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Benton County Planning Board **2020 FEB -7 AM 9:45**  
Public Hearing  
**Technical Advisory Committee Meeting**

January 15, 2020  
6:00 p.m.

Benton County Administration Building  
215 East Central Avenue  
Bentonville, AR 72712

BETSY HARRELL  
CLERK & PROBATE CLERK  
BENTON COUNTY, AR

**Meeting Minutes**

**PUBLIC HEARING:**

**Call to Order:** The meeting was convened at 6:00 p.m. by the Planning Board Chair, Mr. Tucker.

**Roll Call:** Bob Bracy, Sean Collyge, Ron Homeyer, Terry Maienschein, Stephen Torrez, Ashley Tucker and Rick Williams were present.

**Staff present:** Taylor Reamer – Director of Planning, Tracy Backs – County Planner

**Public Present:** 5 people signed the Sign In sheet

**Disposition of Minutes:** December 18, 2019

Mr. Williams motioned to approve the December 18, 2019, Planning Board Meeting minutes. The motion was seconded by Mr. Maienschein

Motion approved: 7 – 0

**General Public Comment:** None

**Old Business:** None

**New Business:** None

**TECHNICAL ADVISORY COMMITTEE**

1. **Call to Order**
2. **Old Business / Ongoing Applications:** None
3. **New Business:**
  - I. **Calcon Self-Service Storage Site Plan Review, case no. 19-267, 14743 East Highway 62, Garfield; 18-04268-000 + 18-04267-000**

Representative: Bill Platz, WR Consulting, P.O. Box 223, Bentonville and Mr. Platz's grandson

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Staff gave a presentation on the Calcon Self-Service Storage Site Plan Review, case no. 19-267, 14743 East Highway 62, Garfield; 18-04268-000 + 18-04267-000

Mr. Platz: Has nothing more to add.

Mr. Tucker: This project is either the fourth or fifth proposal we have seen on this site. As far as commercial enterprises go, this is probably the only thing that will fit on this site. It will not perk, so there is no way to do septic. I believe, the adjacent restaurant is closed. The car dealership couldn't get sewer; and because the restaurant closed, they closed. Originally, this land was used as an arts and crafts fair back in the 70's through the late 90's.

Mr. Platz: Inquired about the four-car stacking capacity in the Outstanding Items. Are you referring to off right of way or off highway?

Mr. Reamer: Off right of way.

Mr. Platz: Okay, I will move that gate down then.

Mr. Platz: Regarding perimeter setback green space, we are building a chain-linked fence around this facility. Can we just make the fence opaque for request a variance?

Mr. Tucker: That is in the regulation as an option.

Mr. Platz: There is existing vegetation between this site and the residence behind it. There is a small private road that goes to all those rental houses. There is an existing chain-linked fence on the east going up. We will build all the way to the right of way where it is not. So, we are kind of hemmed in there. If we can make those two fences (at the south and the west) opaque it makes what we have here feasible.

Mr. Torrez: All I hear about is how beautiful this drive is. In my personal opinion, vegetation is my preference.

Mr. Tucker: Yes, the intent of the Regulation is less building out from property to property line to reduce the density and try to keep some of the natural buffer between properties. So, I would say that that is pretty consistent with the Regulations.

Mr. Platz: Can we do a little more up front where people actually see it?

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Mr. Tucker: The intent is that you buffer more between you and the resident and less between you and the adjacent businesses.

Mr. Platz: If that has to be, it has to be.

Mr. Tucker: You have 4' that you could play with between the buildings. Potentially, you may have to shrink one of the buildings to 40' and do some shifting around. That would get you some of that side yard buffer. We are talking about the west and south sides. You would add the fence and the existing trees would be on both sides of the fence. As the second user, you have to be the one that makes the effort. They might lose one or two units on the south side.

Mr. Platz: That hurts. It's the west side that is really critical.

Mr. Tucker: I know the house that you can see on the far-left side of this aerial view, is, in fact, a house. But I don't know what the big metal building is. Is it a car repair shop?

