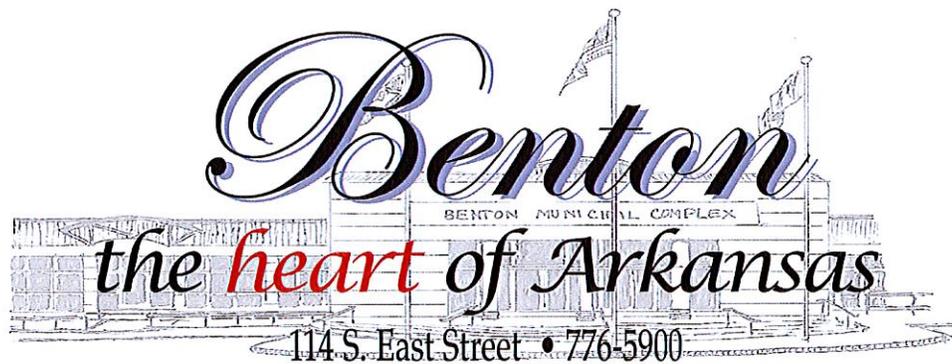


BENTON CITY COUNCIL
Special Called Meeting
APRIL 21, 2016
6:30 PM



BENTON MUNICIPAL COMPLEX
114 SOUTH EAST STREET
COUNCIL CHAMBERS

DAVID MATTINGLY, MAYOR

Benton City Council Meeting

Special Session

April 21, 2016

6:30 PM

AGENDA

- | | |
|---|------------------------|
| 1. Call to order | Mayor Mattingly |
| 2. Invocation | Mayor Mattingly |
| 3. Pledge of Allegiance | Alderman Ponder |
| 4. Broken Chain Ministries Request to Appeal | Mayor Mattingly |
| 5. Adjourn | Mayor Mattingly |

PLANNING & ZONING COMMISSION MEETING
TUESDAY, March 8, 2016
6:00 P.M.

Due to the large attendance of citizens, the meeting was moved from the Community Development Meeting Room to the Council Chamber. Chairman Pamela Gibson called the meeting to order. Roll call resulted in one (1) member being absent.

Members Present	Members Absent
Pamela Gibson, Chairman	Eric Rytima
Ken Young, Vice Chairman	
Brian Black	
Jocelyn Cash	
Lois Burks	
Robin Freeman	
Robin James	
Sam Chaffin	

Approval of the February 9, 2016 Meeting

Chairman Gibson asked if there were any additions, deletions, or corrections to the minutes. Commissioner Burks makes a motion to approve minutes as presented and the motion is seconded Commissioner Young. Chairman Gibson called for a vote, and minutes were approved unanimously, as presented.

Final Plat of Forest Pond

Chairman Gibson introduced the request for the Forest Pond. Chairman Gibson recognized Mr. Underwood to present staff review comments. Staff recommendation memo was included in commission packet. Mr. Underwood stated that the application was complete, all required documentation had been received and all requirements, including publication and notice, have been met in accordance with the requirements of the ordinances. Mr. Underwood recommended approval. Chairman Gibson asked if there was anyone to speak for or against the Final Plat of Forest. Mr. Garrett Richardson, the project engineer, stated he is present to speak on behalf of the final plat request and would answer any questions about the request. No other persons asked to speak on the request. Mr. Richardson stated he had revised plats for signatures that had minor revisions about certifications requested by the county. He also stated the maintenance bond would be presented to the County on Thursday at their next meeting.

Chairman Gibson called for a vote for approval of the Final Plat of Forest Pond. The vote resulted with a vote 7-0 in favor for the Final Plat of Forest Pond.

Preliminary Plat of Heritage Heights Phase 2

Chairman Gibson introduced the request for the Preliminary Plat of Heritage Heights Phase 2. Chairman Gibson recognized Mr. Underwood to present staff review comments. Staff recommendation memo was included in commission packet. Mr. Underwood stated approval would be contingent up second exit for the subdivision. There is currently not a second exit. Chairman Gibson asked if there was anyone to speak for or against the Preliminary Plat of Heritage Heights Phase 2. Mr. Garrett Richardson, the project engineer, stated he is present

to speak on behalf of the preliminary plat request and would answer any questions about the request. No other persons asked to speak on the request. Mr. Richardson stated the developer and he met with the Fire Marshal. They are requesting approval with the City, contingent upon them granting/ deeding the City temporary fire access through existing right-of-way, until there is a right-of-way and road. Mr. Richardson passed out documents to the Commission showing where the proposed temporary second entrance would be located. The Commission was not satisfied with submittal because there was no documentation to support the discussion with the Fire Marshal. Commissioner Cash makes a motion to table the Preliminary Plat of Heritage Heights Phase 2.

