

MINUTES  
PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
BETHEL HEIGHTS CITY HALL  
MARCH 21, 2016 @ 7:00 p.m.

The Bethel Heights Planning Commission met in a regular scheduled meeting in the Bethel Heights City Hall. Chairman Sam Black called the meeting to order at 7:00 p.m.

ROLL CALL: The following members answered the roll call: Jimmy Scott, Brian Wilson, Miles Chism, Ken Buchheit, Susie Wright, Sherry Tuck, Butch Davidson, Scotty Person, and Sam Black were present.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVE AGENDA: Member Scott motioned to approve the agenda. Member Davidson seconded the motion. Motion passed without dissent.

APPROVE MINUTES: February 22, 2016. Member Davidson motioned to approve the minutes from February 22, 2016. Member Buchheit seconded the motion. Motion passed without dissent.

PUBLIC FORUM: Mr. Jack Young stated that he has recently purchased the property at 5518 N. Oak St. and would like to put a 50x100 metal building to store some equipment. Chairman Black stated that this property was the previous location of the proposed music store and asked Mr. Young if the previous owner had informed him of the improvements that were being required. Mr. Young stated that he was told the property was zoned B-1. Chairman Black stated that the property had been previously engineered with the required street and drainage improvements. Mr. Young asked if a sidewalk was required. Chairman Black stated yes. Mr. Young stated that he didn't have a problem installing a new drainage pipe and adding a sidewalk, but he would only be storing his equipment for his business at the location. Member Buchheit asked what kind of business equipment would be stored. Mr. Young stated that he has a striping business. Member Buchheit asked if he would be storing any equipment outside. Mr. Young stated no, but that he may store a backhoe in the back behind the building. Member Scott asked if he had looked over the design standards that the city requires. Mr. Young stated that the building would be red iron. Chairman Black informed Mr. Young that he would need to look over the design standards regarding the façade of the building. Member Scott informed Mr. Young that landscaping is also a requirement. Mr. Young stated that he would look over the ordinance and get back with the committee.

**Call to Order**

**Roll Call**

**Pledge**

**Agenda**

Motion to Approve  
Motion Passed

**Minutes**

Motion to Approve  
Motion Passed

**Public Forum**

Jack Young – 5518 N.  
Oak St.

CURRENT BUSINESS:

1. **Future Land Use & Master Street Plan:** Member Davidson stated that he has a problem with having a zoning of B-2 along N. Oak St. across from the Chantel Subdivision. Mayor Black informed the commissioners that the current zoning is B-2. Members discussed what areas were B-1 and B-2. Chairman Black reminded the commissioners that changing the zoning of the property from B-2 to B-1 is downgrading and would change the property value. Chairman Black stated that it needed to go to a vote for the commissioners to finalize the future land use and master street plan. Members discussed that placing it on the future land use map wouldn't affect the property presently. Chairman Black stated that if a zoning request was presented to the commissioners for the change in zoning from the current zoning of B-2 to B-1, that the city would require that a waiver for down zoning would be required. Member Buchheit moved to approve the future land use and master street plan with the change to the property along the north end of North Oak Street across from the Chantel Subdivision to be B-1 and to send it on to the city council for approval. Member Tuck seconded the motion. Chairman Black called the roll and the following votes were recorded: Person-yes, Davidson-yes, Tuck-yes, Wright-yes, Buchheit-yes, Chism-yes, Wilson-yes, Scott-yes, and Black-yes.

**Current Business**  
Future Land Use &  
Master Street Plan

Motion to Approve

Motion Passed

OLD BUSINESS:

1. **Conditional Use: 4095 N. Oak St.:** Mr. Claud Slate with Colonial Baptist Church in Rogers stated that the church has purchased the property at 4095 N. Oak St. and would like to use the property for a new church and needs to know what is being required from them to proceed. Chairman Black stated that the gentlemen at last month's meeting were told about the parking and street improvement requirements and that a site plan would be needed. Mr. Slate asked how detailed of a site plan would be needed. Chairman Black stated that it needs to be detailed. Mr. Kenneth Ellzey stated that the house is being planned to be used as classrooms and the garage would be used for church services. Mr. Ellzey asked if the parking lot could be done in phases or if all of the improvements had to be done upfront. Chairman Black stated that the city's preference would be for all of the improvements to be done before the property is occupied. Mr. Ellzey stated that all of the improvements that are being asked of them, is a lot especially for a church size of 20-30 people. Chairman Black stated that extensions have been granted in the past but the city has been burned on giving extensions. Mr. Slate stated that the church has a 21 year history with Rogers and has a good reputation and is sponsoring this church. Chairman Black stated that a site plan needs to be presented, how much parking can be done immediately and then a time line for the remaining improvements. Member Scott stated that without an engineering firm helping you with the project, he doesn't see how the church would know what they could afford. Mr. Ellzey stated that if that step is taken then rejected, that is a lot of money that has been wasted. Chairman Black explained how conditional uses

