



Benton County Planning Board  
Public Hearing  
Technical Advisory Committee Meeting

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November 6, 2019  
6:00 p.m.  
Quorum Court Room  
215 East Central Avenue  
Bentonville, AR 72712

Meeting Minutes

PUBLIC HEARING:

**Call to Order:** The meeting was convened at 6:00 p.m. by the Planning Board Chair, Ashley 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:** Thirteen people signed the Sign In sheet

**Disposition of Minutes:** October 16, 2019

Mr. Williams motioned to approve the October 16, 2019, Planning Board Meeting minutes. The motion was seconded by Mr. Maienschein

Motion approved: 7 – 0

**General Public Comment:** None

**Public Comment regarding the CARDS Site Plan Review, case no. 19-219**

Steve Burnett, 14524 Springtown Road, Siloam Springs

*Read letter from neighbor who was out of town and unable to attend this Planning Board meeting, Johnny Kinzie, 14340 Springtown Road, Siloam Springs*

*Focus of Comments: business affecting the water source for farm, property values, water run off affecting the area creeks, area flooding.*

*Focus of Comments (from Mr. Burnett): Need for an Environmental Impact Statement, traffic*

Janet DeWitt: 14735 Springtown Road, Siloam Springs

*Focus of Comments: conflicting statements made by Ms. Sims and Mr. Christensen, truck traffic, road safety, continuing to operate beyond a Cease and Desist letter, arrogance of ignoring the Cease and Desist order, Land Compatibility Matrix, federally protected area of Logan Cave*

Andrew Waits, 17503 Garman Road, Siloam Springs  
*Focus of Comments: researched previous operations of CARDS in the area as well as in Little Rock demonstrating a pattern of operating in bad faith. Research indicated that the goal of CARDS was to take over trash operations in Washington and Benton Counties. Inquired if any of the Planning Board members had visited the area. None had but Mr. Tucker. Discussed rural setting of Palmer Hollow, Osage Creek, Logan Cave, City of Springtown (population 87), etc.*

**Old Business:**

**I. Central Arkansas Recycling and Disposal Services (CARDS) Site Plan Review, case no. 19-219, 14170 Springtown Road, Siloam Springs; 18-10978-000**

Representatives: Not present

Staff did not give a presentation on the Central Arkansas Recycling and Disposal Services (CARDS) Site Plan Review, case no. 19-219, 14170 Springtown Road, Siloam Springs; 18-10978-000

Mr. Tucker reads aloud the statement provided by the CARDS applicant requesting that their public hearing be postponed until December 4, 2019, since CARDS was actively seeking a different location to conduct business. If CARDS is able to find a suitable location, CARDS will withdraw its current Site Plan Review application. In the event CARDS is unable to find a new location, we would appreciate the Planning Board's understanding on this matter.

Mr. Tucker stated that the public hearing on this project could not be reopened without a representative present. A procedural motion is required in order to post pone the public hearing until December 4, 2019.

Mr. Torrez stated that at the October 16, 2019, Planning Board meeting, the Planning Board specifically discussed with the applicant either tabling the public hearing or denying the project. The Planning Board asked the applicant if three weeks was enough time.

Mr. Tucker stated that it has his understanding that, due to the recent tornado damage, CARDS was currently cleaning up the damaged building. At least for several days last week, they were there cleaning up. They may now be operating out of the building but the building is fairly damaged. CARDS has not identified a new location for their operations.

Mr. Tucker stated that the Planning Board could agree to postpone the Site Plan Review application in order to hear it at a later date. Mr. Tucker stated that he believed that the County Judge had already sent a Cease and Desist order.

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COUNTY OF WASHINGTON  
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Mr. Reamer stated that a Notice of Violation / Cease and Desist Order was sent to the applicant on September 10, 2019, administratively by Staff. At that point, the property owner was given 15 business days to cease. At this point, they are still operating. It has been turned over to the County Judge as well as the County Attorney to seek an injunction within the Circuit Court. They are proceeding through that process for filing within the Circuit Courts.

Mr. Tucker stated that the Planning Board has no authority to issue violations or file Cease and Desist Orders. That needs to come from the County Judge and the Prosecutor.

Mr. Bracy stated that the Planning Board has tabled projects in the past indefinitely since the applicant didn't have a date that they could come back having met our requests. This would require the applicant to resubmit the entire project at a later date when they were ready to present the project to the Planning Board.