Chairman Gibson called for a vote to table the Preliminary Plat of Heritage Heights Phase 2. The vote resulted with a vote 7-0 in favor of tabling the Preliminary Plat of Heritage Heights Phase 2.

Site Plan of South Street (1219, 1223, 1229)

Chairman Gibson introduced the request for Site Plan Review of South Street (1219, 1223, 1229). Chairman Gibson recognized Mr. Underwood to present staff review comments. Staff recommendation memo was included in commission packet. Mr. Underwood stated that the Site Plan was for informational purposes only. Chairman Gibson asked if there was anyone to speak for or against Site Plan Review of South Street (1219, 1223, 1229). No one asked to speak on the request.

Conditional Use of 1912 Alcoa Road

Chairman Gibson explained the guidelines for anyone who wanted to speak about the following Conditional Use Applications; the applicant would get to present their case and then speak again after all concerns had been heard. All those who want to speak will be given three minutes to speak, except the applicant who would not have a time limit.

Chairman Gibson introduced the Conditional Use of 1912 Alcoa Road. Chairman Gibson introduced Mr. Underwood to present Staff recommendations. Mr. Underwood stated he was new to the position and had diligently reviewed the file. Mr. Underwood asked for suggestions of the Commission. Chairman Gibson asked if there were any questions of the Commission for Mr. Underwood. There were none. Chairman Gibson introduced the applicant Mr. Ferman Ward to speak, he deferred to his representative Mr. Robert Cannon. Mr. Cannon explained the purpose of Broken Chain Ministries and that 1912 Alcoa Road had been in operation for a year as a men's group home. Mr. Cannon stated that this issue is about the Fair Housing Act. Chairman Gibson explained that the application was incomplete. Mr. Cannon stated he didn't feel the requirements applied and the application stated that can be an acceptable answer. Chairman Gibson asked if there was anyone to speak for or against the Conditional Use of 1912 Alcoa Road. Vernon Williams, Greg Archer, Gerald Francis, and Aaron Bean spoke against the Conditional Use of 1912 Alcoa Road. Sherrie Muasau and January Crisco spoke for the proposed Conditional Use of 1912 Alcoa Road. Mr. Cannon was recognized to make a closing statement. Commissioner Black wanted it noted that the 300 ft. notification requirement had not been met. Chairman Gibson added that the applicant did not provide a site plan or parking plan. Commissioner Freeman questioned whether the applicant would like to be given the opportunity to table this item and bring it back with a more complete application. The applicant did not respond.

Vice Chairman Young made a motion to deny the Conditional Use of 1912 Alcoa Road. The motion to deny was seconded by Commissioner Burks. Chairman Gibson called for a vote to deny the Conditional Use of 1912 Alcoa Road. The vote resulted in 7-0 in favor of denying the Conditional Use of 1912 Alcoa Road.

Conditional Use of 1005 Brookview Drive

Chairman Gibson introduced the Conditional Use of 1005 Brookview Drive. Mr. Cannon declined to speak and stated he would make a closing statement. Chairman Gibson asked if there was anyone to speak for or against the Conditional Use of 1005 Brookview Drive. Doug Curtis, Blake Owen, Rebecca Patton, Vernon Williams, Janette Curtis, Jeff Newton, and Greg Archer spoke against the Conditional Use of 1005 Brookview Drive. Gary Ramsey, Lloyd Ball spoke for the proposed Conditional Use of 1005 Brookview Drive. Mr. Cannon was recognized to make a closing statement. Chairman Gibson noted that this application was also incomplete and did not include a site plan or parking plan.

Commissioner Black made a motion to deny the Conditional Use of 1005 Brookview Drive. The motion to deny was seconded by Vice Chairman Young. Chairman Gibson called for a vote to deny the Conditional Use of 1005 Brookview Drive. The vote resulted in 7-0 in favor of denying the Conditional Use of 1005 Brookview Drive.