**Old Business**  
Conditional Use  
4095 North Oak  
Street

work and that they are basically complaint driven. Mr. Ellzey asked if the street improvements are for the entire length of the property. Chairman Black stated that it would be for the full front of the property. Chairman Black informed Mr. Ellzey and Mr. Slate that they should look into the cost of connecting onto the city's sewer system.

2. **Faithful Gospel Church:** Chairman Black stated that he received a call from Kelly Yarbrough regarding the Faithful Gospel Church and that the paving would be done around the deadline in June. Chairman Black stated that he was informed that if something changes he would be notified.

Faithful Gospel Church

#### NEW BUSINESS:

1. **Conditional Use: 993 Hiland:** Mr. Paul Kilpatrick stated that he is renting the building to get a dealer's license to sell vehicles but not to have a car lot. Chairman Black asked what is currently going on at the property. Mr. Kilpatrick stated that he currently has 4 vehicles inside, 2 antiques on the outside and is working on his own vehicles inside. Mr. Kilpatrick stated that he is wanting to sell on Craig's List and at the auto auction; just looking at the wholesale market. Member Buchheit asked if there would be retail sales at the location and how many vehicles would be located on the property at any given time. Mr. Kilpatrick stated that there would be no retail selling at the location. Member Buchheit asked how many vehicles would be in and out during the month and what his hours of operation would be. Mr. Kilpatrick stated that he would have two or three with no customers coming or going with business hours around 10am and no longer than 8pm with no employees. Chairman Black stated that his concern would be a buildup of vehicles on the property. Mr. Kilpatrick stated that he doesn't have the money for that. Mr. Kilpatrick stated that he has two vehicles in the chain linked area and two along Collins. Member Scott asked what the currently zoning was. Mrs. Fenton stated that the zoning is B-2. Chairman Black asked where the location for the septic system was due to him parking vehicles all around the building. Mr. Kilpatrick stated that he doesn't know. Mr. Ron Andreasen from 5245 Collins Street stated that his only concern is lowering the property value and doesn't want a bunch of cars sitting outside. Chairman Black asked Mr. Andreasen if the property is worst or better now with the cars. Mr. Andreasen stated that he is concerned about vehicles in the easements and doesn't want non running vehicles in the area; especially since he is already having to look at that situation down the road and that it looks like a junk yard. Mayor Black suggested that if the conditional use is granted that a motion be made that includes a maximum number of vehicles so that the concerns that have been voiced would have been dealt with. Member Davidson asked how many vehicles are in the fenced in area. Mr. Kilpatrick stated six or seven. Member Scott asked if he understood what it meant to have a conditional use and that it is complaint driven. Mr. Kilpatrick stated

**New Business**  
Conditional Use  
993 Hiland

yes. Chairman Black asked how many vehicles he was looking at having on the property. Mr. Kilpatrick stated that he would like to have no more than six on the front, two on the side, and five in the back. Member Buchheit stated that four are currently in the front and it's full. Member Davidson suggested only have three or four in the front. Member Scott stated that he was concerned with cars just sitting around because then weeds will grow around them and it will not look good. Mr. Andreasen stated that the property across from him have vehicles that just sit and has weeds and cats growing up around the property. Member Chism stated that he would like three or four along the front and however many can be parked in the back and inside. Member Davidson stated that no more than four in the front and six in the back with the conditions of no weeds, cars moving out and not just sitting around and no complaints with the business. Mr. Kilpatrick asked if he could park vehicles along the side. Member Davidson stated that the owner of the property and Mr. Andreasen would need to work that out. Member Scott motioned to approve the conditional use on the condition that there would be no more than four vehicles in the front and no more than six vehicles in the back of the property. Member Chism seconded the motion. Chairman Black called the roll and the following votes were recorded: Person-yes, Davidson-yes, Tuck-yes, Wright-yes, Buchheit-yes, Chism-yes, Wilson-yes, Scott-yes, and Black-yes.

