



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

February 17th, 2016
6:00 PM

Benton County Administration Building
215 East Central Avenue, Bentonville AR

**Planning
Board
Approval:**

TR

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:10 PM by Planning Board Chair, Mark Curtis.

Roll Call: Rick Williams, Mark Curtis, Jim Cole, Sean Collyge, Starr Leyva, Ron Homeyer, and Ashley Tucker were present.

Staff present: John Sudduth – Administrator of General Services, Glenn Tracy – Building Official, and Kevin Gambrill – Planning Director were present.

Public Present: There were 29 members of the public present. (See the attached Sign in Sheet)

Disposition of Minutes: 02-03-2016.

Mr. Cole moved to approve the February 3rd, 2016 Planning Board Meeting Minutes. The motion was seconded by Mr. Homeyer. The motion carried 7-0.

General Public Comment: None

Greg Higson, 9440 Preservation Drive, Rogers

Mr. Higson voiced concern on the Horseshoe Bend project dealing with runoff, wildlife preservation, and fire danger. He voiced concern about the open burning and wildlife habitat loss on the site. He voiced concern about the severe slope on the site and the potential of runoff and erosion of the site and affecting the Hwy. 94 roadway. He stated he has no seen any traffic study and this posed a concern dealing with the extensive amount of vehicles visiting the site.

David Edgar, 9481 Fowler Cove Rd., Rogers

Mr. Edgar stated he uses the Horseshoe Bend area for vacation. He stated he had contacted the Planning office concerning the permitting requirements for project such as this, and was appalled that no permitting was required for land clearing. He stated the property owner shows no judgment when developing the site, this poses a question if they property owner will care about the upkeep of the property after which time it is developed. Mr. Edgar asked that the property owner conduct an environmental study prior to any approval.

Old Business: None

New Business:

- ~~I. Waiver Sect. 4.6.8 iii Individual Service Lines (Septic Systems)~~
 - ~~i. James, Timothy & Donna; 16764 Kincheloe Rd. **RECIINED BY APPLICANT**~~

- II. Walker Meadows Plat Vacation, #16-005, Fullerton Dr., Siloam Springs
Represented by Gene Buescher, Survey 1 INC. and Brad Martin 20020 Hwy
16, Siloam Springs**

Mr. Curtis asked Staff for the report of Walker Meadows Plat Vacation, #16-005.
Staff gave a presentation on Walker Meadows Plat Vacation, #16-005, outlining information in the Public Hearing Report.

Voting Record:

- I. Waiver from Preliminary Plat requirements – Applicant is requesting a waiver from preliminary plat approval (5.5.2 Subsection C #3)

Mr. Homeyer made a motion to approve the Waiver as written. The motion was seconded by Mr. Tucker.

The motion passes 7-0.

- II. Approval of the Plat Vacation for Walker Meadows Subdivision (Book 2008 / Page 602), case #16-005

Mr. Tucker made a motion to approve the Walker Meadows Plat Vacation. The motion was seconded by Mr. Homeyer.

The motion passed 7-0.

- III. Horseshoe Bend Boat and RV Storage Site Plan Review, #16-004, 9371
Panorama Rd., Rogers
Represented by Jorge DuQuesne – Blew and Associates and Perry Chupp,
15833 Kedzie Circle, Rogers**

Mr. Curtis asked Staff for the report of Horseshoe Bend Boat and RV Storage Site Plan Review, #16-004.

Staff gave a presentation on Horseshoe Bend Boat and RV Storage Site Plan Review, #16-004, outlining information in the Public Hearing Report.

Applicant Comment:

Mr. DuQuesne stated that the site plan has changed significantly to address all the comments and outstanding items listed detailed at the previous meeting. He stated in lieu of the chain link fence the developer has chosen to install a six foot wooden privacy fence. The site plan now details a landscaping plan on the perimeter of property. The access gate has now been recessed to allow vehicles to exit the public ROW while entering the property.

Board Comment:

Ms. Leyva asked if there were any proposed outdoor storage areas.

Mr. DuQuesne stated there were some areas for outdoor storage between buildings.

Mr. Tucker asked about the phasing of the project.