Mr. Platz: Yes, auto repair, lawn mower repair, or something like that. It is kind of commercial there.

Mr. Tucker: It's really the houses to the south and southwest that are the main concern. The property due west has a lot of stuff piled around it, close to being an eyesore.

Mr. Platz: I'll see what the owner can handle.

Mr. Tucker: I think it will be a balancing act. It would probably work if you rotate the dumpster 90 degrees to the left. It would be easier to get in and out of for the delivery and pick up truck. Or, put it in the back by the parking.

Mr. Platz: The other entry is just used as an emergency for the fire department. If a tree falls on the gate, for example, they would have to come into that second entry. That would be always locked.

Mr. Tucker: So, you will be using the gate at the far right?

Mr. Platz: It's an electric gate. The middle gate is just a secondary backup as needed.

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Greenview Lawns Site Plan Review, case no. 19-278, 3901 South First Street, Rogers; 15-01351-000 +15-01353-000

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Representative: Caroline Gardner, Crafton-Tull, 300 North College, Fayetteville  
Cory Green, President of Greenview Lawns

Staff gave a presentation on the Greenview Lawns Site Plan Review, case no. 19-278, 3901 South First Street, Rogers; 15-01351-000 +15-01353-000

Ms. Tucker: Has the City of Rogers indicated that they will take Title 14 jurisdiction or no?

Mr. Reamer: Currently, the city does not have territorial jurisdictional for large-scale development or commercial developments.

Mr. Tucker: Just land subdivisions?

Mr. Reamer: Correct. That was hashed out with this property in 2014 with a different project proposal.

Mr. Tucker: Yes, this was the Trulove?

Mr. Reamer: That is correct.

Mr. Tucker: You may remember the Trulove project. We happen to be seeing multiple projects tonight from sites previously proposed. This may be the third thing we have seen on this site. I am not sure how realistic either Rogers' or Lowell's comprehensive plan is, because every adjoining property to the south and to the east has had or has some aspect of light industrial. And has had for many years (i.e. there's a sign shop, a welding shop, a metal building manufacturer, an autobody paint shop, two mines, an automotive repair shop, a private airport, etc.) But this piece of property is in a former residential subdivision which makes it unique.

Mr. Reamer: Correct. Uniquely, there are not covenants on this subdivision. It was platted as a subdivision.

Mr. Tucker: It was platted as a residential subdivision. I believe only two residents were built: one directly to the south and one quite a ways to the north. Is that house occupied? Also realize that one of Benton County's former JP's lives in this subdivision.

Mr. Reamer: To be fair, this is a very unique subdivision proposal from the 70's possibly. Very large, estate-style lots. Obviously, First Street wasn't First Street at the time. This portion of First Street is three lanes.

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Mr. Tucker: From this site south, it's industrial. For this site, north and west, it's residential. That occurs, maybe two or three lots to the south. Do we have a subdivision plat that shows the lay out of all the lots?

Ms. Gardner: We have been in talks with the residential property owner to the south, Mr. Rodriguez, to see what his concerns would be. He was saying to install a new fence from the southwest corner to the southeast corner which we have shown. We do show on our landscape plan the repair the detention pond and to plant trees along the fence line from the southwest corner to the end the gravel parking. We did talk to some of the other residents adjoining this property. Mr. Thomas (*to the north*) requested full-cut off lighting. Along the First Street frontage will be very nice, like what we have shown on the plans.

Mr. Tucker: This is definitely a less intensive use than a contractor, diesel truck maintenance and storage facility.

Ms. Gardner: People cannot go and buy trees here. The applicant is strictly running his landscaping business from here. It is not open to the public.

Mr. Bracy: So, it's not a retail greenhouse?

Ms. Gardner: No, sir.

Mr. Bracy: Why is there so much parking?

Mr. Green: That area will be just storage for the projects that we have going on currently in Northwest Arkansas.

Mr. Torrez: The gravel?

Mr. Green: The gravel area is where our trucks and trailers will park.

Mr. Torrez: How many trucks do you have?

