



**Benton County Planning Board
Public Hearing
Technical Advisory Committee Meeting**

August 5th, 2015
6:00 PM

Benton County Administration Building
215 East Central Avenue, Bentonville AR

**Planning
Board
Approval:**

8-19-15
C. Hays

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:00 PM by Planning Board Chair, Mark Curtis.

Roll Call: Ashley Tucker, Starr Leyva, Rick Williams, Mark Curtis, Sean Collyge and Ron Homeyer were present. Mr. Cole was absent.

Staff present: Building Official – Glenn Tracy, Planning Director – Kevin Gambrell, Planning Manager – Taylor Reamer, and County Planner—Caitlynn Kimbrough were present.

Public Present: There were eight members of the public present. (See attached sign in sheet.)

Disposition of Minutes: 07-15-2015.

Mr. Tucker moved to approve the July 15th, 2015 Planning Board Meeting Minutes. The motion was seconded by Mr. Collyge. The motion carried 6-0.

General Public Comment: None

Old Business: None

New Business:

- A. **Trulove Site Plan Review, #15-110, 3901 S 1st St., Rogers
Represented by Cindy Jones - 8004 Pollock Rd., Rogers**

Mr. Curtis asked Staff for the report of Trulove Site Plan Review, #15-110. Staff gave a presentation on Trulove Site Plan Review, #15-110, outlining the information in Public Hearing Report.

Applicant Comment:

Ms. Jones stated that Trulove found the property for sale in April and that she submitted a concept site plan to Benton County showing the property and stating what Trulove wanted to do with the subject area. She was then informed that the property was in the City of Rogers planning area and Benton County did not have jurisdiction. Ms. Jones then went to the City of Rogers and was told the biggest impact they saw was the fuel tanker and instructed Ms. Jones to talk to the Rogers Fire Chief. Ms. Jones talked to the fire chief and was informed it would need to be inspected. Ms. Jones never followed up with Benton County (nor was pursued by Benton County) and began to scrape the top soil on the property. The construction on the property was weather delayed for a month. Ms. Jones was then contacted by Benton County for a complaint. Ms. Jones stated the mobile home on site is used as an office just for her and there are 6-7 dump

trucks parked on the property overnight. There is a service truck that provides the construction equipment and the tanker on site is used for the dump trucks. Ms. Jones stated that with the slope and high grasses/weeds the view of the construction equipment is mostly blocked. Ms. Jones stated that the road traveled by the trucks is a very high traffic road and that there are plans for a new highway to be built in that area.

Board Comment:

Mr. Curtis asked about the drinking water.

Ms. Jones stated that the workers bring their own water/lunches and that she uses Culligan water for coffee inside the office.

Mr. Curtis asked about the running water.

Ms. Jones stated that the wells service the restrooms.

Mr. Tucker asked if the applicant had applied for a stormwater permit before stripping the top soil.

Ms. Jones stated she did not apply for a stormwater permit.

Mr. Tucker asked if she had disturbed more than one acre.

Ms. Jones stated that they had not disturbed more than one acre.

Ms. Jones stated that she did have an application ready for submittal for a SWPPP.

Staff stated under Benton County regulations it is required to submit a SWPPP as the property is part of an existing subdivision.

Mr. Tucker stated that there is a federal violation if more than one acre were to be disturbed.

Ms. Leyva wanted to clarify the matter of jurisdiction, and when they (the applicant) first came to the County, that it (the project) was not in our (the County's) jurisdiction. Further, Ms. Leyva wanted to know if this was based off the new State ordinance, and, that when the County approached the City of Rogers on this matter, if that was when the City wrote the letter stating that the City thought the (Planning Area) maps was incorrect. Staff stated that they asked the City of Rogers for the letter because the current City ordinance stated that the City of Rogers does exercise its jurisdiction on large scale development in their Planning Area maps on file with the County. Staff stated that Benton County cannot say it agrees or disagrees (on the City position that their Planning Area Maps violate State Statute)but simply needed a written statement (from the City) allowing the applicant to move into a Site Plan Review with the county. Staff reiterated that the County will no longer accept projects in other planning areas that have an ordinance stating the city exercises their ETJ. However, Staff felt it needed to move forward since the City of Rogers considered the matter a code enforcement matter, and therefore would not exercise zoning enforcement outside its municipal boundaries.

Public Comment:

Bill Watkins, 1106 W Poplar, Rogers

Mr. Watkins asked if he could accumulate more time on behalf of several individuals' representation. Mr. Curtis stated that would be allowed. Mr. Watkins is an attorney representing some of the neighbors of the subject property. Mr. Watkins provided photos of the property from the neighboring perspectives. Mr. Watkins stated that allowing this review to pass is in a direct violation to the letter and spirit of the Benton County Land Use Development Guide as well as the Benton County Planning Regulations. Mr. Watkins states that the use is completely incompatible. In the case there were zoning laws it would be rejected based on the lack of compatible surrounding uses. Mr. Watkins stated that this land use request is not logical and is non-conforming to its surroundings. Mr. Watkins states that there is no amount of buffering that can block out the heavy commercial use in the middle of a rural neighborhood.

