



Benton County Planning Board  
Public Hearing  
Technical Advisory Committee Meeting  
March 2<sup>nd</sup>, 2016  
6:00 PM  
Benton County Administration Building  
215 East Central Avenue, Bentonville AR

Planning Board Approval:

MB  
3/17/16

Meeting Minutes

PUBLIC HEARING:

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

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

**Staff present:** John Sudduth – Administrator of General Services, Glenn Tracy – Building Official, Planning Manager – Taylor Reamer, and Kevin Gambrell – Planning Director were present.

**Public Present:** There were 18 members of the public present. (See the attached Sign in Sheet)

**Disposition of Minutes:** 02-17-2016.

Mr. Tucker moved to approve the February 17<sup>th</sup>, 2016 Planning Board Meeting Minutes. The motion was seconded by Mr. Cole. The motion carried 7-0.

**General Public Comment:**

**Andrew Curry, Watkins Law Firm, 1106 W. Poplar, Rogers**

Mr. Curry stated he represented Mr. Holladay whom lives near the proposed Horseshoe Bend Storage Units. Mr. Curry stated this area is predominantly large acre tracts with single family residences. The proposed development is characterized as industrial and is incompatible with the existing uses. The application is in direct violation with Land Use Guide and the Planning and Development Regulations and should not be supported by this Board. He stated this Board in the past has denied projects with regard to incompatibility. He stated a goal of the Land Use Guide is to protect the agricultural and residential character of the County. He referenced sections of the Planning and Development Regulations with regard to indiscriminate use and clustering. The type of proposed use has not proposed adequate screening or buffering for the property. He respectfully requested the Board to deny the application.

**Lynn Davidson, 14661 E. Hwy 94, Rogers**

Ms. Davidson handed out pictures of the Horseshoe Bend Storage Unit property as well as read from a PowerPoint Slideshow. The slideshow detailed various traffic issues with the intersection of Hwy. 94 and Panorama Rd. Specific issues detailed the problem with RVs inhibiting traffic on

Hwy. 94.

**Dave Edgar, 9481 Fowler Cove Rd., Rogers**

Mr. Edgar passed out pictures pertaining to the erosion and sedimentation occurring on Horseshoe Bend property. The photos show the drainage area on site and the standing water that was in the basin. He stated he had not seen this site pond like this prior to the land alteration. He stated that if significant rainfall were to occur this type of ponding would create an issue with Hwy. 94. He asked the Board to require the developer to install some type of culvert to alleviate the ponding problem.

**Roy Wisecarver, 14248 E. Hwy. 94, Rogers**

Mr. Wisecarver stated single family and agricultural uses are granted by right to citizens. Any other use shall be reviewed by the Board. He stated the cluster should not be started in this area, this area is residential. He stated that Hwy. 12 has started a cluster of commercial uses. He stated based on meeting minutes this property is surrounded by residential. The Board should follow the law as stated in the ordinance for the Planning Regulations.

**Eric Burton, 9804 Palomino Dr., Rogers**

Mr. Burton stated his largest concern is that if any type of access were to occur, the emergency service providers would not be able to reach Monte/Horseshoe Bend. The Hwy. 94 access is the only road to this side of Rogers.

**Larry Theleman, 9546 Bayside Rd., Rogers**

Mr. Theleman stated the regulations clearly stated that no land alteration shall occur without the approval of the Board. The developer should be held accountable for the land alteration. He stated he has spoken with Scenic Highway commission about making Hwy. 94 a scenic highway.

**Shelly Wisecarver, 14248 E. Hwy. 94, Rogers**

Ms. Wisecarver stated she had in hand a court case in which pertained to the same type of development that the Board is considering for the Horseshoe Bend Storage property. The Board has denied projects developments in the past and she requests the Board deny the Horseshoe Bend Storage proposal.

**William Dark, 9881 Bobwhite Circle, Rogers**

Mr. Dark stated he provided a packet of information concerning the traffic situation around the Horseshoe Bend site and the ADEQ inspection conducted on the site. He stated the reaction time for a driver to react to stop traffic on Hwy. 94.

