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2019 NOV 18 PM 2:21



Benton County Planning Board  
Public Hearing  
Technical Advisory Committee Meeting

BETSY HARRELL  
CLERK & PROBATE CLERK  
BENTON COUNTY, AR

October 16, 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:** Twenty-seven people signed the Sign In sheet

**Disposition of Minutes:** October 2, 2019

Mr. Williams motioned to approve the October 2, 2019, Planning Board Meeting minutes. The motion was seconded by Mr. Maienschein

Motion approved: 7 – 0

**General Public Comment:** None

**Old Business:**

- I. **Lost Bridge Village Storage Site Plan Review – Time Extension, case no. 19-217, 20050 AR Highway 127, Garfield; 15-16329-000**

Representative: Derek Hileman, Project Manager, CEI Engineering Associates, Inc. 3108 SW Regency Parkway, Suite 2, Bentonville

Staff gave a presentation on the Lost Bridge Village Storage Site Plan Review – Time Extension, case no. 19-217, 20050 AR Highway 127, Garfield; 15-16329-000

Board comments: None  
Public comments: None

Mr. Torrez motioned that the extension be approved. Mr. Homeyer seconded the motion.

Motion approved: 7 - 0

**New Business:**

**I. Joint Forces K9 Group Site Plan Review, case no. 19-216, 17606 AR Highway 16, Siloam Springs; 18-10608-000**

Representatives: Bob Shewmake, P.O. Box 3341, Bella Vista, AR and Rob Shewmake, 3511 J Street, Bentonville

Staff gave a presentation on the Joint Forces K9 Group Site Plan Review, case no. 19-216, 17606 AR Highway 16, Siloam Springs; 18-10608-000

Mr. Shewmake indicated that he has contacted the City of Lincoln, Arkansas for a water service letter but they have not responded yet.

Public comment: None

Mr. Torrez motioned to approve this Site Plan Review. Mr. Williams seconded the motion.

Motion approved: 7 - 0

**II. Spring Creek Custom Machining Site Plan Review, case no. 19-218, 1519 East Apple Blossom Avenue, Lowell; 18-02887-004**

Representatives: Ms. Robyn Lane, landscape architect for EB Landworks, Inc., and Mandy Bunch, engineer, EB Landworks, Inc., 2191 East Chancellor, Fayetteville.

Mr. Spencer Cox, 1313 East Cicero, Fayetteville (owner, Spring Creek Custom Machining)

Staff gave a presentation on the Spring Creek Custom Machining Site Plan Review, case no. 19-218, 1519 East Apple Blossom Avenue, Lowell; 18-02887-004

Ms. Lane presented the Planning Board members with their requested auto turn templates. The throat entrance to the facility has been revised accordingly on the site plan.

Ms. Bunch stated that the septic system design was underway through communication with the Arkansas Department of Health. This facility has access to a 24" main through Springdale Water.

Per Ms. Lane, Spring Creek Custom Machining is a current customer of Waste Management for solid waste disposal. Should not be a problem with getting a letter of service from Waste Management.

Mr. Bracy asked where the electric service is coming from. Ms. Lane stated that it was from Carroll Electric. An electric service letter was provided. The routing coming on to the site is 480, three-phase electric crossing the property diagonally across the southern border. It will be extended to the building.

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Public comment:

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Mary Slinkard, Centerton, AR

Representing her sister who is an adjoining property owner on the east side.

*Focus of comments: traffic flow, noise, safety, proximity to her sister's land and possible expansion of the business in the future to the east.*

BETSY HARRELL  
CO & PROBATE CLERK  
CENTERTON COUNTY, AR

Clint Elam, 825 South Primrose Road, Lowell, AR

*Focus of comments: traffic, noise, lighting, additional businesses moving into the area, affect on area property values*

Ms. Lane addressed the traffic and lighting concerns. All outdoor lighting will be building-mounted and full cut off. This business will not generate a lot of traffic. They actually discourage customers from coming to their shop. Deliveries will be made to the site mostly along Apple Blossom rather than on Primrose.

Mr. Cox mentioned that he cannot speak to additional business in the future. He can only speak regarding his business proposal.

Mr. Tucker stated that the area is already somewhat industrial (metal roofing business and poultry to the north and south).