Motion to Approve

2. **Preliminary Plat: Spring Meadows Subdivision:** Mr. Bo Wilkins representing the Spring Meadows Subdivision stated that he is requesting approval for the preliminary plat for the Spring Meadows Subdivision. Member Davidson asked what the size of the homes are. Mr. Wilkins stated that he has been told around 1800 sq. ft. Chairman Black asked if all of the tech review issues had been dealt with. Mr. Wilkins stated that he is still working with the highway department on construction plans. Member Scott asked about the drainage issue. Mr. Wilkins stated that it had been asked that the detention pond be removed but that he doesn't feel comfortable with removing the pond due to the downstream drainage issues only being built for a 10 year flood. Member Wright asked if the detention pond for Spring Meadows will be adequate enough. Mr. Wilkins stated yes. Member Scott asked what the reason was for removing the pond. Mr. Wilkins stated that he believes it was a maintenance issue. Members and Mr. Wilkins discussed POA's and that it will eventually become the property of the POA and will be maintained by the POA. Member Wright asked what the size of the detention pond. Mr. Wilkins stated that it is almost an acre and around 4 feet deep. Mayor Black asked if an additional drainage study was done. Mr. Wilkins stated yes and that if the downstream drainage wasn't an issue he would take out the pond but because the recourse comes back to him he doesn't feel comfortable with taking out the pond. Chairman Black asked if the pond would dry out. Mr. Wilkins stated yes. Member Scott motioned to approve the preliminary plat for the Spring Meadows Subdivision. Member Buchheit seconded the motion. Chairman Black called the roll and the following votes were

Motion Passed  
Preliminary Plat  
Spring Meadows  
Subdivision

Motion to Approve

recorded: Person-yes, Davidson-yes, Tuck-yes, Wright-yes, Buchheit-yes, Chism-yes, Wilson-yes, Scott-yes, and Black-yes. Motion passed.

- 3. **Ordinance No. 348 Driveways & Access of Property:** Chairman Black stated that the ordinance presented is what was given at the January meeting and now is ready to be approved and passed onto the council. Member Davidson asked where the 30 feet came from and is concerned that lots will not be buildable with the 30 feet requirement. Members discussed subsection 5 and the safety issues. Member Davidson suggested that the 25 foot setback be the standard that way the planning commission doesn't have to grant variances. Member Buchheit questioned subsection 7. Members discussed subsection 7 and taking out "unless no parking or vehicle access is provided between the property line and the structure". Chairman Black stated that clarification would be received by the next meeting. Member Scott motioned to table the issue and check with the engineer on the reason for the 25 feet versus 30 feet. Member Tuck seconded the motion. Chairman Black called the roll and the following votes were recorded: Person-yes, Davidson-no, Tuck-yes, Wright-yes, Buchheit-yes, Chism-yes, Wilson-yes, Scott-yes, and Black-yes. Motion passed.

ADJOURN MEETING: Member Wright moved to adjourn as the Planning Commission and reconvene as the Board of Zoning Adjustment. Member Davidson seconded the motion. Motion passed without dissent.

### BOARD OF ZONING ADJUSTMENT

The Bethel Heights Board of Zoning Adjustment met in a regular scheduled meeting in the Bethel Heights City Hall. Chairman Sam Black called the meeting to order at 8:55 p.m.

ROLL CALL: The following members answered the roll call: Jimmy Scott, Brian Wilson, Miles Chism, Ken Buchheit, Susie Wright, Sherry Tuck, Butch Davidson, Scotty Person, and Sam Black were present.

APPROVE AGENDA: Member Davidson motioned to approve the agenda. Member Chism seconded the motion. Motion passed without dissent.

APPROVE MINUTES: February 22, 2016. Member Buchheit motioned to approve the minutes from February 22, 2016. Member Davidson seconded the motion. Motion passed without dissent.

PUBLIC FORUM:

Motion Passed  
Ordinance No. 348  
Driveways & Access  
of Property

Motion to Table

Motion Passed

**Adjourn**  
Motion to Adjourn  
Motion Passed

**Call to Order**

**Roll Call**

**Agenda**  
Motion to Approve  
Motion Passed

**Minutes**  
Motion to Approve  
Motion Passed

**Public Forum**

CURRENT BUSINESS:

OLD BUSINESS:

NEW BUSINESS:

ADOURN MEETING: Member Wright moved to adjourn the Board of Zoning Adjustment. Member Buchheit seconded the motion. Motion passed without dissent. Meeting adjourned at 8:56 p.m.

APPROVED: Sam Black

Chairman

ATTEST: Sherry Tuck

Secretary

**Current Business**

**Old Business**

**New Business**

**Adjourn**

Motion to Adjourn  
Motion Passed