Mr. Green: Currently, in Ft. Smith, 20. Most of them are  $\frac{3}{4}$  ton, a couple of one tons, mostly  $\frac{1}{2}$  tons. They are one-ton duallies. Trucks that pull 16' - 20' trailers. We do a lot of the commercial landscaping and irrigation for CR Crawford, CEI, Nabholz, etc. I've been doing this for about twenty years. The future growth of my business is in Northwest Arkansas. We want to plant roots here and be established here to eventually move all operations to this area. It will be a growing process. It's not something we are going to jump on right away.

Mr. Torrez: What is this building used for and how big is the building?

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Mr. Green: The building is 17,000 square feet. A 10,000 square foot warehouse/shop area which is what we have just to do vehicle/lawn mower/weed eater maintenance.

Mr. Torrez: What are the hours of operation?

Mr. Green: Usually 7 a.m. to 4:30 p.m.

Mr. Bracy: I am concerned. Looking at the drive coming in there, a vehicle coming off that lane, cannot really get off the highway if you have a gate before you get into the asphalt.

Mr. Green: The gate will be recessed back on the property.

Mr. Bracy: Which, with a truck and trailer, would need to be 35' - 40'. So, there is no gate or restriction of travel coming in all hours day and night?

Mr. Green: No, sir.

Mr. Torrez: Mr. Reamer, what are our requirements as far as adding a deceleration lane being that this is off a County road when someone is pulling in/out, especially with a large trailer? Are there any requirements on de-cel lanes that owners should be providing?

Mr. Reamer: For example, for a large processing plant, the state, in that situation, the warrant was there. For this particular project, the state was contacted for a consultation. That concern was not brought up by the District Engineer nor do we have a requirement in our regulations.

Mr. Torrez: Same situation, for example, with the Simmons plant, correct?

Mr. Reamer: Yes.

Mr. Tucker: There is a warrant system wherein if you have a certain number of vehicles, then you slow them beyond a certain point. On First Street, there is a stop light being proposed about 500' of here. *Discussion of a drive for a nearby mine. A 'T' intersection there, is not possible.* The stop light will be for the truck traffic, not for Highway 265. A three-way stop was being proposed there.

Mr. Reamer: No, no stop signs/lights are being proposed there. Stop signs are to be on North Old Wire and the Cross Hollow intersection.

Mr. Tucker: Oh, so they are only doing the stop signs on Dogwood?

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Mr. Reamer: Correct. With a connection to the State's right of way for Highway 265. The State did not require any sort of signaling on First Street.

Mr. Tucker: I think your biggest hurdle, right now, is that it is in a platted subdivision and we traditionally have not allowed businesses in a platted subdivision.

Mr. Torrez: Even though this is a greenhouse/nursery type business, I think all the surrounding residents will perceive it as industrial due to the fact that you have such a large maintenance shop and trucks that are delivering heavy, commercial/industrial type needs. I think there will be concern on the perception of how it is operated. Potentially, the necessity for additional buffering/screening might be warranted here.

Mr. Green: Our primary goal is to provide lawn service and things to adjoining neighbors. We want to be a good neighbor to all parties involved.

Mr. Bracy: You want to be in the country, yet close enough to the city.

Mr. Green: There you go.

Mr. Bracy: Since the city (*of Rogers*) reviewed this and they have that right to do so, they had a few negative comments? How does that put bearing on the County?

Mr. Reamer: The County has ultimate jurisdiction. They were offered to provide their courtesy review, just like we do for particular instances with cities. It is a courtesy. You can take it into consideration; but again, we go by our County ordinances.

Mr. Bracy: They had no recommendation to annex any of this property?

Mr. Reamer: Not in the immediate future.

Mr. Homeyer: Does this property touch the city limits?

Mr. Reamer: Yes, on two boundaries.

Mr. Tucker: Rogers does have an intermunicipal agreement to allow water outside the city of Rogers. The owner pays the cost of installation. This is different than annexation. They have to pay to bring the infrastructure. Do we know where the well is for the adjoining property to the south?

Ms. Gardner: We do not. We do know that the well on Mr. Rodriguez's property is still active.