Ms. Lane stated that the business also does not generate a lot of noise. There may be some noise generated from the delivery semi-truck. To mitigate noise, they are plan to buffer the western border with a tall, dense evergreen cypress hedge (visual screening and noise mitigation). Mr. Cox added that the majority of machines are all self-enclosed which reduces the noise levels and the building itself is insulated to keep temperature constant and reduce additional noise.

Mr. Cox mentioned that he did have plans to acquire the property to the east but there are no plans for developing this property at this time.

Mr. Torrez asked as to the typical truck delivery hours. Mr. Cox stated that they would vary. Materials coming from Ft. Smith, AR arrive after 9 a.m. and materials from Tulsa, OK arrive between 2 – 5 p.m. Mr. Cox added that they have one delivery per day from three to five different material suppliers.

Mr. Cox stated that their first shift starts at 7 a.m. and runs until 3:30 p.m. Occasionally they have earlier or later overtime hours.

Regarding fumes, per Mr. Cox, there wouldn't be any detectable fumes.

Mr. Homeyer motioned to approve this Site Plan Review. Mr. Williams seconded the motion.

Motion approved: 7 - 0

2019 3708

2019 3708

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

Representatives: James Koch, P.O. Box 415, Fayetteville, engineer of record for the CARDS project, Dan Christensen, 2961 North Point Circle, Fayetteville and Allissa Sims, 234 East Millsap Road, Fayetteville, attorney for the applicant.

Staff gave 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

Ms. Sims stressed that CARDS was here for a Site Plan Review application including storage of trucks, and storage of trash receptacles not in use. Before this site can be used for recycling, as a transfer station or anything to do with the processing of solid waste, there must be approval from ADEQ. CARDS cannot submit for ADEQ approval until they have Site Plan Review approval from the Benton County Planning Board. When CARDS applies for ADEQ approval, many other area agencies will be notified.

Ms. Sims discussed the 'substantial' screening planned for the 132-acre property. The CARDS facility will only use 10 of the 132 acres.

Mr. Bracy inquired as to the material make up of the entrance onto the property from Springtown Road. Mr. Koch stated that the entrance will be a paved, hard surface concrete all the way into the facility. Some of the containers will be stored in a graveled area. Mr. Bracy wanted to verify that gravel will not be dragged into the County road from trucks entering, leaving.

Mr. Torrez inquired about the property being in the FEMA flood plain. Ms. Sims stated that the actual building has been removed from the FEMA flood plain by the prior owners. Additionally, a No Rise Certification was completed indicating that the activity within the CARDS facility will, in no way, contribute to additional flooding or have any flooding impact to the area. Ms. Sims added that even after the recent heavy rain event, there was absolutely no flood impact to the property.

Mr. Koch stated that there was no established Base Flood Elevation for this property but is designated as an area for probable flooding due to the watershed. Mr. Koch added that there is no flood way designation for the nearby stream. The flood plain is designed as a flood zone area A.

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Mr. Bracy inquired as to the prior use of this structure. Ms. Sims stated that it was an arena with rodeo type activities. Mr. Tucker added that this use was also unpermitted.

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CO & PROBATE CLERK  
BENTON COUNTY AR

Mr. Koch added that the prior owners built a very nice structure with a sewer system sized to handle the sewer loading for this property which was permitted correctly through the state of Arkansas. Mr. Koch stated that the water capacity appears to be sufficient for all uses for CARDS.

Mr. Bracy inquired about the future land use of this property as a transfer station. Ms. Sims stated that there was a possibility of using this site as a transfer station but CARDS needed to go through the ADEQ permitting process. Per Ms. Sims, changes for a transfer station would be done all to the interior of the building structure. There would be no changes to the site plan presented to the Planning Board. Mr. Bracy ask for clarification that currently CARDS is requesting land use as a truck maintenance facility.

Mr. Bracy inquired about the truck traffic pertaining to this future transfer station. Mr. Koch mentioned the traffic study prepared for CARDS done by Peters & Associates included the transfer station operation. The application that was presented to the Planning Board includes current and future business activities for CARDS. Mr. Reamer stated that CARDS would not have to come back to the Planning Board for a transfer station operation as long as state permitted was supplied to the County to verify that it has been properly permitted.