Mr. DuQuesne stated only one building would be phase two.

Mr. Tucker confirmed that all gravel areas, fencing, landscaping would be installed as part of phase one.

Mr. DuQuesne confirmed.

Mr. Tucker asked if there were any culverts in the area, in relation to the detention area.

Mr. DuQuesne stated the survey crew working on this site had conduct field verification and determined there was not a culvert on Hwy. 94.

Mr. Homeyer asked about the calculations used to develop the site drainage report, based on the fact the detention area is proposed to decrease in volume post development.

Mr. DuQuesne stated calculations were based from exfiltration rates establishing from on-site testing. Based on the current conditions, post development on site would be adversely affect properties or infrastructure in the immediate area.

Mr. Homeyer asked what methodology was used to develop these runoff coefficients. Based on common practice, it is very rare for post-develop calculations to be less than pre-development.

Mr. DuQuesne stated the time of concentration has attributed to the rare occur of post-development runoff calculations.

Mr. Cole asked Mr. DuQuesne to address the citizen concern about the runoff erosion on site post land clearing.

Mr. Curtis stated he was greatly interested in the storm water aspect of this property.

Mr. Curtis asked if any traffic studies had been conducted for the site.

Mr. Curtis asked if the recessed access gate was deep enough to sustain the type of vehicles to be entering this site.

Mr. DuQuesne stated the length of the access drive allows for a vehicle to exit the ROW and the likelihood of multiple vehicles 'lining' up to enter the site is not high. The assumption is a vehicle and trailer would be completely out of the public ROW.

Mr. Tucker asked if RVs would be stored on site.

Mr. DuQuesne confirmed.

Mr. Curtis asked what the maximum length of an RV would be.

Mr. Chupp stated the largest unit provided is 36 feet; the largest vehicle would be 36 feet.

Mr. Curtis asked the engineer if the comments from Benton County Fire Marshal's comments had been addressed.

Mr. DuQuesne stated that the comments would be worked out with the Fire Marshal to comply with all requirements.

Mr. Curtis asked why the plan does not reflect the comments from the Fire Marshal.

Mr. DuQuesne stated the revised site plans were submitted prior to receiving any additional comment from the Fire Marshal.

Mr. Curtis asked about the turning radius requirements.

Mr. DuQuesne stated the plan was to eliminate some units to acquire enough area to comply with this requirement. He stated the two central building would be changed to acquire the area required.

Mr. Homeyer asked if the current location [near the intersection with Hwy. 94 and Panorama] would satisfy the requirement to have a fire hydrant on the property.

Mr. Trollinger stated the hydrant is required to be on the premises.

Mr. Homeyer asked if the hydrant needed to be at the entrance of the facility.

Mr. Trollinger stated the hydrant was required to be located so that appropriate fire apparatus could effectively connect.

Mr. Williams asked what the ridge height was on the tallest building.

Mr. Chupp stated at most 15 feet.

Mr. Curtis asked about the grading plan proposed.

Mr. DuQuesne stated nine feet of cut would be removed from the western property. The detention pond proposed would be constructed to a common 3 to 1 slope.

Mr. Curtis asked if a retaining wall was a possibility.

Mr. DuQuesne stated that a retaining wall in this project was not a good option.

Mr. Tucker asked what type of vegetation would be planted on the slopes of the property.

Mr. Chupp stated it would be prairie grass to act as a buffer.

Mr. Tucker asked if the uniform plantings could be re-oriented to be more a natural looking buffer.

Mr. DuQuesne stated the plantings could be made more aesthetic.

Mr. Tucker asked what the facility would look like at night as far as lighting.

Mr. Chupp stated the property would be a secure site from midnight and six AM. The type of lighting proposed would be full cut-off lights.

Mr. Tucker stated he would be in favor of the access gate being moved further to the interior of the site.

Mr. Chupp stated this could be possible.

Mr. Tucker asked if any site line studies have been done for the proposed elevation of the site in relation to surrounding properties.

Mr. Chupp stated the site would be considerably lower than surrounding properties. The proposed fence would completely screen the buildings along Hwy. 94.

Ms. Leyva asked if the second entrance would be utilized as an entrance to the facility or for emergency access only.