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Mr. Tucker: We need to understand where that well is, especially in relationship to your fuel storage and where you are storing pesticides and herbicides.

Mr. Green: The pesticides and herbicides will all be stored in house. Fuel stores will be above-ground storage to fuel the trucks up each evening.

Mr. Tucker: Yes, but there is a radius that you must be away from with the well. We just want to make sure that it is not within that radius.

Mr. Green: Agreed.

*Discussion of fuel storage on site versus contract use with area fuel providers.*

Mr. Bracy: You have the advantage of your maintenance crew to take care of that responsibility?

Mr. Green: Yes. The service mechanic will be in charge of all of that.

*Discussion of the well at the north of the property and its water flow capacity.*

Mr. Green: We do low-impact drip watering for the shrubs kept on site, not a high-gallon per minute watering system.

Mr. Tucker: Really, there is almost two well points required: one that the State requires to be a public drinking source; and the other is just an irrigation well. I am assuming those can come from the same source.

Ms. Gardner: It is my understanding that currently there are two wells, one for irrigation and one for household use.

Mr. Green: There is a mobile home on site but it will be removed.

Mr. Torrez: What is the building material you are using for the building?

Mr. Green: Steel erection. Currently, the architects are getting the plans drawn up.

Mr. Torrez: I think people would be curious what a rendering would look like. That's such a large, commercial building in what is perceived in a residential area.

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Mr. Homeyer: Why are you showing gravel all the way to the north property line? Would you be amenable to increasing your setback on the south side? To increase that setback and perhaps add another tier of landscaping between all the commercial activity and the Rodriguez house, would help a lot.

Mr. Green: Yes.

Mr. Reamer: The wells are shown on the utility plan. It straddles the property line.

Mr. Homeyer: You need to show, also, how you are going to protect the wells if they are in high-traffic areas.

Mr. Bracy: What is the height of the building?

Mr. Green: I would say 20'.

Mr. Tucker: I still have a hard time, especially since we denied a few other previous applications, with a commercial enterprise in a subdivision.

Mr. Bracy: Have you purchased this property?

Mr. Green: Yes, purchased.

Mr. Homeyer: Have any of the other lots in the subdivision been converted to commercial?

Mr. Tucker: They were all denied. The Trulove was the most overwhelming truck maintenance facility. They had already started using it as a maintenance facility which I believe was the main outcry.

Mr. Reamer: There is an option to replat the subdivision given all property owners sign off that these two lots be removed from the platted subdivision. A replat could take place as well.

Mr. Tucker: That could be part of this application.

Mr. Reamer: Correct. It could be a consideration that the Board has.

Mr. Williams: So, it's a platted subdivision; but it was never developed as a subdivision. Why would it retain that?

Mr. Tucker: It was platted with First Street being the street within the subdivision.

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DETSY HANRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

Mr. Bracy: Was is the zoning to the west of this?

Mr. Tucker: All residential.

Mr. Reamer: It appears agricultural but I believe it is zoned in their comprehensive plan as a neighborhood, either low-density or multi-family. I believe that is what I was seeing in their comprehensive plan. You still have this fringe area of County land that is being developed, or in the process of being developed, possibility not in accordance with the comprehensive plans of various cities.

Mr. Homeyer: So, that is our task. To decide what direction of that fringe, transition area we feel is best for this property?

Mr. Maienschein: What is involved in removing those two lots from the subdivision?

Mr. Reamer: The replat process would essentially mean having a new subdivision plat for this Bo-De Acres, removing these two lots. Each of the current property owners would need to sign off on the new subdivision plat.

Mr. Homeyer: So, all the other property owners would have to be willing to sign off? Not just a majority, ALL property owners.

Mr. Reamer: Correct.

Mr. Tucker: That's a Bureau of Lands requirement. So, we can't even waive it.

Mr. Homeyer: If they annex, the City probably wouldn't grant the zoning that would be needed for this type of business.

Mr. Reamer: Not based on their comprehensive plan.

Mr. Williams: There are no covenants?

Mr. Reamer: No covenants.

