction activity on-site.
- The applicant agrees to install a fast-growing species not more than one (1) meter tall to delineate parking and to prevent parking in the setback along the frontage of Highway 62, as discussed at the Technical Advisory Committee.

Comments from Applicant: Mr. Jenkins stated the due to the expansion of Highway 62 any required landscaping along the front of the property would likely be a waste.

Questions/Comments from the Board: Mr. Curtis stated that the buffering requirement should be added as a stipulation to be installed after the highway expansion project is finished. Mr. Tucker replied that buffering of parking could be added to the list of waivers. He added that doing so would be consistent with how nearby applications had been handled in the past.

Ms. Leyva stated that the applicant could add something to delineate the parking area from the building setback. Mr. Jenkins replied that company vehicles are parked in the setback for use of advertising. He said he wants people to be able to see what his company sells as they drive by. He noted that customers park in the gravel area.

Ms. Leyva asked if company vehicles are parked in the setback. Mr. Jenkins replied that vehicles are

sometimes are parked in the setback. Ms. Singh asked if the company vehicles could be parked in the gravel. Mr. Jenkins stated that on a busy day only 4-5 customer cars are on-site at one time.

Mr. Tucker asked what the County Ordinance states regarding parking within the building setback. Ms. Singh replied that the current regulations do not address parking within the setback. She added that staff wants to keep the grass as a setback with possibly a low fence or plant material. Mr. Jenkins noted that the current grassy area was once graveled. He stated that when new gravel was brought in, it was kept out of the current grassy area to keep the gravel from being removed during the proposed expansion of Highway 62.

Mr. Cole stated that the display does not violate the current setback requirements. Mr. Tucker replied that the parking must be buffered with landscaping from the residence on the other side of the highway.

Public Comments: None

Vote: Mr. Curtis made a motion to approve the application for the addition to the previously-approved large scale development. The motion was seconded by Mr. Cole. The motion passed 7-0.

Mr. Knight made a motion to waive the requirement for a stormwater detention plan. The motion was seconded by Ms. Leyva. The motion passed 7-0.

Mr. Curtis made motion to waive the requirement for engineered drawings due to the minor nature of the project. The motion was seconded by Mr. Knight. The motion passed 7-0.

Mr. Williams made a motion to waive the requirement for highway buffering. The motion was seconded by Mr. Curtis. Mr. Knight commented that many businesses have vehicles parked in front as signage and that practice encroaches on what is not permissible in the County. Mr. Curtis asked the applicant if the business sign would be reinstated after the highway expansion. Mr. Jenkins replied that it has already been moved to another location. The motion passed 5-2 with Ms. Leyva and Mr. Knight voting against it.

The Public Hearing ended at 6:47 PM.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 6:12 PM

Old Business: None

New Business:

A.) Dennis Jordan Variance Request, File # 13-313
Represented by Dennis Jordan of 15225 Sugar Creek Road, Garfield

Comments from Staff: Staff stated the applicant requests a variance to build a 10'x19'4" addition to his existing home located at 15225 Sugar Creek Road, Garfield. The proposed addition would be approximately 40' from the centerline of Sugar Creek Road. The applicant requests a variance of approximately 10' from the setback requirement. In addition, the applicant requests a setback of 19' for an existing barn also located on site that is approximately 31' from the centerline of the same road.

Staff stated the applicant had notified all adjacent property owners and provided documentation to staff.

Comments from Applicant: None

Questions/Comments from the Board: Mr. Tucker asked the applicant when the barn was constructed. The applicant replied approximately 1940.

Mr. Curtis asked what the current use of the barn is. Mr. Jordan replied that it is used for storage.

Mr. Tucker stated that the barn pre-dates the planning ordinance. He added that since it is a non-conforming structure the applicant might have issues with a title defect.

Mr. Curtis asked if staff contacted the Road Department regarding future highway expansion. Ms. Beale replied that staff received no comments from the Road Department during the interdepartmental review process.

Mr. Cole asked if any other structures in the area are within the building setback. Mr. Jordan replied that other houses on the same road are within the setback.

Mr. Tucker asked if the addition is part of commercial venture. Mr. Jordan replied that the addition will only be an expansion of his living room.

The Public Hearing ended at 6:54 PM

STAFF UPDATES:

A.) Update on Towmate, LLC, LSD 13-252

Mr. Anderson stated the he met with Corps of Engineers and filled out an application to work on the drainage between his property and the property owned by Charlie Schroder. He was informed that he could not change the channel, but that he could clean it. He stated his engineer, Gary Davis, would provide the drainage calculations to the Board. He said the Corps gave a permit for two culverts, but that he was allowed to add a third for extra drainage. He said he spent the previous week cleaning out the creek bed. He said he added gravel from the creek to the parking lot raising the level of the lot by two (2) feet. He said it would not cause water to be diverted onto Mr. Schroder's property. He requested permission to compact the two (2) foot elevation from the Board. He said during recent flooding event, a lot of debris caused a damming effect on the newly constructed bridge causing approximately one (1) foot of water to be backed up on the employee parking area. He said he would remain vigilant in keeping the stream bed clear.

Mr. Anderson noted gravel has built up downstream on the Army Corps area creating a filtration system for water passing down the drainage. He said one requirement for LSD was to have a detention pond at the edge of the property. He said he wasn't opposed to building the pond, but felt it wouldn't be very beneficial. He suggested an independent party might want to verify this belief. He said he isn't asking for amendment to the LSD at this time, but only wants to get a conversation going about the idea.

Mr. Anderson noted that he would be coming forward to the Board for another large-scale development in the near future.

Comments from the Board: Mr. Tucker stated that since the parking lot is being filled two (2) feet, the floodplain would be further displaced and that the drainage calculations would need to reflect the change.

Mr. Knight said he is concerned that compacting the gravel would increase the amount of impervious surfaces.

Mr. Tucker asked if the lot would be paved. Mr. Anderson replied that it is not going to be paved.

Ms. Singh stated that Mr. Schroder is concerned about flooding on his property and changes to the grading. Ms. Leyva asked what kind of documentation Mr. Anderson's engineer would be providing the Board. Mr. Anderson replied that he would be revisiting the flow calculations. He added that he would take any measures necessary to protect Mr. Schroder's property. He said, however, Mr. Schroder has refused to maintain the creek bed.

Mr. Curtis noted that two (2) huge stumps had plugged the culvert during the recent flooding. He said a new stream bed between the adjoin properties would be beneficial to the County and to Mr. Anderson and Mr. Schroder.

Mr. Pate stated that the engineering for the project is above average in difficulty. He said the soils, runoff, and other factors have to be considered.

Mr. Tucker requested a revised grading plan from the applicant.

Ms. Singh requested Mr. Andersen to have Mr. Davis contact staff to provide the items listed in the letter dated September 11, 2013 sent to Mr. Anderson, including the engineering study, grading plan, and measures to prevent negative impacts on surrounding properties. She restated the concerns voiced by Mr. Schroder and noted that a high volume of water was witnessed during the flooding event in August.

B.) Update on the Roberts Poultry and Small Animal Auction, LSD # 13-300

Staff reported that the State Veterinarian had been contacted regarding the location of the quarantine area. He stated that there are no regulations regarding quarantine areas, but that it should be located as far as possible from the auction area. Staff noted Mr. Roberts plans to place the quarantine area in the northeast corner of the property.

C. Comments from Public Information Sessions

Staff updated the Board on the Public Information Sessions held on September 12th, 13th, and 16th.

DISCUSSION ITEMS: None

The meeting adjourned at 7:34 PM.