



# Benton County Planning Board Meeting Minutes

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2024 SEP -6 AM 7:56  
BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

## Public Hearing Technical Advisory Committee

August 21, 2024, 6:00 p.m.  
Benton County Administration Building  
215 East Central Avenue  
Bentonville, Arkansas 72712

### Public Hearing

#### Call to Order:

The meeting was convened at 5:59 p.m. by the Planning Board Chair, Linda Lloyd.

#### Roll Call:

Jeremy Goucher, Rachel Kitterman, Linda Lloyd, Theresa Neal, Vernon Reams, and Ashley Tucker were present.

#### Staff Present:

Madison Kienzle – Planning Director, Tracy Backs – Senior County Planner, Sandra Garza – County Planner, and Logan Webb – County Planner were present.

#### Public Present:

See public sign-in sheet.

#### Disposition of Minutes:

Mr. Reams motioned to approve the August 7, 2024 Benton County Planning Board meeting minutes.

Mr. Tucker seconded the motion.

Motion to approve: 5 – 0.

Ms. Lloyd did not vote.

The consideration is approved.

#### General Public Comment:

None.

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**Engineering Review:**

None.

**Old Business:**

None.

**New Business:**

- I. **Salley Site Plan Review – Major Amendment, case no. 24-252, Airport Loop, Rogers; 18-05087-000**

Representative: *Lee Stewart – Blew & Associates, 1502 East Rolling Hills Drive, Fayetteville, Arkansas 72703*

The Planning Board staff gave the presentation and proposal overview.

*Mrs. Kienzle*, the subject site was approved for light industrial use and the construction of a 74,113 square foot structure to be used for assembly, offices, and warehouse purposes on June 5, 2024. The subject application is to amend the proposed location of the required detention pond. During the initial review of the subject site, the location of the proposed detention pond was revised to avoid interaction with a mapped wetland area. Since, the applicant has engaged a consultant to a 404 permit. Placing the pond in the original location is more cost-effective and therefore the subject of this application. The applicant has submitted a letter from Cattails Environmental, LLC explaining that the site does not meet the definition of jurisdictional waters of the United States.

Public Comments

*Keith Campbell and Lea Campbell, 590 North Airport Loop, Rogers, Arkansas 72756*

We own the property due north of the one in question and the lay of the land is sloped towards our property. Our concern is if any hazardous material, toxic waters, or anything else would drain over into our property. Really, we're concerned with any additional drainage into our property because it does slope down our way and there's a ravine that runs directly behind our house that, during storms, gets pretty active. So, we are asking that no additional water comes into our property from the build. Knowing that there's going to be a structure on this, it stands to reason there's less area to absorb the water when it comes down. I'm not an engineer and I don't know anything about that, but I know that physics tells me that the water has to go somewhere, and because it flows in our direction, it tells me that it could very likely come our way.

The Planning Board discussed the proposal and public comments with the applicant.

*Mr. Stewart*, the detention pond will receive all waters on our site and is planned to reduce the amount of runoff with the drainage structure that we've designed. So, it'll actually decrease the amount of water and increase the time it takes to release the water onto their property. As far as the contaminants, the proposal is light industrial; they are not going to be releasing any toxins. I believe there's light assembly, so parts will come in and they will put those parts together and then that's shipped out. There're no toxic chemicals involved.

*Mrs. Kitterman*, looking at the site plan, it says that there is a freshwater pond. Are you still going to put that in?

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*Mr. Stewart*, freshwater pond?

*Mrs. Kitterman*, yes, the site plan says USGS freshwater pond. Are you still going to do that or is that what is going to be taken out and be replaced with the retention pond?

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*Mr. Tucker*, I think that's the one that's there.

*Mr. Stewart*, that was requested to be shown on our site plans by USGS. That is their limits of what they believed was a pond and a stream. That's what the environmental study went out and determined and that there's not any wetlands there.

*Mrs. Kitterman*, so, that will be covered or will it stay there?

*Mr. Stewart*, the grading will slightly change that. If you look at the grading plan you can see a little bit of work in that area. But there's not really a freshwater pond there per se.