Mr. Maienschein: How old is their comprehensive plan?

Mr. Reamer: We have someone from the City of Rogers in the audience if you would like to ask that question of him.

Mr. Ethan Hunter: (*City Planner from the City of Rogers*) It's been in place since the summer of 2018 and executed very diligently.

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Mr. Homeyer: It is surprising, with this being a major corridor on the east side of all the cities, that there hasn't been a need or desire to try to convert that to a higher intensity other than residential.

Mr. Tucker: Most of the businesses here, even the mine property, has a house on it.

Mr. Torrez: Could the application be looked upon more favorably if the use of the property wasn't used so much for light industrial over commercial. I'm not trying to tell you how to run your business?

Mr. Green: What would be the difference between industrial and light commercial?

Mr. Torrez: That's what I am seeking out right now. I think if there were a point of sale....

Mr. Green: I see us as commercial, not so much light industrial.

Mr. Torrez: When I think of it, we have a lot of nurseries: the Bogle Gardens, Westwood on New Hope which I see as kind of similar. They might serve a larger, more industrial population as well. Does that change the application here, Mr. Reamer?

Mr. Reamer: No. This use has been characterized as regional commercial but also in the same category as light industrial.

*Discussion of the activity of maintenance within a commercial activity changing the status of the business from commercial versus light industrial.*

*Mr. Maienschein suggested that the applicant consult the subdivision property owners regarding removing the two lots in question from the subdivision.*

Mr. Torrez: I would be looking for as a transitional piece of land here from residential, is a larger buffer area, more landscaping, a softer building façade, etc.

Mr. Green: We plan to do native rock and cedar-column posts out front. A kind of softer look, similar to what you said. I don't have a nursery license to sell to the public. The public can come out to tour, for example, our maple trees. Then, they can hire us to plant those.

Mr. Torrez: *Suggested to move parking area from the front of the building to the side of the building or even screened.*

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BENTON COUNTY, AR

Ms. Gardner: We do plan on having that screened.

Mr. Green: We have guest parking for customers who are seeking to purchase landscaping service (i.e. pavers, stone work, plants, trees, etc.)

Mr. Tucker: This graphic is very "engineering like." What really reads, is a big green block and all the white stone. Flip it on this image so that the landscape is the main focus.

Mr. Torrez: I agree 100 percent. Your gravel area is quite overwhelming and looks very hard.

Mr. Green: We will try to get some elevation drawings on that.

Mr. Homeyer: Is there a regulation that doesn't allow commercial in a residential subdivision or is it simply the policy in the past?

Mr. Tucker: We have never done that. We actually wrote kind of a guidance to that in one of our litigation. We just generally have never done that in a subdivision. Even in our ordinance, we are very protective of the right of the subdivision to remain a subdivision because people who buy lots in platted subdivisions, tend to expect it to be consistent and the property value that is associated with it, is more consistent when we protect it as what it was designed as.

Mr. Bracy: How long would it take the client to go through the process of de-escalating this property out of the subdivision classification?

Mr. Reamer: It would be a Public Hearing process. It will require the Board's approval. So, a six to eight- week process.

Mr. Bracy: We could make that a requirement if we did look at approving this?

Mr. Reamer: If you stipulated that the property owner would have to complete the replat process and remove lots 1 and 2 from the original platted subdivision of Bo-De Acres, then they would be back before you to have that replat approved. In order for them to complete that replat, the Board would have to endorse it.

Mr. Bracy: So, it would be a separate entity?

Mr. Reamer: Yes.

Mr. Tucker: It could be done as part of this but probably not in three weeks.

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BERTON COUNTY, AR

Mr. Reamer: No, it can't be a 'rider' at this point. I think it's too significant.

Mr. Bracy: Would it be proper for the Board to comment that that would be a good idea for the client to do before we proceed so he doesn't spend a lot of money on something?

Mr. Tucker: You could probably tell within three weeks, when you contact the neighbors, if it's going to fly. You only have to have one hard no.

Mr. Green: All adjoining neighbors, or just the six?