**Ron Reynolds, 9911 Buckskin Cir., Rogers**

Mr. Reynolds stated he has never seen grading on a site with no BMPs in place. The disregard

that has occurred on site now will only transfer if the site is approved for the storage units.

**Allene Pendley, 14420 W. Hwy. 84, Rogers**

Ms. Pendley stated there have been two accidents on Hwy. 94 and the traffic was backed up for hours.

**Old Business:**

**I. Horseshoe Bend Boat and RV Storage Site Plan Review, #16-004, 9371  
Panorama Rd., Rogers  
Represented by Gerald Fox – Blew and Associates**

Mr. Fox respectfully requested the Board to table the project.

Mr. Curtis asked Staff if any supplemental information had been submitted for the project. Staff stated no further (new) information has been provided since the last Public Hearing 2/17/16.

Mr. Tucker asked the applicant when the project would be back in front of the Planning Board. Mr. Fox stated the plan was to be in front of the Board in two weeks.

Mr. Cole asked why the project needed an additional continuation.

Mr. Fox stated the largest reason was the concern and issue with the drainage on site. He stated he is only asking for another chance to submit a more thorough plan.

Mr. Cole stated the public would need to come to an additional meeting due to poor planning on the engineering side of this project.

Mr. Fox stated there was not enough time to get adequate information to draft a new site plan.

Ms. Leyva stated every project in front on this Board requires a drainage report, the applicant knew this from the onset of the project.

Mr. Fox stated a drainage report has been completed for this project.

Ms. Leyva asked if the drainage report submitted did not reflect on the ground conditions.

Mr. Tucker asked how the detention pond would affect property upstream.

Mr. Fox stated there would be no affect.

Mr. Tucker asked how the detention would affect downstream property.

Mr. Fox stated there is no affect currently, based on the fact there is no culvert under Hwy. 94.

Mr. Curtis stated there may be issues with installing a culvert under Hwy. 94. The solution of the drainage issue may take longer than 2 weeks. The new meeting date will be set by the Board.

The applicant will be required to formally notify the public of the new meeting date.

Voting Record:

Mr. Tucker made a motion to continue Horseshoe Bend Boat and RV Storage case no. 16-004 to the Public Hearing on April 20<sup>th</sup>, 2016. Mr. Collyge seconded the motion.

**The motion carried 5-2.**

**Public Comment:**

Mr. Reynolds asked if the Board could require erosion control measures on site.

Mr. Curtis deferred comment to Staff.

Staff stated that the County regulates storm water only specific areas in County jurisdiction. This property does not lie within the designated County MS4 area. The jurisdiction for land alteration falls with the State – ADEQ. The site has been investigated by ADEQ field inspectors and a formal report has been generated. This site is not regulated by the County, the site is regulated and enforcement is with ADEQ.

Voting Record:

Mr. Tucker made a motion to defer action with the following stipulations;

- Applicant provide new information by March 23, 2016
- Technical Advisory Committee meeting on April 6, 2016
- Public Hearing held on April 20, 2016

Ms. Leyva seconded the motion.

**The motion carried 5-2.**

**New Business:**

- I. **Kramer Mechanical Site Plan Review, #15-186, 12451 Highway 72,  
Bentonville  
Represented by Mike Kramer, 1 Basore Lane, Bella Vista**

Mr. Curtis asked Staff for the report for Kramer and Co. Mechanical Site Plan Review, #15-186. Staff gave a presentation on Kramer and Co. Mechanical Site Plan Review, #15-186, outlining information in the Public Hearing Report.

**Board Comment:**

Ms. Leyva asked if a dumpster would be located on site.

Mr. Kramer stated there would be a dumpster on site to the rear of the structure.

Mr. Tucker asked for the dumpster to be noted on the site plan with the size detailed as well.

**Public Comment:**

**John Cowgur, 1812 El Contento Cir., Bentonville**

Mr. Cowgur stated his family owns property near this area and has concern due to the proximity of the septic to a spring fed pond on the neighboring property. This area is majority agricultural with some residential areas as well. There is one commercial property which is H and H Classic Cars.