Mr. Tucker clarified that the Planning Board's first charge in the ordinance was to review environmental conditions as well, beyond land use. The Planning Board can't abdicate that charge to the State of Arkansas. Mr. Koch pointed out that CARDS has not made formal application to any of the agencies who have already responded to them. The letters CARDS has received appear to be simply 'blanket statements' on this proposed commercial activity. Specifically, Mr. Koch mentioned a letter sent to CARDS from the U.S. Game and Fish discussing the karst topography and drainage with cave recharge zones. There are guidelines that US. Fish and Wildlife provide for development in these areas. Mr. Koch discussed a planned impermeable liner and filtration system in the detention area to handle any inadvertent releases that might occur. Additionally, liquid waste will be pumped into a holding tank and periodically hauled away from the site.

Mr. Bracy asked for clarification that the Planning Board was responsible to understand the environmental impact from storm water runoff, etc. Mr. Reamer shared the submitted grading plan with the Planning Board, pointing out the various hard surfaces proposed in the site plan.

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Mr. Tucker inquired as to the type of vehicle maintenance to be done on site. Dan Christensen stated that most of the vehicle maintenance would be done inside of the structure (i.e. tire changing, fluid changing, replacing of worn brakes, wind shield wipers, etc.) The CARDS staff is not equipped to handle engine rebuilds.

Mr. Tucker inquired as to the quantity of fluid stored on site. Mr. Christensen estimated about 50 gallons of each type of fluid (i.e. oil, hydraulic oil, diesel fuel, etc.). The diesel fuel would be in an exterior, above-ground, double-walled tank within steel containment around the tank, holding about 1,250 gallons. Excess water within the steel containment structure would be released to the pond. Used oil is put into other containers, stored on-site inside the facility (in quantities of less than 500 gallons), stored within a separate containment structure, pumped by a third-party company and taken off site.

Mr. Tucker inquired as to how much the water rose on-site from the recent storm activity. Mr. Christensen stated that he did not measure the stormwater runoff but mentioned that it was in the gravel and grassy areas. He added that there were life boats on the adjacent roads (i.e. Logan Cave Road and further south) rescuing people but stated that CARDS was not in that severe of a situation.

Mr. Tucker asked CARDS what type of materials would be recycled at this site? Mr. Christensen stated construction and demolition waste would be recycled at this site. Materials such as shingles, wood, gypsum board, metal, etc. would be recycled. Additionally, this facility would handle curb-side recyclables (i.e. plastics, papers, cardboard, aluminum cans, etc.). Discussion of an inadvertent disposal of a full can of oil. Mr. Christensen mentioned consumer education, cameras in the trucks in catch materials that don't conform, found in sorting, separated and handled in accordance with laws.

Mr. Williams inquired that if this facility becomes a transfer station, would the structure be inspected for building and fire codes. Mr. Reamer stated that the remodel permit (to add the transfer station activity) would have to satisfy each occupancy (storage, fleet maintenance, office).

Mr. Christensen mentioned that CARDS is currently operating a landfill in central Arkansas. He added that they are very familiar with stormwater contaminants and the processes associated with that. CARDS has a stellar compliance record with four continuous quarters without any notations. Mr. Christensen felt that that record speaks for itself regarding their ability to manage their current sites.

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Public comments:

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Janet DeWitt, 14735 Springtown Road, Siloam Springs

*Focus of comments:* CARDS has been able to operate in a non-compliant manner. Site within the Logan Cave recharge area. Multiple agencies urging CARDS to chose an alternative facility. Wear and tear on Springtown Road. Truck traffic. Ms. DeWitt shares photos with the Planning Board members.

BETSY HARRELL  
208 E. MAIN ST  
BENTON COUNTY, AR  
CLERK

Tim Snell, 38 West Trenton, Fayetteville speaking for the Nature Conservancy  
*Focus of comments:* protection of rare species in the Logan Cave area. CARDS facility is in the high vulnerability for the recharge area of Logan Cave. Definition of hazardous waste for vulnerable species. Septic systems in a high karst area do not function well. Nearby spring feeding into Osage Creek. Millions of dollars (public and private funds) have been spent to protect the rare animals in Logan Cave.

Ron Chancellor, 13829 Springtown Road, Siloam Springs

*Focus of comments:* lives just north of the CARDS facility. Has seen the CARDS building structure flooded three times. CARDS has been in business for the past seven months. Trash trucks are within 20' to 30' of the creek getting power washed. CARDS maintains the trucks outside on the concrete apron and then power wash the concrete. CARDS has shifted maintenance into inside the building since receiving the Notice of Violation. CARDS did some dirt work to channel the water flow around the building. CARDS has shown total disregard for the regulations. CARDS deceptively moved operations inside the building after receiving the Notice of Violation.

