

Minutes for April 2018
Planning Commission meeting 04/02/2018

1. Call meeting to order at 6:00 p.m.

The April 2, 2018 Planning Commission meeting for the City of Little Flock was called to order by Chairperson, Tracy Englebrecht.

2. Roll Call

Present were:

Chairperson Tracy Englebrecht

Vice Chairperson Diane Stafford

Commissioner Troy Davis

Commissioner Ray Webb

Commissioner Keith Ramsey

Absent were:

Commissioner Luke Moffitt

Commissioner Terry Talbott

(Additional attendees are listed on the sign-in sheet)

3. Action on Minutes

Vice Chairperson Diane Stafford motioned to approve the March 5, 2018 Planning Commission minutes as written.

Commissioner Keith Ramsey seconded the motion.

Roll Call:

Chairperson Tracy Englebrecht - Yes

Vice Chairperson Diane Stafford - Yes

Commissioner Troy Davis - Yes

Commissioner Ray Webb - Yes

Commissioner Keith Ramsey - Yes

Motion passed unanimously.

4. Unfinished Business

- **Burkeen-Ruble, Wendy; Conditional Use Permit Review – tabled from the March 5, 2018 meeting.**

Chairperson Tracy Englebrecht stated the Legal Description for Wendy Burkeen-Ruble's property on Acorn Drive was corrected by the City Attorney George Rhoads, it was approved by City Council, and it has been filed at Benton County Records as zoned Commercial.

5. New Business

- **Bauer, Bart (Representative for each application) – Copper Ridge Road; Lot Line Adjustments and Lot Splits; (Jorge DeQuenes stood to speak in place of Bart Bauer)**
 - **Lot 4 & 5 Lot Line Adjustment; 3506 & 3508 Copper Ridge Road; Enderle Homes, LLC.**

Jonathon Enderle (Owner) stated he wants to combine lot 4 and lot 5 to form a larger lot. He will place a home in the center of the property once approved.

Commissioner Troy Davis made a motion to approve the lot split for 3506 & 3508 Copper Ridge Road with corrections; the title needs to be changed to Lot Line Adjustment; a signature block needs to be added for the Surveyor, the current owner, and the Planning Commission Chairperson; the owner needs to be updated; the lot needs to be number lot 39; add the date of execution; and add that the center lot line is to be removed from this plat.

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Commissioner Ray Webb seconded the motion.

Roll Call:

Chairperson Tracy Englebrecht - Yes

Vice Chairperson Diane Stafford - Yes

Commissioner Troy Davis - Yes

Commissioner Ray Webb - Yes

Commissioner Keith Ramsey – Yes

Motion passed unanimously.

- **Lot 15 Lot Split; 3708 Copper Ridge Road; The Meadows of Woods Creek.**
Jorge DeQuenes stood to speak on behalf of Bart Bauer. The request to have the lot split done is to keep the same number of lots within the subdivision.
Commissioner Troy Davis mentioned corrections that needed to be made; technical comments, lot numbers, correct ownership, note frontage width at the setbacks on the dimensions.
Commissioner Ray Webb seconded the motion.
Roll Call:
Chairperson Tracy Englebrecht - Yes
Vice Chairperson Diane Stafford - Yes
Commissioner Troy Davis - Yes
Commissioner Ray Webb - Yes
Commissioner Keith Ramsey – Yes
Motion passed unanimously.
- **Lot 16 Lot Split; 3800 Copper Ridge Road; The Meadows of Woods Creek.**
Jorge DeQuenes stood to speak on behalf of Bart Bauer. The request to have the lot split done is to keep the same number of lots within the subdivision.
Vice Chairperson Diane Stafford motioned to approve the lot split contingent upon the following corrections be made to the plat; remove the ravine, add a signature block, renumber the lots to 42 and 43, and any other technical comments be corrected.
Commissioner Ray Webb seconded the motion.
Roll Call:
Chairperson Tracy Englebrecht - Yes
Vice Chairperson Diane Stafford - Yes
Commissioner Troy Davis - Yes
Commissioner Ray Webb - Yes
Commissioner Keith Ramsey – Yes
Motion passed unanimously.
- **Lot 21 & 22 Lot Line Adjustment; 3805 & 3807 Copper Ridge Road; Matthews, Mark & Jennifer.**
Jorge DeQuenes stood to speak on behalf of Gorge and Jennifer Matthews. The property owners are requesting the lot line adjustment to combine lot 21 and lot 22 to form a larger lot size.
Commissioner Troy Davis made a motion to approve the lot line adjustment contingent upon the following corrections be made; lot 21 and 22 to be renamed lot 44 with technical comments, correct ownership needs to be added, add a signature block, correct the plat to read lot line adjustment, and lot lines be removed.
Commissioner Keith Ramsay seconded the motion.

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Roll Call:

Chairperson Tracy Englebrecht - Yes

Vice Chairperson Diane Stafford - Yes

Commissioner Troy Davis - Yes

Commissioner Ray Webb - Yes

Commissioner Keith Ramsey – Yes

Motion passed unanimously.