*Mr. Tucker*, I like the shape of the newly-proposed pond a lot better; I think it's more organic and it looks like it will fit better. Are you receiving water from the airport or are they detaining all of their water? I was looking at your drainage report and I couldn't tell if all of your calculation was just your site or if you were actually receiving water from the airport.

*Mr. Stewart*, off the top of my head, I'm not familiar with the drainage map as my other engineer dealt with that part, I believe the airport would definitely take care of their own waters. And I think the road kind of divides that a bit.

*Mr. Tucker*, so, basically everything to the southeast, if I remember right, there's a drainage swale and there's a pipe that crosses over on the southwest corner of your site. You'll be taking water from basically the gravel drive and it's going north. Is there a pond or a creek to the north that's receiving water from your outfall?

*Mr. Stewart*, I believe it continues west along the road through the swale towards the nursery.

*Mr. Tucker*, so, this little swale along the road is intended to pick up all of the water that's coming through that pipe in the southwest corner?

*Mr. Stewart*, yes. We are not doing any improvements at that location. That won't be disturbed at all. It'll just continue in its natural path.

*Mr. Tucker*, okay. I think my only concern is because you have a slight decrease in your outfall, if there is something downstream, it would be impacted by drying out. From an engineering standpoint, you've done what you are required to do, which is not increase outfall. I just say to be cautious about over-detaining because there's other things downstream that are receiving that water that may need it like wells and recharge basins.

*Mr. Stewart*, I understand. It's really hard to get an exact net zero increase or decrease. For this, it's slightly over-detained.

Mr. Reams motioned to approve the consideration.

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Mrs. Kitterman seconded the motion.

Motion to approve: 5 – 0.

Ms. Lloyd did not vote.

The consideration is approved.

**II. Hardenbergh Major Subdivision & Waiver, case no. 24-263, Stateline Rd & Beaty Rd, Sulphur Springs; 18-15438-000**

Representative: *Larry Kelly, 12506 Collier Lane, Bentonville, Arkansas 72712*

The Planning Board staff gave the presentation and proposal overview.

*Mrs. Kienzle*, the applicant has filed an application to divide the 40.20-acre parcel into the following tracts: Tract 1: 5.10 acres, Tract 2: 5.33, Tract 3: 5.64 acres, Tract 4: 5.87 acres, Tract 5: 4.46 acres, Tract 6: 4.49 acres, Tract 7: 4.73 acres, Tract 8: 4.76 acres. Based on the cumulative number of tracts split from the parent parcel, this tract split requires review by the Planning Board. This is a tract split that cannot be administratively reviewed. The applicant also submitted a request to waive the requirement to separately submit a preliminary plat for consideration – that is, a request to review the project at this time as the final plat, as no roads or other significant subdivision-scale improvements are required by the Planning and Development Regulations of Benton County. While minor subdivisions are administratively reviewed, this proposal is being reviewed by the Planning Board due to the number of cumulative tracts exceeding five as is therefore a major subdivision.

The Planning Board discussed the proposal with the applicant.

Public Comments

*Daniel Campbell and Tamara Campbell, 16813 Hurt Road, Sulphur Springs, Arkansas 72768*  
We are opposed to this proposal. We have lived out there for over 25 years and it is all agricultural out there, not city. There is nothing about this proposal that goes with the way of life out there. The land in question was sold as agricultural and it should stay that way. There's a big difference between a single residence and a subdivision. A subdivision would raise property taxes considerably. Benton County is getting destroyed fast enough without allowing a developer to buy prime farmland and turn it into a profit. Most of the families and farms out there are against this proposal. Besides the pollution, eight houses would make the traffic considerably more on our quiet county roads. The people that would be comfortable living in a housing subdivision are the type that would complain about the ways and smells of agricultural life. I've seen it first hand from people who moved in around a friend's farm north of Pea Ridge. They are trying to change the agricultural area into their way of life.

*Glenn Vinson and Patsy Vinson, 24205 Mount Zion Road, Sulphur Springs, Arkansas 72768*  
We are against this proposal to create these tracts ranging from 4.46 acres to 5.57 acres for single family residential/agriculture.

The Planning Board discussed the proposal and public comments with the applicant.