Richard Godin, 16313 VanHook Road, Gentry

*Focus of comments:* owns property directly north of the CARDS facility. Trash debris covering 'half the community' from the wind blowing trash from a trash facility in Gentry. Trash outside the facility, some bundled and some was not bundled due to busting open. Cow, calves choking on plastic. Removal of CARDS building from the FEMA floodplain. Drainage and storm water runoff.

Steve Burnett, 14524 Springtown Road, Siloam Springs

*Focus of comments:* CARDS building has had 18" + of water inside the structure two times. Contamination of area wells. Environmental Impact Study.

TJ Cook, 12303 Springtown Road and 12275 Springtown Road, Siloam Springs

*Focus of comments:* constant influx of trash trucks; wear and tear on roads; trash debris flying off trucks; ludicrous to consider industrial zoning in a floodplain and in a nationally protected area

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Andrew Waits, 17503 Garman Road, Siloam Springs

*Focus of comments: Rural setting of Palmer Hollow; poor, narrow roadways; drainage; CARDS operation in bad faith; CARDS operating illegally; future CARDS expansion.*

Cody Hays, 12903 Springtown Road, Gentry

*Focus of comments: CARDS building was originally built as an agricultural horse arena building; therefore, the building did not require inspections when it was built.*

Public comment closed.

Mr. Tucker discussed the planning regulations in place in Benton County since 1994. Before that, the Quorum Court heard planning issues. The new planning ordinance was written in 2014 with much outreach to a variety of interested parties (newspaper, public hearings, community sessions, attorneys, surveyors, engineers, etc.). Mr. Tucker added that to continue to operate without approval is beyond him, even after having received a Cease and Desist Order. Mr. Tucker urged CARDS to stop operating on the facility until they have approval. We have heard that it is ongoing as of today and you have had a letter from Planning that says to stop operations. The next step would be for the County Attorney, Mr. George Spence, to issue CARDS a letter and they will probably cost CARDS some money.

Mr. Bracy inquired to the applicant why CARDS chose this facility. Mr. Koch stated that he thought the building suited the CARDS operation nicely. Mr. Koch added that all public hearings for such facilities go similar to this one. Mr. Koch agreed that this site location was a bit of an oversight but it was not intentional and not intended to aggravate anyone. CARDS has invested a significant amount of money in the building and service 8,000 – 9,000 customers daily. Mr. Christensen stated that to Cease and Desist their operations means that 8,000 – 9,000 people don't get their garbage picked up tomorrow or the next day.

Mr. Bracy stated that CARDS surely had an alternative plan. Mr. Christensen stated that the CARDS site is the only piece of real estate they own in Northwest Arkansas. It is not feasible to run trucks from Little Rock, where CARDS does own property, to Garfield to pick up garbage every day. Logistically, that would not work for the CARDS operations.

Mr. Christensen stated that livestock is the number one pollutant to stormwater with industrial uses being number two. For the cave fish, Mr. Christensen felt that this issue would be important.

**SITE BIOS**

**2019 3713**



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ELISY HANRELL  
CLERK  
BENTON COUNTY, AR

Mr. Williams asked for clarity from Mr. Christensen regarding stating that the CARDS facility was a maintenance facility only but while servicing 8,000 9,000 people daily out of this facility. Mr. Christensen specified that CARDS trucks are dispatched out of the current site to pick up the garbage for 9,000 9,000 people daily. The garbage is not brought back to this facility but is taken to the land fill and Waste Management in Tontitown, Arkansas. Mr. Williams asked Mr. Christensen where CARDS operated from prior to this facility. Mr. Christensen stated that they operated out of another piece of real estate (with a Bentonville address) that they leased. CARDS eventually bought the business (called The Trash Man) and moved it from that leased space. The sale was finalized on May 2, 2019.

Mr. Homeyer stated that several people have mentioned that the building has substantially flooded. He asked the CARDS representative what their plans were to deal with that reality. Mr. Koch stated that the Certificate of No Rise that was issued by FTN stated in the report that it could have 12" - 18" inundation into the building. These recent rain events illustrated that that is a possibility. A couple of things could be done to mitigate this water: The best solution being a dam, levy or dike-type berm in a design around the perimeter of the facility to keep upstream water from coming in to the property. Mr. Maienschein asked if that was currently in the CARDS design. Mr. Koch stated that it was not. The Arkansas Department of Pollution Control and Ecology requires that mitigation measures are taken to prevent wash out. Mr. Koch is expecting to have other items to address in the mitigation of water. Mr. Koch does not have a Base Flood Elevation to work off of. Discussion of Allen Canning facility nearby successfully mitigating their water runoff.