**Applicant Comment:**

Mr. Curtis asked what will be done for any runoff from the dumpster.

Mr. Kramer stated if necessary the dumpster could have a containment area.

Ms. Leyva stated there are many types of dumpster available. Some include drain plugs and this is a great way to contain all liquids.

Mr. Kramer stated he would note the type of dumpster located on site.

Mr. Tucker asked what type of uses would be conducted on site for the mechanical business.

Mr. Kramer stated the business would use the warehouse area for storage of materials and some light sheet metal work.

Mr. Tucker asked if there would be any fumes or noise on site.

Mr. Curtis stated with regard to the 549 construction, once a road like this is built more development will be coming to the area.

Ms. Leyva asked what type of chemicals would be stored on site.

Mr. Kramer listed the various chemicals stored on site, as listed on the Hazardous Chemical Notice Form.

**Voting Record:**

Ms. Leyva made a motion to approve Kramer and Co. Mechanical Site Plan Review case no. 15-186, 12451 W. Hwy. 72, Bentonville with the following stipulations:

1. Site Plan Revisions;
  - a. Landscaping gallon/height size to be installed shall be noted on the site plan
  - b. Parking Table detailing required parking and provided parking.
  - c. Detail dumpster location/size/type
2. AHTD Access Drive Permit shall be approved and submitted prior to issuance of Building permit
3. ADH Septic Permit shall be submitted and approved prior to issuance of Building permit.
4. Service Confirmation
  - a. Fire/EMS Provider
5. Applicant agrees to Standard Conditions

The motion was seconded Mr. Tucker.

**The motion carried 7-0.**

Public Hearing adjourned at 7:05 pm.

**TECHNICAL ADVISORY COMMITTEE**

**Call to Order:** 7:06 pm

**Old Business:** None

**New Business:**

- I. **Area Lake Boat and Mini-Storage Site Plan Review – Major Amendment, #16-024, 15055 E. AR Hwy. 12, Rogers**  
**Represented by David Morris**

Mr. Curtis asked Staff for the report of Area Lake Boat and Mini-Storage Site Plan Review – Major Amendment, #16-024.

Staff gave a presentation on Area Lake Boat and Mini-Storage Site Plan Review – Major Amendment, #16-024 outlining information in the Technical Review Report.

**Applicant Comment:**

Mr. Morris stated this is phase 2 of the original approval in 2012. The property is always kept in good condition and he asked for consideration on phase 2. He stated there will be a slight change to plans in front of the Board tonight. The amount a select fill for this site to be developed is not available on this site; the plan would be to acquire 2 additional acres for this property and use the area for excavation of fill to use on the building sites.

Mr. Curtis asked the applicant if he was aware of all the outstanding items.

Mr. Morris confirmed that he is aware of the items.

Mr. Morris addressed the storm water outstanding items. The original approval included a detention pond and this phase 2 will also utilize the detention pond as part of the erosion and runoff control. He stated that he has applied for a Short Term Activity Authorization for the clearing and excavation of fill on the property.

Mr. Curtis asked what type of crossing.

Mr. Morris stated a short term crossing to access the excavation site on the north side of Bear Creek.

Mr. Curtis asked if the crossing is short term it will not be used indefinitely, correct. Would there be [storage] buildings on both sides of the creek.

Mr. Morris stated that ADEQ has not stated that the crossing would need to be removed; the permit is for the installation. Storage buildings would not be on both sides of the creek. The crossing is for access to the area in which we will get fill from for the project.

Ms. Leyva asked if there was a complete plan of all improvements for this site. Staff showed the Board the overall site plan on the property including all approvals and improvements on site.

Ms. Leyva asked what the 'future' parking area was on the site plan. Staff stated this was most likely part of phase 1.

Mr. Williams asked what the Fire Marshal requirements were for this project. Staff showed [on the computer screens] the list of requirements from the Fire Marshal as part of the review on this project.

Ms. Leyva asked if any ADA compliant spaces were shown on the site plan. Mr. Tucker stated that there would need to be an accessible route to a unit. Mr. Tucker asked if there were any interior areas for access. Mr. Morris stated all units were single bay overhead door access storage units, no interior access.