*Mrs. Kitterman*, with this, there doesn't have to be a hardship for the applicant to do this, correct?

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*Mrs. Kienzle*, we've had this debate before. A waiver does not have to meet the variance hardship criteria, but it's still up to the Board's discretion of whether or not it's appropriate based on the circumstances.

*Mrs. Kitterman*, in the past, we've only allowed three per split, correct?

*Mrs. Kienzle*, generally, the way it happens is there are cumulative splits over a number of years. For instance, a larger parcel gets whittled down and then someone splits off an acre for their kid. Things like that are more common than seeing eight tract splits at once with the application of a waiver.

*Mrs. Kitterman*, and with this, can whoever purchase one of these lots be eligible for another split at another time with a new owner?

*Mrs. Kienzle*, they would have to make an application to this Board and also apply for a waiver. It's cumulative over time, but they could.

*Mr. Tucker*, because it's not technically a subdivision, you wouldn't have to have signatures from all of the members of the subdivision because we're just doing a tract split.

*Ms. Lloyd*, there aren't any members of the subdivision.

*Mrs. Kienzle*, I think you're pulling that from the major replat language. I'm not actually sure how the Assessor's Office would classify this as either lots or tracts, so I would have to speak with them about it. Technically, any division of land is subdivision, but I don't think it would require the other owner's signatures. It would just be a lot or tract split, even if it were categorized for tax purposes as a subdivision.

*Mrs. Kitterman*, what separates this from an actual subdivision? Is it just the fact that there are county roads all the way around it with the easement, or at what point do we require it to be a minor subdivision or subdivision with the roads and everything else?

*Mrs. Kienzle*, the definition of a minor subdivision is the cumulative division of land into five tracts or less. Anything over that is considered a major subdivision and the standard practice would be to submit a preliminary plat that detailed roads, utilities, other infrastructure improvements, covenants, established a mechanism for maintaining the road, and things of that nature. That would be reviewed at a preliminary plat phase, the infrastructure would be installed, and then it would come back as a final plat. The final plat would include the name of the subdivision, approvals from the utility providers, things like that.

*Mrs. Kitterman*, and why are we not requiring that now?

*Mrs. Kienzle*, the applicant has submitted an application for a waiver of that requirement.

*Mrs. Kitterman*, for a waiver, okay.

*Mrs. Kienzle*, staff makes recommendations to applicants based on what we believe is compatible with the regulations and what we think that this Board would support. But ultimately, if an application is submitted, we will process it. So, it's up to the discretion of this Board to decide whether or not it's appropriate.



*Mr. Reams*, to your point, *Mrs. Kitterman*, if there was sewer available and these were one acre or smaller lots, I could see this Board requiring streets, curbs, and gutters. But since they're five acre lots and pretty much every one of them touches a road, it seems more fit to waive the preliminary plat requirement so you don't waste a lot of real estate.

*Mrs. Kitterman*, I understand that. But again, this is going to set the precedent. I've had lots where it's been 20 acres and we tried to divide them into three or four acres and it was denied even when it was on a county road, but it has more to do with 911 and having a flagpole lot where they have to do the driveways to get to it. This is a beautiful idea and I know this is something that we need. I'm a real estate agent and I've always got people who are looking for this, but we have the subdivision rules and for a reason.

*Mr. Kelly*, I think one of the major differences is that there is no infrastructure here. There's nothing to review or approve. We're not changing it a lot. I've been dividing property in Benton County for 32 years and a simple subdivision of property like this used to be really simple and we used to do a lot of them, but it's gotten more and more complicated over the years and more and more regulated over the years. So, when we looked at this parcel, I said, let's do this in the very simplest manner we can, and with bordering two county roads it seemed to be quite a simple subdivision of property. Now, if it's denied for any reason, then yes, we'll go in and we'll slice the property up into the smallest tracts we can and seek to do something different. But I don't think it's necessary. I do think this is something people are really looking for and it's just become very hard to do anymore in Benton County.

*Mrs. Kitterman*, my only concern is once they start dividing those lots, because they probably will, what happens and how do we keep it safe at that point?