Johnny Howell, 4002 S. Old Wire Rd, Rogers

Mr. Howell stated that he owns the eastern property adjoining the subject property. Mr. Howell stated he had a concern with the residents living on a well system, and if there were to be a chemical spill, the water would be contaminated quickly. Mr. Howell stated the property is currently trashy and unclean. Mr. Howell also stated that the proposed vegetative plantings would not sufficiently screen the property. Mr. Howell has lived at his property since 1984 but was not the original owner when the land was subdivided. Mr. Howell stated his property is used for agriculture and residential. Mr. Tucker asked Mr. Howell if he had ever noticed the steel mill to the south of the subdivision. Mr. Howell stated it is Martin Building Supply, in that they only bring in materials and sell out of the building. Mr. Howell stated it is unseen from the street.

Rey Hernandez, 3939 S. Old Wire Rd, Rogers

Mr. Hernandez lives to the east of the subject property. Mr. Hernandez stated that the commercial trucks on the site have their engines running and lights on as he leaves (his residence) at 5:30 AM to feed his cattle. Mr. Hernandez stated there is no proposed landscape buffering for the backside of the property and that is an issue with him. Mr. Hernandez stated that the commercial operation is incompatible with the surrounding agriculture and residential uses. Mr. Hernandez stated that he has served on the Quorum Court and would be very opposed to this project.

Luis Velez, 4001 S. 1st St., Rogers

Mr. Velez parents own the home immediately to the south of the subject property. Mr. Velez stated his parents have owned the property for over 15 years and the purchase was made for the space and acreage. Mr. Velez stated he discussed mowing the property with Ms. Jones and volunteered to do it. Mr. Velez had concerns with the depreciation of his parents' property with the overgrown subject property. Mr. Velez stated the vegetation would not efficiently buffer the construction equipment.

Michelle Lee, 400 Southpointe Ave, Rogers

Ms. Lee stated that she lived in the subdivision to the north of the subject property. Ms. Lee stated she is frequently stopped by dump trucks on 1st St. while trying to get home. She also stated the weeds are ridiculously tall and it looks bad from a residential standpoint. Ms. Lee stated she had a concern with the fuel tanker on the site. She also stated it is an eyesore while walking and biking around the area.

Applicant Comment:

Ms. Jones stated the pond in the back of the property would not hold water because it drains out on one side. She also stated that there is not maintenance done on site to the trucks, but is done by a service truck. Ms. Jones stated that any leaking from the equipment would not penetrate the ground because all of the trucks are on 6 inches of base concrete. Ms. Jones stated there is a water truck to spray down the gravel when it does begin to get dusty. Ms. Jones stated that the proposed berm was intended to block immediate views of the house from all corners. Ms. Jones stated if they (Trulove) had known there would be question of commercial use on the property then they would not have purchased it. Ms. Jones stated they put a hold on activity on the site until the project was reviewed and that would be why the grass had not been mown.

Mr. Curtis made a comment about the new highway proposal going in to the proposed area. He stated this would drastically increase traffic and would change the east side of Rogers.

Vote:

Mr. Tucker made a motion to approve Trulove Site Plan Review with stipulations and standard conditions. Mr. Homeyer seconded the motion.

Mr. Curtis stated that from the ethics commission it is not standard to motion a project to be approved and then vote against it. He stated the motion should be made in reference to which the board member is voting.

Mr. Tucker withdrew his motion to approve the Trulove Site Plan Review. Mr. Homeyer withdrew his second.

Mr. Tucker made a motion to deny Trulove Site Plan Review, #15-110, as written. Mr. Homeyer seconded the motion.

The motion carried 6-0

The Trulove Site Plan Review (case #15-110) was denied 6-0.

The Board members stated their reasons of denial. All of the members denied the project due to incompatibility and inefficient landscape buffering and screening.

Public Hearing adjourned at 6:51pm.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 6:51pm

Old Business: None

New Business: None

Other Business: None

STAFF UPDATES:

- I. Administrative Approvals
 - a. Eagleswings Investments LLC Minor Subdivision, #15-111
 - b. Eaton Minor Subdivision, #15-115
 - c. Jeffus Minor Subdivision, #15-098
 - d. Philpott Minor Subdivision, #15-116
 - e. Mattingly Minor Subdivision, #15-107
 - f. Kinney Minor Subdivision, #15-120
 - g. Christian Lifeway Cathedral, #15-122
 - h. Long Minor Subdivision, #15-123

DISCUSSION ITEMS:

Planning Board Appointment process

Staff requests letters of intent for Planning Board members 6 months prior to the term expiring, and presented the process for appointment for Planning Board members.

Meeting Adjourned at 7:03pm.