Mr. Tucker stated that it was procedural for the Planning Board to postpone the application. If we deny the request to postpone the Public Hearing, we are obligated to act on the application and there is no one here to represent the applicant.

Mr. Bracy asked why the applicant was not present and assumed that it wasn't that important to them. Mr. Reamer stated that he could not speak for the applicants and referred the Planning Board to the e-mail he received from the CARDS applicants.

Mr. Torrez made a motion to deny the CARDS applicants' request to postpone the Public Hearing until the December 4, 2019, Planning Board meeting. Mr. Collyge seconded the motion. Voting for it would be to continue the Public Hearing this evening which is possible but the applicants would have a valid argument for appeal. Mr. Tucker felt, personally, that that would put the Planning Board in a bad light.

Motion to deny postponement of the Site Plan Review until the December 4, 2019 Planning Board meeting: 5 – 2 – 0

(Mr. Homeyer and Mr. Tucker opposed the denial for postponement)

Mr. Torrez motioned to deny the CARDS Site Plan Review application. Mr. Williams seconded the motion.

Mr. Torrez: activity does not comply with the matrix regarding the adjacent properties, since CARDS is currently using the facility.

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Mr. Tucker clarified that a vote for it, would be a vote to deny the application.

Motion to deny approved: 7 - 0

Mr. Bracy: not a benefit to the community and not in compliance with the Benton County Planning and Development regulations.

Mr. Collyge: project is not in compliance and a poor fit for the area.

Mr. Homeyer: not the right place for this operation.

Mr. Maienschein: noncompliance.

Mr. Torrez: noncompliance and continuously disregarded the Cease and Desist Order.

Mr. Tucker: I don't believe the Planning Board can approve a project that is in the floodplain without a mitigating effort.

Mr. Williams: noncompliance; flood plain; total disregard and arrogance of continued operations.

**New Business:**

- I. **Bartlett Setback Variance, case no. 19-229, 15013 White Fawn Drive, Garfield; 15-18176-000**

Representative: Bruce Bartlett, 15013 White Fawn Drive, Garfield

Staff gave a presentation on the Bartlett Setback Variance, case no. 19-229, 15013 White Fawn Drive, Garfield; 15-18176-000

Mr. Bartlett had nothing to add.

Mr. Maienschein asked if there was an existing fence along the property line. Mr. Bartlett said there was a wooden privacy fence. Mr. Reamer stated that the structure will be located inside the fence. Mr. Homeyer asked Mr. Bartlett if he was wanting to use the existing gravel parking pad (therefore the 12' request). Mr. Bartlett stated that that was correct. Mr. Homeyer asked Mr. Bartlett if he could move the pad 3' away from the utility easement. Mr. Bartlett said that he could not without hitting the house with the RV and would not line up with the gate. Mr. Homeyer inquired about the size of the structure to be erected. Mr. Reamer stated that it was 18' x 40'. Mr. Bracy inquired as to what utility easement were in the curb area. Mr. Reamer stated that it was unknown as to what utilities were in the easement. Mr. Tucker stated that he

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would be surprised if there were any utilities within the easement. Usually the area is designated for a utility easement but they aren't always placed there.

Public Comment: None

Mr. Williams motioned for approval. Mr. Torrez seconded the motion.

Motion approved: 7 - 0

**TECHNICAL ADVISORY COMMITTEE**

1. Call to Order
2. Old Business / Ongoing Applications: None
3. New Business:

- I. **Arrowhead Boat Sales Site Plan Review, case no. 19-045, 14555 Highway 12 East, Rogers; 18-03229-011**

Representative: Bill Platz, WR Consulting, P.O. Box 223, Bentonville and Brian Simmons, 14555 East Highway 12, Rogers

Staff gave a presentation on the Arrowhead Boat Sales Site Plan Review, case no. 19-045, 14555 Highway 12 East, Rogers; 18-03229-011

Mr. Platz inquired about the 40' buffer requirement. Mr. Tucker stated that it would be to remove the pavement and provide the buffer or to ask for some type of waiver/variance. Mr. Torrez stated that he did not feel it was unreasonable to request proper buffering based on current regulations and codes. Per Mr. Simmons, the new building setbacks would push what he is trying to display even further back away from the road and cause everything to be tighter together. Mr. Tucker explained that the buffering was not along Highway 12 but at the rear of the property against the residential property. Mr. Reamer explained to remove the hardscape from the 40' buffer at the rear of the property. Mr. Platz explained that there was no hardscape there, simply grass and a fence.