*Mr. Kelly*, I understand your concern. We finished a 400-acre project in McDonald County recently and in those covenants, we required no further subdivision of the property and no more than one single-family home on each one. It was a much more wooded and topographically different area, so most of those only had one actual home site on them, but we wanted to restrict the density in there. And I don't think there would be a big problem with no further subdividing of the property. As *Mrs. Kienzle* said, that would have to come back to this body for approval or disapproval.

*Mrs. Kitterman*, we've got growth going out there that way, and I just want to make sure we set the precedent for how it needs to be done in the future.

*Mr. Kelly*, I know. I think on larger tracts like this, I would lean in the direction of *Mr. Reams* and say that if it were ever to be requested to be further subdivided, certainly you have a means for saying no. Look, I sat on the original group that put together the planning regulations; I don't want to see Benton County become very dense, and that's the reason there is a one-acre minimum. I would love to see many more five-acre mini farms or home sites that people can have a little elbow room. It's just getting harder and harder to accommodate.

*Mrs. Kienzle*, in terms of restricting future division via covenant or deed, it would be difficult because this body cannot enforce covenants or deed restrictions; it would have to be enforced via lawsuit which would be very difficult for most property owners.

*Mrs. Kitterman*, are there going to be covenants put on this?

*Mr. Kelly*, at this point in time, we haven't really discussed any details of covenants. But further subdividing would require approval, am I right?

*Mrs. Kienzle*, it would. My only concern is that if someone comes back because they bought a five-acre tract and wanted to split off one more tract, I think that's more difficult to deny versus a developer who is developing a subdivision of eight tracts. That's my perspective.

Mr. Reams motioned to approve the consideration.

Mr. Goucher seconded the motion.

Motion to approve: 1 – 4.

Mrs. Kitterman voted no and gave the following reasoning:

*Mrs. Kitterman*, I think it's compatible to the land, but I don't think it is a good use for us going forward.

Mr. Goucher voted no and gave the following reasoning:

*Mr. Goucher*, several reasons. We had a very healthy discussion last meeting, and so we've had two weeks to think about this. We particularly talked about what is germane to the discussion and it's the eight lots at hand. One of the drivers in the proposal's design was to provide access to a parcel that's not even part of this discussion, which I think had that been removed and this is provided as a center lot and only supports the parcels at hand, it sets up for better success if somebody did want to subdivide another one of these five-acre lots in the future. And as we talk about minimizing points of access, this proposal maximizes the points of access and benefits a property that is not even part of this discussion.

Mr. Tucker voted no and gave the following reasoning:

*Mr. Tucker*, the simplicity of this is attractive, but I agree with Mrs. Kitterman that it does set a precedent that we have been trying to avoid. I think this proposal could be done pretty simply with a single access point, but I don't think this proposal is the right one for this land.

Dr. Neal voted no and gave the following reasoning:

*Dr. Neal*, I understand the concept and I understand we need it, but I feel like there should be a better review and have it better planned for future growth so we could eliminate a problem such as subdividing a lot that's been waived from the conditions.

Ms. Lloyd did not vote.

The consideration is denied.

## **Technical Advisory Committee**

### **Call to Order**

### **Old Business / Ongoing Applications:**

None.

### **New Business:**

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I. **Jimenez Site Plan Review, case no. 24-186, 1042 Frisco Cemetery Rd, Lowell; 18-02342-002**

Representative: *Addie Manzi – Bates & Associates, 7230 South Pleasant Ridge Drive, Fayetteville, Arkansas 72704*

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The Planning Board staff gave the presentation and proposal overview.

*Mrs. Kienzle*, the property owner wishes to use an existing 1,555 square foot building as a vehicle welding shop which will be open to the public. Gravel parking will be added. There will be two employees and one service bay space. The hours of operation will be Monday through Saturday from 7:00 a.m. to 6:00 p.m. This facility is open to the public with a plan of servicing the vehicles of four to five customers daily.

The Planning Board discussed the proposal with the applicant.

*Ms. Lloyd*, I will point out to the Board that there was a previous application on this site which was denied in December of last year and upheld by the Planning Board of Appeals, but that was for a dump truck storage area.