Mr. Bracy asked the CARDS representatives if they looked at any of the local industrial parks for this facility. Mr. Koch stated that he did not know what Dan Christensen and others had explored as far as other site locations. CARDS preference was to have this facility away from a dense population and accessible by paved roads. Mr. Christensen added that he ran the largest transfer station in Benton County and that it was not in an industrial park, it was in Bella Vista near the state line in a primarily residential area.

Ms. Sims added that the utilities were already available at the proposed site (i.e. septic approved for 30 patrons). This made the site also very attractive to the CARDS needs.

Regarding the comments made during the public comment period, Ms. Sims, stated that there will not be hazardous material handled at the CARDS facility.

The Logan Cave is obviously a concern. Ms. Sims stated that CARDS has detailed out what their cautions would be for that. The interior of the premises would have a sloped floor so that liquid runoff would run to the interior collector

drain and stored, not outside the building. Ms. Sims stated that the outside water runoff would be directed to the detention pond with the impermeable liner.

Regarding traffic on Springtown Road and its deterioration, Ms. Sims, mentioned the independent traffic study done by a reputable company, Peters & Associates. Peters & Associates stated that the CARDS development would not add an additional deterioration to the roadways beyond the level that the roads are at now.

Regarding the flooding of the building, CARDS had FTN do a flood study. CARDS received a No Rise Certificate with the development plans now presented with this Site Plan Review application.

CARDS also did an environmental recognizance study of the property. The study showed that there would be no impact to wet lands. That study has been provided to Taylor Reamer.

Regarding the additional property, it makes it easy to buffer the structure from the rear. There are no intentions to develop that property at this time. CARDS would have to come before this Planning Board again if there were additional development plans in the future. Significant buffering is planned for this facility.

Discussion of the fine of continuing to operate versus the profit from servicing 8,000 – 9,000 customers. Mr. Torrez suggested going to a third-party operator to service the customers.

Mr. Homeyer asked if CARDS was experiencing any blowing waste coming off their trucks now going up and down the roadway or on site. Mr. Koch mentioned that those concerns come from a specific type of truck. This problem has been mitigated over the years with rear loading and improved closing mechanisms.

Mr. Homeyer asked where the recycled material would be stored: either baled outside of the building or inside the building. Mr. Koch stated that the building has significant bale storage and stacking room, making the building even more attractive to CARDS and advantageous to their business.

Mr. Tucker asked if the building were greater than 12,000 square feet. Mr. Koch and Ms. Sims stated that the building was 50,000 square feet. Mr. Tucker asked if there was the capacity for a fire suppression system for high-pile storage. Mr. Koch spoke to the Benton County Fire Marshal as well as Eric Smith, the Assistant Fire Marshal, regarding fire-rated walls to satisfy that requirement. Mr. Koch stated that CARDS looked at putting in a sprinkler system. The water storage and fire suppression system cost was significant.

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BEVERLY HANSELL  
CLERK & PROBATE CLERK  
CENTER COUNTY, AR

Mr. Bracy asked for clarity of the current use of the CARDS facility. Ms. Sims stated maintenance of vehicles and storage of trash bins. No trash is brought to this facility. Mr. Tucker stated that the Planning Board would be approving a phased construction plan. Phase one would be a maintenance facility and phase two would be a recycling center which would or would not continue as a maintenance facility. Mr. Koch stated that the maintenance would continue if the recycling center operations was approved. Phase two would have the sunset clause in that, if they weren't operational as such within two years, CARDS would have to return to the Planning Board.

Mr. Bracy wish to clarify that the traffic studies were based on the maximum amount of solid waste material that the trucks could carry as a CARDS transfer station. Therefore, it is 155 trips, not trucks to determine the wear of the pavement.

Mr. Homeyer wished to clarify that this facility was not simply just for truck maintenance but would be the hub of the CARDS operation facility. Mr. Dan Christensen stated that this would be the CARDS hub with office space. Mr. Tucker stated that Phase One would be office and maintenance. Phase Two would be recycling. Mr. Christensen added that this facility is the only CARDS facility in the area. CARDS did relocate the office portion of the operations until this Site Plan Review could be approved.