Mr. Chupp stated the turning radius required may be achieved, but the option for an additional access is also in consideration.

Ms. Leyva asked about the details concerning the outdoor storage.

Mr. Chupp stated the only outdoor would be between the two buildings in the middle of the site.

Mr. Trollinger stated this could not be utilized as outdoor storage due to setback requirements.

Mr. Chupp stated there would be no outdoor storage.

Public Comment:

Catherine Theleman, 9546 Bayside Rd., Rogers

Ms. Theleman stated she is at the meeting to petition against the development and to preserve the last timbered area along Hwy. 94. The property is clearing labeled as questionably compatible to incompatible based on the land use compatibility matrix as shown in the Staff report. This development is also in violation Land Use Guide as adopted. The developer's plan does not adequately address all concerns as shown previously. Ms. Theleman asks to preserve the area of its forested natural aesthetic.

Bob Bracy, 10107 Old Campbell Rd., Rogers

Mr. Bracy stated this intersection is always on route into town for him. He stated this property would be a time bomb with regard fire potential and the possibility fire spreading on the property. He stated he has not heard enough information with regard to the fire protection on site.

Larry Theleman, 9546 Bayside Rd., Rogers

Mr. Theleman stated he had talked to Planning Staff concerning the ordinance enforcing land use in Benton County. Mr. Theleman went through a PowerPoint presentation detailing his research into the Planning Regulations. Outlined the Jurisdiction and Authority outlined in Chapter 1. He explained the general goals of the Ordinance with respect to commercial development goals. He stated the Horseshoe Bend Storage project appears to be unlawful. He requested the project to be stopped immediately, restoration of the property to natural state, and asked the Board to consider a revision to the regulations to prevent further commercial developers from degrading the land in Benton County. He explained the Hwy. 12 corridor near Beaver Lake has become the storage unit area for Benton County; he voiced concern that Horseshoe Bend area should be protected from this type of development to preserve the natural characteristic of the County.

Dan Signs, Architecture Committee Esculapia Estates

Mr. Signs followed up Mr. Theleman's presentation. He stated he understands the concern of Theleman. He stated property owners care about the natural aspect in Benton County. He stated

mixed land use can cause property value to decrease for residential property owners. He stated the mixing of commercial and industrial uses in a mainly residential can be a slippery slope and cause the development of an area to become commercial or industrial in nature. This can cause the decrease in property values for owners in the area.

Chris Fowler, 9353 Panorama Rd., Rogers

Mr. Fowler stated he owns the property immediately to the north of the proposed development. He stated crime as increased since the property owner has taken possession. Lumber and machinery have been stolen from Mr. Fowler's property since the current owner has taken possession. He stated his wife had to ask workers for Mr. Chupp project to leave their property during the week of February 1st. He stated the property owner has not only materially stolen from property owners in the area and the owner has taken the sense of safety. He asked the Board to not approve the proposed development.

Susan Whitley, 9046 Panorama Rd., Rogers

Ms. Whitley stated she has lived on Panorama Rd. for 20 years. This area has never been known for commercial developments. She stated her current position has forced her to put her home on the market and only recently did a potential buyer back out of an offer due to this proposed development.

Allene Pendley, 14420 E Hwy. 94, Rogers

Ms. Pendley stated she is concerned with the additional traffic from this development.

Steven Holcomb, 10186 Mullins Lane, Rogers

Mr. Holcomb stated he was very surprised to see this property had been cleared. His main reason for moving out to the County instead of the city was to have the ability to do as he pleases on his private property. County private property allows owners to use their land for what they need it for. He stated he would not advocate for unruly regulation, but private property owners should be able utilize property for their own benefit.

Greg Higson, 9440 Preservation Dr., Rogers

Mr. Higson stated their regulations for storm water and other laws for nuisances. He stated he still has not heard from the applicant how storm water will be contained on site. He is concerned that the amount of impervious surface proposed for this property.

Mike Johnson, 9344 Panorama Rd., Rogers

Mr. Johnson stated there is concern with respect to the RVs and trucks turning onto Hwy. 94 from Panorama. He stated he has been a builder for 40 years in Benton County. Property owners have lost value already due to the degradation of the property.