Mr. Tucker: Just the ones in the subdivision.

Mr. Homeyer: How many actual structures have been built on those six lots?

Mr. Tucker: Three to five?

Mr. Reamer: The subdivision is less like a platted subdivision that you would assume. On the left is First Street. On the right is Old Wire. Some how two to three dwellings. Some have one dwelling. Some are not improved at this point.

Mr. Torrez: Some built with the way the subdivision was intended with one big, estate-type lot.

Mr. Homeyer: There are also multiple structures on a single lot.

Mr. Tucker: Lot 8 has a trailer house and a stick-built house on it.

Mr. Torrez: So, in a way, we have already lost the character of the subdivision.

*Discussion of the various structures currently existing within the subdivision.*

Mr. Tucker: In three weeks, we should have an idea on whether or not it is removable from the subdivision and could kick the can down the road until then. Do you think you could have the other items on the list taken care of?

Mr. Green: Yes. I did not realize that they were lots in a subdivision.

Mr. Tucker: In three weeks' time, if you wish to postpone this application, let Staff know. That is in your control. We can vote to postpone it but it's at your control.

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4. **Other Business:** None

5. **Staff Updates - Administrative Approvals:**

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- I. Freshwater Minor Subdivision, case no. 19-204, 12200 Shockley Place Road, Rogers; 18-02640-000
- II. Willis Minor Subdivision, case no. 19-220, East AR 72 Highway, Pea Ridge; 18-05643-001
- III. Slaymaker Minor Subdivision, case no. 19-233, Pine Log Road, Garfield; 1800227-000
- IV. Ferguson Property Line Adjustment, case no. 19-250, 14870 Parrick Road, Gravette; 18-12276-009
- V. Williams & Pinalto Property Line Adjustment, case no. 19-255, 14658 Cow Face Road, Lowell; 18-02776-000
- VI. Bell Lot Combination, case no. 19-256, 18678 Shaddox Mountain Drive, Rogers; 15-09536-000
- VII. Foshee Tract Split, case no. 19-259, 11606 Fishback Road, Bentonville; 18-12222-001
- VIII. Benedict & Stitt Minor Subdivision, case no. 19-265, 14700 Quail Drive, Rogers; 15-08886-000
- IX. Blessing Minor Subdivision, case no. 19-270, North Spring Valley Road, Gravette; 18-12394-000
- X. Estep Lot Combination, case no. 19-271, 8224 Shaddox Mountain Drive, Rogers; 15-01702-000
- XI. Goold Property Line Adjustment, case no. 19-272, 22702 Dam Site Loop, Garfield; 15-00164-000
- XII. Maxwell Minor Subdivision, case no. 19-273, 9720 Mt. Zion Lane, Decatur; 18-15309-000
- XIII. Vernon Minor Subdivision, case no. 19-275, South Highway 59, Siloam Springs; 18-13224-000
- XIV. Lockhart Minor Subdivision, case no. 19-277, 19585 Y City Road, Gentry; 18-14568-000

6. **Discussion Item:**

A new application for a cell tower in Gateway returning to the Planning Board in the future.

Request to report to the Quorum Court regarding the Covington Quarry Group Site Plan Review (case no. 18-252) to provide talking points at an upcoming Committee of the Whole or Quorum Court meeting.

Tracy Backs taking a new position as the Office Manager with the County Judge.


Discussion of property on Palomino Drive and Highway 94, Rogers. Permitted as a residential shop.

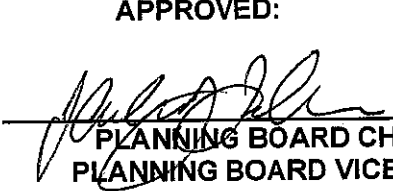
**Meeting Adjourned:** 7:36 p.m.

**Next Meeting:** February 5, 2020

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APPROVED THIS 5<sup>th</sup> DAY OF February, 2020.

ATTEST:  
  
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PLANNING DIRECTOR

APPROVED:  
  
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PLANNING BOARD CHAIR or  
PLANNING BOARD VICE CHAIR

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