Mr. Bracy asked the CARDS representative if it would be possible to relocate the maintenance function until this Site Plan Review were approved. Mr. Christensen said that they have asked real estate agents to seek out a leased alternative building but that even this would need to go before the Planning Board.

Further discussion of the screening placed closer to the road.

Mr. Koch reviewed the chronological activities of the CARDS facility in dealing with the County.

Dan Christensen mentioned that CARDS has partnered with ADEQ to recycle items that have been illegally dumped.

Mr. Williams stated that he felt that what CARDS has presented was hypothetical in nature and operating illegally when told not to. Ms. Sims felt that the hypothetical issues are relating to the ADEQ permit. When one does the Regulation 22 permit with ADEQ, you have a pre-application submittal and then you have your application submittal. It is a lengthy process and it does not do any good to make unnecessary assumptions.

Mr. Williams specifically address fire protection issues to be done, yet CARDS does not have water on site. Mr. Koch added that the facility may be allowed to burn assuming all the employees were safe. Mr. Williams stated that that was not allowable. Mr. Koch added that the Fire Marshal suggested adding fire-rated walls within the structure and adding an on-site water supply. Mr. Christensen decided to pursue the fire-rated wall system versus the very expensive sprinkler system supported by on-site water. Ms. Sims added that the Fire Marshal did not submit comments regarding the CARDS Site Plan Review application. Mr. Koch added that the Fire Marshal did not attend the DRC meeting that CARDS attended but Mr. Koch did receive e-mails from the Fire Marshal regarding this project.

Mr. Tucker readdressed the FEMA floodplain issues with the applicant and the audience in the room. Mr. Tucker stated that CARDS still has several hurdles to tackle: Army Corps of Engineering (i.e. Alternative Site Analysis); U.S. Fish and Wildlife Service (i.e. their Alternative Site Analysis); and SHIPO (historic conditions of the site). Mr. Tucker inquired of the CARDS representatives, if all of those hurdles are not met and a Section 22 permit is denied, what is the disposition of this property? Ms. Sims stated that if the full use of the property by CARDS can't be met, they will have to explore other options (i.e. selling the property). Ms. Sims stated that she felt that CARDS has met every requirement of the Site Plan Review process and more and the CARDS application should be approved.

Mr. Bracy stated his concern to the CARDS representatives that CARDS has not alternative plan and that CARDS was operating in violation of the regulations of Benton County.

Mr. Homeyer asked to review the hours of operation. Ms. Sims stated that the hours were 6 a.m. – 6 p.m. overall; 8 a.m. – 5 p.m. for office staff and 4 a.m. – 8 a.m. for maintenance staff. Operations run Monday through Friday except during holiday weeks when it is necessary to work the Saturday after the holiday.

Mr. Bracy made a motion to table this Site Plan Review application until three major issues are resolved: (1) reality of the flooding issues; and (2) protection of the area environment; (3) fire protection concerns. Mr. Maienschein seconded the motion.

Mr. Torrez suggested to deny this application based on how many outstanding items there were. Mr. Torrez suggested requested an Environmental Impact Report (EIR) from the applicant and generally a lot more due diligence. Mr. Tucker felt that the Planning Board needs to be clearer on what they are asking of the applicant. Mr. Tucker asked the Planning Board if they are asking for an

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EIR to show the relationship of the property to Logan Cave to show how it would impact flooding up/down stream of the property if they were to be on the property AND an analysis of the fire protection.

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DETSY HARNELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

Mr. Maienschein asked if the Planning Board would be approving Phase 1 (maintenance/storage) AND Phase 2, the transfer station, with a final condition of the Decision Letter, receiving their Section 22 permit from ADEQ.

Mr. Williams wished to discuss the 'continued arrogance of operation.' Per Mr. Tucker, beyond what is in the Planning and Development ordinance, the next step is for George Spence to issue a letter. It becomes fairly expensive at this point. The faith in concurrence is that they return in front of this Board with having resolved all issues. Mr. Bracy favors tabling this project to get the information the Board wants at a later date.