Gary Davidson

Mr. Davidson stated he has known Mr. Chupp for years. He stated that boat storage units are always out near the lake.

Dave Edgar, 9481 Folwer Cove, Rogers

Mr. Edgar stated there are many different storage units that are available. This community does not need another storage facility.

Frank James, 10178 Beaver Lane, Rogers

Mr. James stated it is sad to see how the public is treating this property owner.

Bill Dark, 9881 Bobwhite Circle, Rogers

Mr. Dark stated he would request the Board to investigate into Mr. Chupp's business history. He stated he is concerned the traffic generated from the site. The intersection of Panorama and Hwy. 94 could be difficult to navigate with a truck and trailer type of vehicle. He stated he would like to request that the wording in the Regulations be revised to prohibit land clearing prior to approval for the development.

Jerry Pittman, 802 La Salle Court, Rogers

Mr. Pittman stated he has employed Mr. Chupp and he believes him to be a very good person.

Lynn Davidson, 14661 E. Hwy. 94, Rogers

Ms. Davidson stated the danger of the traffic at this subject intersection, especially with the truck and trailer. She stated you can't put a commercial use within an established residential area. There are 24 storage unit facilities within a 5 mile radius of this property. She asks the Board to deny the project.

Dean Estep

Mr. Estep stated Mr. Chupp has followed all the rules and tried appease the citizens in the area. Mr. Chupp is trying to meet all the requirements. He stated that a property owner should be able to do as they please so long as they follow the rules.

Pamela Chupp, 15833 Kedzie Cir., Rogers

Ms. Chupp stated her family loves the lake and nature. The campground near Horseshoe can only sustain so many RVs or boats. She stated the oil and runoff concern is null due to the fact that currently boats and RVs are at the marina, existing storage facilities, and the campground potentially dripping oil and other pollutants close to the lake. She stated people using this lake currently are accounting for the traffic that is generated; the traffic will not increase due to this

storage unit facility. She stated Mr. Chupp is trying to meeting all regulations.

Alisa Andrews, 1108 N. Mallard Lane, Rogers

Ms. Andrews stated comments from the citizens are rude and childish and should be taken into considerations. As for the stolen property discussed earlier, police reports for the area. She believes that it would be difficult to correlate the stolen property to the new property owner nearby. She stated that the property was for sale and any property owner in the area could have purchased the property to preserve the land. She stated that these land owners in the area most likely did not think to preserve tress when their homes were built. She asked [rhetorically] if someone lives near a lake, they should expect traffic to come and go from the lake, correct. She stated the Board should allow the owner to meet the current requirements, she feels he will address the concerns. She also wanted to second the comment by Mr. Holcomb.

Dennis Carl-Lewis I, 17106 Sugar Creek

Mr. Carl-Lewis stated private property is important to owners in the unincorporated County. Private property owners should be allowed to do as they please without the regulation or permitting from the County. He also wanted to voice agreement with Ms. Andrews' comments.

Scott Strauch, 9731 Palomino Dr., Rogers

Mr. Scott stated Hwy. 94 is a very beautiful drive and then there is the destruction that has occurred at this property. He stated that people voicing support do not live near this property. They are not aware of the type of affect this has on property owners near the proposed development. He asked why anyone would want to make the area near Horseshoe Bend similar to southwest Rogers with all the commercial development. This area is about residential and rural. He asked the Board to deny the project and the land be reclaimed to the original state.

Roy Wisecarver, 14248 W. Hwy. 94, Rogers

Mr. Wisecarver stated he lives right next to this proposal. He asked why the Planning Commission told Mr. Chupp he could take out the vegetation on his property. He stated that mainkind has always used land as they see fit, no matter the devastation that is a product of the use. He asked the Board to deny that project. He asked the Board to request a surety bond for the property to reclaim the property to the natural state.

Sharon Holiday, 9848 Covey Circle, Rogers

Ms. Holiday stated her concerns included traffic and runoff. Hwy. 94 is a dangerous roadway and the intersection of Panorama and Hwy. 94 will pose a greater risk if this project is approved.