*Ms. Manzi*, that is correct. The denial was due to the intersection along this road, but we have reduced the traffic significantly to four cars and that's if the work gets completely in a day which might not take place; we are limited to only one service bay.

*Ms. Lloyd*, once we approve this, what's to prevent it from turning into a dump truck storage area that was previously denied?

*Ms. Manzi*, that's an understandable concern, but with the neighbors and how it was brought to my attention, I believe the community is well aware of this site and will watch it closely.

*Mr. Tucker*, I think the scale of this is more in line with what's along North Old Wire Road. There's a sign shop just to the north and a storage building opposite side of the road. So, to me, the hours of operation and the scale are much more in keeping with what's there. I'm much happier with the scale of this and I think getting out on Frisco Cemetery Road with this scale of operation is much more compatible.

*Ms. Manzi*, and we continue to use Frisco Cemetery Road. North Old Wire Road with just be for emergency access. We have discussed that with the Road Department.

*Mrs. Kitterman*, my only concern is that this is just the same thing as last time, just a different name. Before we were concerned about brake pads and disposal of grease and everything else, and I'm concerned that this will have the same issues.

*Ms. Manzi*, we have provided a receipt to show that there should be weekly pickups for all of the old equipment and oil. We have a receipt to show that the property owner has done it in the past with other developments that he has and he will continue that. Same thing with the septic system; the holding tank is to be pumped at a specific time and we have receipts showing that as well. It also just wouldn't look good for customers if these things were not taken care of.

*Mrs. Kitterman*, is the hazardous waste something that is regulated by ADEQ?



Mrs. Kienzle, it's not something that ADEQ would do regular inspections on. If there was a violation or a report, they would certainly do an inspection. Also, in the past, this Board has requested that the applicant submit a hazardous waste management plan, which is like a narrative on what the plan is. That would be something that could be part of an approval that we could lean back on if we needed to. But our Environmental Department and ADEQ can resolve violations of that nature.

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BENTON COUNTY, AR

II. **All American Storage of Garfield Site Plan Review – Major Amendment, case no. 24-254, 14743 US 62 Hwy, Garfield; 18-04267-000**

Representative: *Braden Wise – Bates & Associates, 7230 South Pleasant Ridge Drive, Fayetteville, Arkansas 72704*

The Planning Board staff gave the presentation and proposal overview.

Mrs. Kienzle, this proposal is for an addition of 17,135 square feet or an approximately 53 percent increase in total gross square feet to the existing storage facility. There will be 20 small units, 14 medium units, and 24 large units for a total of 58 new units. These new units are not climate controlled. The total parking required is two parking spaces inclusive of one ADA-compliant space. The current site plans do not satisfy the required parking spaces. The applicant has submitted a parking waiver application and the statement of relief or hardship is as follows: We are requesting a waiver on the parking requirements for the All American Storage project due to the storage unit parking being temporary when tenants are moving out things and moving in. Parking at the units is not to exceed overnight and vehicle owners are to stay close or nearby to vehicles.

The Planning Board discussed the proposal with the applicant.

Mr. Tucker, could you talk about your traffic route of people coming in? Are they still going to come in the northeast corner?

Mr. Wise, yes.

Mr. Tucker, my only concern with that is I've seen on Friday evenings traffic back out onto the highway at that corner because the gate is so close to the road. If you have a 24-foot boat and a full-size pickup or an RV pulling it, that boat is out in the road. Is there any way to move that gate farther into the site?

Mr. Wise, we can definitely talk to our client about possibly moving that back. I'll let him know that you have concerns.

Mr. Tucker, I don't know that it's a deal breaker, but I have noticed sitting at that intersection a car trying to get into the entrance and their boat's out in the road while traffic is going 60 miles per hour. As far as the use goes, this is pretty much the only thing that can go here. I think this is the tenth application I've seen on this site because it's on bedrock.

Mr. Goucher, what is the unit count going to be? You're adding 58, but what will be the total storage unit count?

Mr. Wise, I don't have that off the top of my head. But, not counting the RV units, we should be about doubling what is out there right now.