Mr. Tucker discussed the 2013 approval and further explained that the Planning Board did not want anything at the front of the property, along Highway 12, especially in the corner. Anything in that corner inhibits visibility to South Park Road due to the radius of that corner. Mr. Simmons added that nothing is ever parked inside the 50' from the center of the road setback. Mr. Simmons added that trees would be removed in the lower left corner of the lot to develop a gravel lot, in order to move the boats back away from the road.

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Business is a lucrative, fast-growing business and we are rather "stuck" in this corner lot. The Planning Board is asking the applicant to replace that existing buffer (from the residents) with something that will still allow the applicant to do what he wants to do. Applicant will extend the existing fence. The lateral lines within the area to be developed are blocked off. Mr. Homeyer added that an area for an alternate septic field will also need to be determined. It is currently shown as gravel covered.

Mr. Simmons clarified that no asphalt will need to be removed from the 65' building setback from Highway 12.

**II. Islamic Society of NWA Cemetery, case no. 19-238, 4661 S 1<sup>st</sup> Street, Lowell; 18-04079-001**

Representative: Tim Sorey, Sand Creek Engineering, 1610 NW 12<sup>th</sup> Street, Bentonville

Staff gave a presentation on the Islamic Society of NWA Cemetery, case no. 19-238, 4661 S 1<sup>st</sup> Street, Lowell; 18-04079-001

Mr. Sorey wanted to clarify that the existing paved drive going out to the new highway, is actually off of this property. However, in the proposal, is a proposed, new driveway. A permit is now being sought from ARDOT for this new driveway. Mr. Sorey stated that 20' of greenspace buffering would be supplied around the entire perimeter of the property.

Mr. Sorey described three phases for the plots on this property: (1) the bulk of flat ground in the center with dense plots planned; (2) existing pond to be removed for additional plots (with approval of the AR Department of Health); (3) steeper terrain and less dense plot planning. Mr. Sorey is asking for Planning Board approval of the entire project, phases 1 – 3, as far as the plot layout. Note that plots are not pre-sold. The order in which the plots get used is controlled by the property owner which allows for higher plot density.

Mr. Tucker recommended to Mr. Sorey to take the plot plan every few years to the Circuit Clerk to be recorded.

**II. Other Business: None**

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

- I. Patterson/Stitt Lot Combination, case no.19-205, Cedar Ridge, Garfield; 15-04757-000
- II. Speight Tract Split, case no. 19-221, 11197 Fishback Road, Bentonville; 18-12238-000
- III. Flint Creek Ranch, LLP Minor Subdivision, case no. 19-226, 14128 Dawn Hill Road, Siloam Springs; 18-15828-000
- IV. Douglas Minor Subdivision, case no. 19-239, 14715 Fruitwood Road, Gravette, 18-12218-000

**IV. Discussion Item:**

Mr. Tucker reminded the Planning Board members that any meeting with a government official to discuss an application is considered a meeting and requires notification of the press within four hours and an invitation for them to join you. Any communication must be on the public server. E-mails must be sent through County e-mail addresses so that it is available through the Freedom of Information Act.

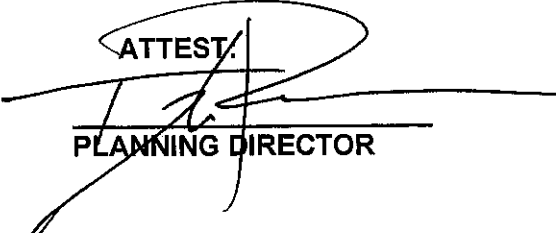
Mr. Homeyer announced that he filed to run as a JP for District 12, Siloam Springs/Gentry area. Mr. Reamer added that Mr. Homeyer could be the JP Liaison to the Planning Board.

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**Meeting Adjourned:** 7:20 p.m.

**Next Meeting:** November 20, 2019

APPROVED THIS 20<sup>th</sup> DAY OF November, 2019.

ATTEST:  
  
PLANNING DIRECTOR

APPROVED:  
  
PLANNING BOARD CHAIR or  
PLANNING BOARD VICE CHAIR