Conditional Use of 1617 Deerfield Road

Chairman Gibson introduced the Conditional Use of 1617 Deerfield Road. Mr. Cannon declined to speak and stated he would make a closing statement. Chairman Gibson asked if there was anyone to speak for or against the Conditional Use of 1617 Deerfield Road. Kevin Simmons, Gil Simmons, Manuela Cotic, Candace Kirkendoll, Cindy Hill, Sarah Barger, Derrick Mitchell, Melanie Simmons, Wesley Cady, Lindsey Warfield, Marsha Fleming, and James Kirkendoll spoke against the proposed Conditional Use of 1617 Deerfield Road. Kevin Simmons, Manuela Cotic, and Melanie Simmons all presented documents to the Commission. The documents were taken and added to the file. There was no one to speak for the proposed Conditional Use of 1617 Deerfield Road. Chairman Gibson noted that this application was also incomplete and did not include a site plan or parking plan. Mr. Cannon was recognized to make a closing statement.

Commissioner Chaffin made a motion to deny the Conditional Use of 1617 Deerfield Road. The motion to deny was seconded by Vice Chairman Young. Chairman Gibson called for a vote to deny the Conditional Use of 1617 Deerfield Road. The vote resulted in 7-0 in favor of denying the Conditional Use of 1617 Deerfield Road.

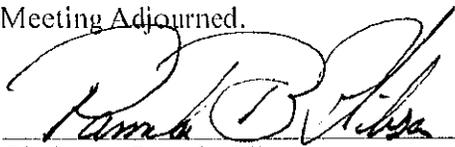
Zoning

Chairman Gibson explained she presented the Proposed Zoning Ordinance to the Community Services Committee. Commissioner Cash, Commissioner Black and Commissioner James were present for the presentation. Chairman Gibson stated the next step will be to present the Proposed Zoning Ordinance to Benton Utilities and notice will be sent out to the Commissioners.

Other Business

There was no other business.

Meeting Adjourned.



Chairman Pamela Gibson

12 March 2016
Date

BROKEN CHAIN MINISTRIES, INC.

P.O. BOX 855, BENTON, AR. 72018

PH. (501) 541-1810

March 17, 2016

Cindy Stracener
Benton City Clerk
City of Benton Municipal Complex
114 South East St., Benton AR 72015

RE: Denied Conditional Use Permit Requested for:

1005 Brookview Street
1912 Alcoa Road
1617 Deerfield Road

To Whom it may concern:

This letter serves as notice of our request to appeal the decision handed down by the Planning and Zoning Commission, on March 8, 2016. The Planning and Zoning Commission denied our request for a Conditional Use Permit as well as a request for reasonable accommodations in the city's policies and procedures in accordance with the Fair Housing Act, for the above referenced properties.

We humbly await for you to notify us of a scheduled time and date that this matter can be heard in front of the full City Council.

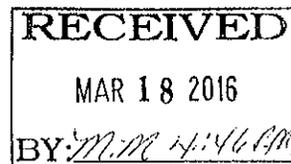
Sincerely



Robert Cannon
Broken Chain Ministries, Inc.



Ferman Ward
Solution Houses



JENSEN YOUNG & HOUSTON, PLLC

Attorneys at Law
1230 Ferguson Drive
P.O. Box 1500
Benton, Arkansas 72018

Terence C. Jensen
Perry Y. Young *
Brent D. Houston
* Also admitted in NY

Telephone (501) 315-2255
Fax (501) 315-3355
Writer's E-Mail: bhouston@jyh-law.com
Web Page: www.jyh-law.com

March 29, 2016

Mr. Furman Ward
1700 Alcoa Road
Benton, AR 72015

Mr. Robert Cannon
P.O. Box 855
Benton, AR 72018

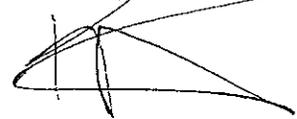
RE: The appeal of the Conditional Use Permit Request for:

1005 Brookview Street
1912 Alcoa Road
1617 Deerfield Road

Dear Mr. Ward and Mr. Cannon:

This letter is to advise that your appeal of the denial of the Conditional Use Permit as well as your request for a reasonable accommodation will be held at the Benton City Hall, 114 S. East Street, Benton, Arkansas, on April 21, 2016 at 6:30 p.m. in the City Council Chambers. Please be present at that time with all witnesses and documents which you wish for the Council to consider in hearing both your appeal and request for a reasonable accommodation.

Sincerely,



Brent D. Houston
City Attorney

BDH/rr
Cc: Mayor Mattingly
Ronald Hunt