- **Porter, Bruce – Conditional Use Permit Review;** (The City of Little Flock has received complaints)

Chairperson Tracy Englebrecht opened the floor for public comments concerning the complaints the City of Little Flock has received about Bruce Porter's Conditional Use. Dean and Linda Shockley submitted a formal complaint in writing on March 2, 2018. They also came in to speak with Mayor Stout and Chief Jesse Martinez about their continuing issues.

Chairperson Tracy Englebrecht read the original 2011 Conditional Use Permit terms:

- No employees
- Work done on location
- Slight traffic
- Heavy equipment stored on location
- Small tools
- No waste materials present
- Nothing visible from the street
- Hours of operation: Monday thru Friday 7:30a-5:30p
- Type of Business: Construction
- Two-year Conditional Use Permit with a 1-year review

Dean Shockley said all his concerns are placed in his written complaint form.

George Arbuckle stood to speak, "My issues are the noise level late at night and the speeding of vehicles in and out of Porter's house. Maybe they should share the expense of putting up a fence to keep the peace."

Linda Shockley expressed her issue with the shaker being used late at night and the noise level being too loud.

Connie Edris voiced her concerns, "I don't think the business should have been approved for the permit to start well at least for our neighborhood. I just want peace between neighbors."

Bruce Porter stated he felt he was functioning within his parameters of his Conditional Use Permit, and there was no need to have a review. He listed the current employees he has on staff; office personnel, office manager, estimator who comes in and out as needed, two low paid laborers who ride together while on the job.

Debbie Porter said the concrete they have on the property is to be used to direct the water flow to the fields behind them to drain into the pond and not into the Shockley's garden. She also informed the Commissioners that there is not a tenant on the property. The people staying with them were guests; Debbie's niece and her husband. They lived there for five months but have since moved out. She also mentioned the equipment they have on the property is for personal use as well. She stated, "If the Shockley's are concerned with a younger couple living behind them they should sell their house and move into a senior community where it is quiet, just my suggestion."

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The Commissioners discussed their options to address the issues and asked various questions to determine if there is a concern to request a reapplication. **Commissioner Troy Davis** stated the Conditional Use Permit can be under review and it can be revoked. "Because it is a Conditional Use Permit we have to stay as close to what the original Conditional Use Permit listed in 2011. It is difficult to differentiate between work and personal equipment in this situation. With a Conditional Use Permit we must take it into consideration. Bruce Porter has employees on the property, construction is noisy, and people are in and out. He really has gotten away from the original Conditional Use. He reported no changes in 2016. I have concerns about the changes to the business outside of his personal use. It is a residential area, but we don't have anywhere in the City that has up to that level of construction anywhere. Bruce Porter did say he has a tractor, bobcat, a truck, and some small stuff visible from McClure." He went on to ask Chief Martinez for his input.

Chief Jesse Martinez stated, "The Little Flock Police Department has been out to the property for various incidents. I do not know how many employees are there, but I know there are some. The traffic issue has just recently come to our attention. There were no noise or ordinance violations we could find when looking at it; nothing criminal. The majority has been a civil issue."

Commissioner Troy Davis voiced his opinion saying, "The Conditional Use permit needs to be updated and modified. It sounds like the business has grown and not operating to the original Conditional Use Permit."

Chairperson Tracy Englebrecht addressed Bruce Porter and said, "it sounds like you actually built everything before the Planning Commission received an application from you for a Conditional Use Permit in 2011. Your business has grown and currently needs to be in a Commercial Business area."

Vice Chairperson Diane Stafford, "There were also notes about a fence? You currently don't have one."

Commissioner Keith Ramsey, "My suggestion is suspending the permit for up to two months pending a reapplication. Bruce will need to list all the equipment and employees. If there are any more complaints the citizens will need to go to Chief Martinez."

Commissioner Troy Davis asked Bruce Porter if he would be willing to resubmit an application.

Bruce Porter said yes, he would but he expressed his frustration with the need for one.

Chairperson Tracy Englebrecht stated there are more than a few subcontractors coming and going from the property and things are visible from the street. He also stated the business has grown and it is approaching where it is no longer a Conditional Use Permit business anymore.

Commissioner Troy Davis made a motion to table Bruce Porters Conditional Use Permit for up to two months pending a reapplication submission for the June 2018 Planning Commission meeting.

Commissioner Ray Webb seconded the motion.

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Roll Call:

Chairperson Tracy Englebrecht - Yes
Vice Chairperson Diane Stafford - Yes
Commissioner Troy Davis - Yes
Commissioner Ray Webb - Yes
Commissioner Keith Ramsey – Yes
Motion passed unanimously.

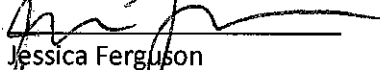
6. Adjourn

Vice Chairperson Diane Stafford motioned to adjourn.

7. After meeting Discussion


Andy Langston withdrew from the Work Session.

Respectfully Submitted By:



Jessica Ferguson
Planning Commission Secretary

Approved By:



Tracy Englebrecht
Planning Commission Chairperson