JP Sue Shadlow, 15842 Kedzie Cir., Rogers

JP Shadlow stated she is concerned that the project engineer has not been on site. Mr. Chupp proposes to erect a wooden fence on site and from JP Shadlow's experience fences built previously by Mr. Chupp have not been oriented in the correct fashion (ugly side facing

outward). She stated the site should have parking spaces if the project passes. She stated Mr. Chupp does not follow the rules and she personally can vow that he does not, due to the damage that has been done in her neighborhood by Mr. Chupp. She asked the Board to continually follow up with any approval on this property. She stated she is concerned with the ingress and egress with respect to large vehicles utilizing the property. She asked the Board to do a 'no' vote.

Jennifer Burton, 9804 Palomino Dr., Rogers

Ms. Burton stated no hazardous chemicals would be housed on site. She stated the site with have many vehicles containing fuel and accelerants. She stated area cyclists use roads in this area; this creates a danger for motor vehicles and cyclists.

Shelley Wisecarver, 14248 E. Hwy. 94, Rogers

Ms. Wisecarver stated this proposed development would always be an eye sore if approved. The value of her property would be dramatically decreased if approved. The property owner removed vegetation from the property with no respect for surrounding property owners. She stated the orientation of her home has a cover patio facing the subject property. She stated her property sits at a higher elevation than the proposed structures; she will always have a view of this property. She stated her concern on the proposed lighting (or lack thereof) would invite mischief. She asked the Board to reject the project. She asked the Board to consider requesting a twelve foot privacy fence along her property line, if approved. She strongly urged the Board to deny the project due to the degradation of the land, the decrease in property values, the decrease in quality of life.

Lee Edmundson

Mr. Edmundson stated he was contracted to remove the vegetation from the site. He stated private property owners should be able to do as they please with their land within the law of the land. He stated a property owner within his right should be able to use his land as he would like.

Pamela Seidel, 10173 Oklahoma Drive, Rogers

Ms. Seidel explained her son asked why the property owner was doing all that they are doing when driving passed this property. Ms. Seidel asked what would be left for her son's children.

Brittany Houck, 9458 Wheeler Hill, Rogers

Ms. Houck explained her family has lived in this area for a long time. She stated that she hopes the Board will not agree with this proposal.

Applicant Comment:

Mr. Chupp stated he has contacted area storage units for availability and has concluded the area does not have the adequate spaces for the demand.

Mr. DuQuesne explained the storm water aspect of the property. The current condition with high

slopes does not allow for infiltration in the same way the proposed flat grade would infiltrate. He stated though increasing the amount of impervious surface, the site will have less topographical elevation changes. Therefore the water on site will take longer to move across the site and allow for infiltration.

Mr. Cole asked about the traffic concerns.

Mr. DuQuesne explained per comments for the construction of the access drive, the distance from Panorama / Hwy. 94 intersection, the design meets the requirements.

Mr. Curtis asked about the east bound turning from Hwy. 94 onto Panorama Rd.

Mr. Chupp explained that this facility cannot house a self-propelled RV. The type of RVs that could be stored here would be those towed by another vehicle.

Mr. Curtis asked if this is the case, is there enough room for a truck and trailer to turn left off of Hwy. 94 onto Panorama without impeding traffic.

Mr. Chupp stated the responsibility would be on the driver to navigate the turn and wait until the intersection is clear.

Mr. DuQuesne stated these roads were approved by a government agency taking into consideration the turning radii required for all type of vehicles.

Mr. Chupp explained that currently towed loads and RVs use this intersection with the existing configuration.

Mr. Tucker asked where the ADA spaces would be located.

Mr. DuQuesne stated the units near the entrance of the facility would be the best location.

Mr. Tucker stated the ADA accessibility would need to be shown on the site plan.

Mr. Chupp explained the facility overhead doors are designed in such a way that only certain types or sizes of boats and/or RVs would be able to be stored. There are limitations to the height, length, and width for the any vehicle that would be stored on site.

Mr. Tucker asked the Chair for a procedural clarification. Asking if Chair believes that since there are changes to be made to the plan that the Board would need to see the changes before a vote was made on the project.