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*Mr. Goucher*, my question is rooted in the building code because it's going to require that a certain amount of those units be accessible. Whether they are pull chains or what have you from a building perspective and from a waiver point of view for parking, I have a little heartburn of disassociating the building from the site and not having any accessible parking at all. I could potentially support a reduced count; I think on this it would be eight to ten accessible parking spaces or something based on the unit count. I would appreciate if you could re-look at that.

*Mr. Wise*, yes, we can definitely take a look at it.

*Mr. Goucher*, I always appreciate developers being proactive about site infrastructure. The math shows that you're going to rely on the existing detention pond for that detention, so if there would be some notes on the plan requiring the contractor to just observe the detention pond and make sure that it's clean so we know it's in a condition to absorb that impact, that would be satisfactory.

*Mr. Wise*, absolutely. We can add a note to the plans.

**III. Benton County Planning Board By-Laws Updates & Revisions**

*Mrs. Kienzle*, a few weeks or months ago, Dr. Neal had asked if our rule about giving a reason for voting to deny a project was codified anywhere. I had just assumed it was in the By-Laws, but Mr. Webb took a look and that's not codified anywhere. So, he drafted up some language that would codify our tradition of stating a reason for denying a project. We've also corrected some grammatical errors. Additionally, throughout the document it goes between chairperson and chair, so we've just change it to chair for consistency. We are seeking feedback and if there is none, we'll just move it to Public Hearing next meeting. This does not have to go to Quorum Court or anything, so it would just be voted on by this body and then recorded and we would go from there.

*Ms. Lloyd*, I thought the changes looked good.

*Mr. Tucker*, I like it, too. I can remember the day that George came in and said we had to start doing this, but I don't remember why.

*Mrs. Kienzle*, well, I can say that in the last year we've had more appeals than ever before. I think that's just due to the more complex nature of projects that we're receiving and it is extremely helpful to staff and to the Planning Board of Appeals when there's a stated reason for denial. I definitely wouldn't want to see that practice go away; this measure is helpful just to keep that continuing.

*Ms. Lloyd*, I think it really does help the Planning Board of Appeals. I know that two cases ago, our body spent so much more time with the applicants at Technical Advisory Committee and the actual meeting than the appeals body does. I think that is really helpful for them to have a feel for why we did what we did.

*Mrs. Kienzle*, I think so, too.

**Other Business:**

None.

**Discussion Items:**

None.

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**Staff Updates – Administrative Approvals:**

CLERK OF COURT  
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- I. Otoole Minor Subdivision, case no. 24-203, 8225 Tanglewood Rd, Rogers; 18-00892-000
- II. Mancia-Carpio Minor Subdivision, case no. 24-209, 2231 Floyd Moore Rd, Gentry; 18-15678-000
- III. Roth Minor Subdivision, case no. 24-238, 18398 Old Springtown Rd, Gentry; 18-10748-000
- IV. Beck Minor Subdivision, case no. 24-242, Shady Grove Rd, Gentry; 18-13903-001
- V. Blue Sky Homes Lot Combination, case no. 24-255, Timberlake Loop, Rogers; 15-07663-003
- VI. Canale Property Line Adjustment, case no. 24-258, 9207 Coker Rd, Gentry; 18-11503-002
- VII. Nichols Property Line Adjustment, case no. 24-262, 12425 Springtown Rd, Gentry; 18-10794-000
- VIII. Byrd Minor Subdivision, case no. 24-264, 13540 N Old Wire Rd, Garfield; 18-04420-000
- IX. Alton Minor Subdivision, case no. 24-270, 9250 Tomerlin Grist Mill Rd, Rogers; 18-00153-000

**Meeting Adjourned:**

The meeting was adjourned at 6:59 p.m. by the Planning Board Chair, Linda Lloyd.

**Next Meeting:**

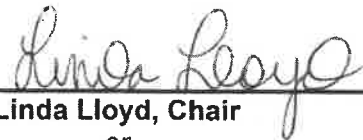
The next Planning Board meeting will be held on September 4, 2024.

**ATTEST:**

**APPROVED:**



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Madison Kienzle, Planning Director



\_\_\_\_\_  
Linda Lloyd, Chair  
or  
Ashley Tucker, Vice Chair