Mr. Tucker stated no matter if the developer varies from the parking requirements, there must be an ADA compliant access to the facility. Mr. Morris stated that there are no parking spaces at the facility.

Ms. Leyva asked if there were ADA compliant parking spaces at the office/apartment. Mr. Morris stated this is a residential unit, not commercial. Ms. Leyva stated that this unit is a place of business for the storage facility. Mr. Morris stated this unit is for an onsite property manager.

Mr. Curtis asked why there was a fuel tank and various construction equipment stored on site, this was not part of the original agreement. Mr. Morris stated this storage area is used as RV and boat trailers. The construction equipment is staged here as parts of the potential phase 2 constructions. Mr. Curtis stated the understanding was this area was for rentable parking spaces. Mr. Morris stated that this area was agreed to be an area to store equipment. This area is also an area to stage equipment for phase 2 development.

Mr. Curtis asked if all units are filled and a waiting list has been established.

Mr. Morris confirmed.

Mr. Williams asked what the status of the construction equipment would be after the construction of phase 2.

Mr. Morris stated the construction company has been sold to his son and after the construction of the expanded storage facility is complete the equipment would be in the possession of his son.

Mr. Williams asked if the equipment would be off the property.

Mr. Morris stated the equipment would go away. A skid steer and mini-excavator would be kept on site for maintenance on site.

**II. TowMate LLC Site Plan Review – Major Amendment, #16-026, 15764 E. AR  
Hwy. 12, Rogers  
Represented by Bryan Anderson**

Mr. Curtis asked Staff for the report TowMate LLC Site Plan Review – Major Amendment, #16-026.

Staff gave a presentation on TowMate LLC Site Plan Review – Major Amendment, #16-026, and outlining information in the Technical Review Report.

**Applicant Comment:**

Mr. Anderson stated last time he came in front of the Board for the amendment application, he gained approval for the 5,600 sq. ft. building. The day after the approval his neighbors approached him looking to sell the warehouse property to the east of the TowMate site. Now that TowMate has the additional warehouse space the use for the current proposal would be storage on raw materials with no need to have parking or restroom facilities.

Mr. Curtis asked if the applicant is requesting a variance from the parking requirement.

Mr. Anderson confirmed and added that the need for restrooms in this building was not necessary due to the close proximity of other restroom facilities on the property.

Mr. Tucker stated that if the applicant can verify that adequate parking is provided on the total site this would satisfy the requirement.

Mr. Anderson stated that it would require the engineer to verify that the parking areas can provide the required parking on a plan.

Mr. Tucker stated that if Mr. Anderson can provide a scaled drawing detailing the parking provided on site meets the requirement.

Staff stated there is no issue with providing parking on a separate parcel so long as the parcels are both under a large common plan or development.

Ms. Leyva asked if there was water service to the site.

Mr. Anderson asked if there was a possibility to stub out the plumbing so that in the event service would be needed to the building the concrete floor would not need to be destroyed and replaced.

Ms. Leyva asked if there were any loading docks on the building.

Mr. Anderson stated there is one loading area. The materials are delivered or transferred on a 16 ft. flatbed truck.

Mr. Tucker asked the applicant to explain how the TowMate campus has changed since the original approval.

Mr. Anderson stated the one building is used for robotics for the electronics, another building is assembly, and the main building is used for programming and shipping.

Mr. Sudduth stated that with the proposed hand drawn parking area, that ADA compliance is satisfied.

**Other Business:** None

**STAFF UPDATES:**

I. Administrative Approvals

- A. Atkins Minor Subdivision, case no. 16-025, 22443 Floyd Moore Rd., Gentry
- B. Landreth Minor Subdivision, case no. 16-027, Mt. Olive Rd., Gentry

**DISCUSSION ITEMS:**

Staff gave the Board an update on the personnel for the Planning Division.

Mr. Sudduth stated there have been a few interested parties in the Planning Board vacancies.

Meeting Adjourned at 8:05 pm.