Mr. Curtis stated the changes that need to be made are significant and that a new plan would need to be reviewed by the Board.

Mr. Tucker stated that the changes proposed are to the scale that would change the original application and therefore warrant a separate site plan should be submitted.

Ms. Leyva asked the applicant what changes are needed to be made to the site plan based on conversations tonight.

Mr. Chupp asked if there was a possibility of having a new plan submitted then review possibly a month from now.

Ms. Leyva stated that is a decision you as the property owner can make.

Mr. Homeyer stated there is an option to request a tabling of the project that would push the project to the next Planning Board meeting.

Mr. DuQuesne asked if the Board could vote on the parking variance minus the required ADA space, then the plan can be revised and re-submitted in one months' time.

Mr. Curtis asked for a clarification of the request. He paraphrased the request for the Board to

vote on the variance and then table the project for one month.

Ms. Leyva asked if this procedure was allowed with respect to separating the variance from the site plan review application.

Mr. Tucker stated there would be a need to have two motions for this project.

Mr. Tucker made a point that the Board has reviewed multiple storage units and the relief in parking that is requested is similar to other approvals grant by the Board, due to the type of business practice that is conducted at such facilities. This being said, the Board has not separated the variance application from the site plan review application.

Mr. Tucker made a motion to table both the parking variance and the site plan review application to a later date.

Mr. DuQuesne stated he would like to have a complete plan for the Board at the next meeting, possibly a plan without stipulations or conditions.

Mr. Tucker stated this project is in the same position as all other applicants coming before the Board. This [tabling] is a reasonable conclusion.

Mr. Cole stated the he agreed that no decision needs to be made on the variance.

Ms. Leyva seconded the motion by Mr. Tucker.

Mr. DuQuesne asked the Board for the project to be heard at the next Planning Board meeting on March 2, 2016.

Mr. Tucker made a motion to amend his previous motion to table both the parking variance and the site plan review applications to the March 2, 2016 Planning Board meeting.

Ms. Leyva seconded the amended motion by Mr. Tucker.

Vote: The motion passed 4-3.

The Horseshoe Bend Boat and RV Storage was tabled to the March 2, 2016.

Public Hearing adjourned at 8:30 pm.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 8: 31 pm

Old Business: None

New Business:

- I. Kramer Mechanical Site Plan Review, #15-186, 12451 Highway 72,
Bentonville
Represented by Mike Kramer, 1 Basore Lane, Bella Vista**

Mr. Curtis asked Staff for the report of Kramer and Co. Mechanical Storage Site Plan Review, #15-186.

Staff gave a presentation on Kramer and Co. Mechanical Site Plan Review, #15-186, outlining information in the Technical Review Report.

Applicant Comment:

Mr. Kramer stated he had been in contact with the Centerton Water Authority and there was a hydrant 400 ft. away from the property.

Board Comment

Mr. Kramer asked if the site plan can be revised to just meet the parking regulations, that way the amount of area required to sustain the fire apparatus can be smaller in area.

Mr. Homeyer clarified the fire *lane* must be able to sustain a 75,000 lb. fire apparatus, not the entire parking area.

Mr. Tucker asked if there any other commercial parcels in the area.

Mr. Kramer explained the property is across the highway from the H&H Classic. He also stated the property he purchased in total will have his personal home on it as well.

Ms. Leyva asked what type of business will be conducted in this building.

Mr. Kramer stated he owns a heat and air business.

Ms. Leyva asked what type or size of trucks would be required to enter the site.

Mr. Kramer stated the largest truck would be a delivery box truck.

Other Business: None

STAFF UPDATES:

- I. Administrative Approvals
 - A. Kramer Minor Subdivision, #16-011
 - B. Carter Minor Subdivision, #16-008
 - C. Taylor Minor Subdivision, #16-012
 - D. Peoples Bank Minor Subdivision, #16-015

DISCUSSION ITEMS:

- I. County Planner Advertised
- II. BOA Advertised
- III. Letters of Commitments needed from S. Glenn and A. Tucker for 2nd term

Ms. Leyva stated she would not be filing for re-appointment.

Meeting Adjourned at 8:57 pm.