Mr. Tucker request that Mr. Bracy amend his motion for tabling this project to include a time limit. Mr. Homeyer stated that the next Planning Board meeting is in three weeks from this date. Mr. Koch felt he could make the grading changes (including the berm) to the site design in the next five weeks. Mr. Bracy added that a fire protection plan for the facility was also needed as well as comments more favorable from the local environmental agencies that have thus far been very negative toward this project. Mr. Koch requested the five weeks from this date option to return before the Planning Board. Mr. Tucker added that the applicant does have the 'indefinite' option but that that would require re-noticing the public. Ms. Sims thought that five weeks was fine but was concerning about getting the environment letters as requested. Mr. Reamer clarified that the next public hearing on this project would be November 20, 2019. The applicant amended their request to reappear before the Planning Board in three weeks, November 6, 2019.

Mr. Tucker asked for a procedural motion: yes or no for November 6, 2019. By show of hands, procedural motion to amend the motion to November 6, 2019 - approved: 5 - 2 - 0

Motion to table the project until November 6, 2019: Approved, 4 - 3 - 0

2019 3718

**TECHNICAL ADVISORY COMMITTEE**

1. **Call to Order**
2. **Old Business / Ongoing Applications: None**
3. **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 to Mr. Reamer's presentation.

Mr. Collyge asked Mr. Bartlett how tall the roof line to the car port would be. Mr. Bartlett stated that it would be 16'. Mr. Maienschein asked if there were any utilities in the 15' utility easement setback. Mr. Bartlett stated that there were none to his knowledge. Mr. Tucker stated that it is considered a temporary structure, with no foundation. Mr. Reamer stated that carports are still considered structures as they are anchored to the ground with tie downs similar to mobile home tie downs. The carport will have a gravel bed. The RV is backed into the carport from the front of the property.

Mr. Torrez inquired if it was permissible with Mr. Bartlett's subdivision covenants to have a 16' RV protruding above his 6' fencing. Mr. Bartlett said that it was permissible with the covenants. Mr. Bracy asked if the car port has

a section that comes down from the roof. Mr. Bartlett stated that the car port was strictly a roof to protect the top of the RV. From the ground up, the area would be open.

Mr. Reamer stated that the carport structure would be permitted by the Community Risk Reduction Department. Mr. Tucker stated that if the structure were there more than 180 days, it would no longer be considered temporary.

Mr. Homeyer inquired as to what Mr. Bartlett's hardship was for this setback variance. Mr. Reamer added that any street frontage needs a setback 50' from center line of the roadway or 25' from the property line, whichever is greater. Turning radius at other locations is not conducive to ingress/egress with a truck and RV attached.

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BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

II. Arrowhead Boat Sales Site Plan Review, case no. 19-045, 14559 Highway 12 East, Rogers; 18-03229-011

Representative: Not present

Project was not discussed. Project has been moved to the November 6, 2019, Technical Advisory Committee meeting.

4. Other Business: None

5. Staff Updates - Administrative Approvals:

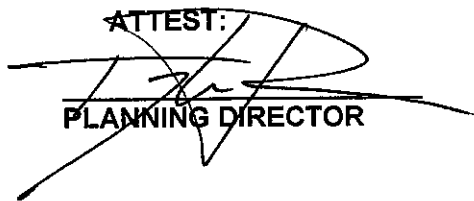
- I. Dickey Property Line Adjustment, #18-247, 10031 Noah Road, Gravette; 18-12390-000
- II. Quick Lot Combination, #19-132, 15509 Highway 12 East, Rogers; 18-03384-001
- III. Adams Property Line Adjustment, #19-202, 15955 Sunset Way, Gravette; 15-07334-000
- IV. Wilson, Goble Minor Subdivision, #19-214, 18843 Coppermine Road, Rogers; 15-01706-000
- V. Prella Properties Minor Subdivision, #19-215, 18599 Shaddox Hollow Road, Rogers; 18-00776-001
- VI. Copelin Property Line Adjustment, #19-225, 13751 North Mt. Olive Road, Gravette; 18-12257-006

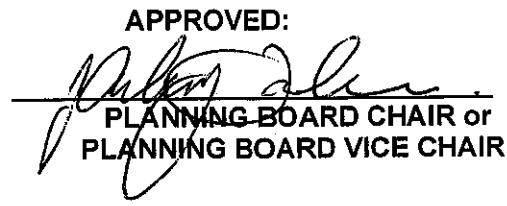
6. Discussion Item: None

Meeting Adjourned: 9:30 p.m.

Next Meeting: November 6, 2019

APPROVED THIS 6<sup>th</sup> DAY OF November, 2019.

ATTEST:  
  
PLANNING DIRECTOR

APPROVED:  
  
PLANNING BOARD CHAIR or  
PLANNING BOARD VICE CHAIR

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