



**SALINE COUNTY PLANNING BOARD  
MINUTES JUNE 13, 2019**

**Meeting Called to Order at the SALINE COUNTY COURTHOUSE, COURTROOM #1 AT 5:30 P.M.**

**ROLL CALL:**

<b>Layne Penfield</b>	Present	<b>Eric Krebs</b>	Present
<b>Sherry Spann</b>	Present	<b>Justin McCauley</b>	Present
<b>Kevin Barham</b>	Present	<b>Randy Ives</b>	Not Present
<b>Matt Nalley</b>	Present		

**NON-VOTING:**

<b>Audrey Villegas</b>	Present	<b>Clay Ford</b>	Present
<b>JR Walters</b>	Present	<b>Renee Richard</b>	Not Present
<b>John Wofford</b>	Present	<b>Judge Jeff Arey</b>	Not Present

**PRESENTATION OF MINUTES:** May 9, 2019; Motion to approve by Matt, second by Eric and approved by all

**OLD BUSINESS**

**NEW BUSINESS**

- **Dollar General Hensley, Commercial** **-Paxton Singleton, Blew and Assoc.**  
Chairman Penfield and Eric Krebs will be abstaining from the Board for this agenda item. Paxton Singleton from Blew & Associates is here to present the plat. It is requested that those in the audience elect a spokesperson to voice their concerns and comments. Matt asked about the easement to the East of the property that is hatched on the plat, that will be area that will be used for the Dollar General and it will be off of Kaufman Road. This area is exempt from the lot right now and the owner has fee title to that area; Matt asked what would be done with that after the development is built and it will be the access road for the development. Matt clarified that access to the development will be on the easement and not on North Kaufman Road and Mr. Singleton confirmed. Eric clarified that the easement is that long in the event it is needed to go further in the future and set aside to dedicate to the county in the future even though there are no current plans as of right now. Kaufman road is private and there is a piece of land below the hatched area that belongs to the land owner and that will be part of the actual easement itself and it should be hatched as well. Driveway will meet and go above county standards. The edge of the property runs along the east of Kaufman road and the access for the development will run alongside Kaufman until it converges at the entrance, Sherry asked if there would be a fence along the access and Eric stated there would only be fencing on the North and East side. Matt asked if the lot encompassed the design plan for Dollar General and Eric confirmed along with the easement access. The easement is not part of the lot as of now, Matt asked if the legal description encompassed the easement and it is not right now. Eric stated they could add a legal description for the easement if needed and John asked if they could simply make it a separate lot and deed it

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to the county, Eric was in agreeance. Matt asked if there was an issue with clearance if the driveway was put in closer to the parking lot and Mr. Singleton stated there is a "Control of Access" that they have spoken with the Highway Department about and that is where the driveway has to be. Sherry wants to know how Kaufman and the entry to the store will work together in the high traffic area. Eric stated the same entryway off of the highway will still be used and then the driveway to the store will split off from Kaufman. John asked if Eric thought there would be any reason that this will block entry into Kaufman and Eric could not think of any reason that it would. Eric stated they could put a stop sign at the driveway to help with entryway access and traffic. Matt asked if the County Judge had any comments or his point of view on Kaufman Road, Judge has made no comments due to the fact that it is a private road and the County has no jurisdiction over private roads. Matt asked Clay what the prescriptive easement revocations regarding the fact that this road is being used, if we improve this and give them access it does not have any liability.

Clay stated that as most are aware there is a lawsuit currently ongoing right now and Mr. Zachary is here as he is the plaintiff's lawyer in the case who claim ownership of Kaufman Road and Mr. Tidwell is here on Dollar General's behalf, Mr. Phillips with Bright Properties is not in attendance. The lawsuit is in regards to a discrepancy in boundary lines on Kaufman Road and it is Clay's understanding that the Berry's have a filed easement to access from their property to Highway 167; Mr. Zachary corrected it is an easement from Woodson Lateral to the property. Mr. Zachary stated that based on their information the property line does not go at the same angle as Kaufman Road. Clay informed everyone there was a hearing last Friday where the plaintiffs asked the Circuit Court to put a stay on the Planning Board proceedings until the lawsuit was further down the road or closed to see who actually owns what of Kaufman. The Judge did not issue an injunction on the Planning Board proceedings, but essentially the Planning Board has their duties and does not determine lot lines. Whatever the Planning Board does the Circuit Courts can correct if the Planning Board was in the wrong, but if North Kaufman road is utilized in the future by the land owner or developer the judge would issue an injunction until further litigation occurs. Clay cannot guarantee prescriptive rights or easements; the Board has a set of plans in front of them that they need to look at and review and determine if it meets rules and specifications of the County. Mr. Zachary stated that the lawsuit is a property line dispute and the Berry's argue that they own Kaufman road where their property is and that the sole purpose of the road was to be used privately by the residents on the road. The Berry's want to make sure they own the land in front of their home in the lawsuit before a commercial development is put on the property across from them. They are asking for a little time to clarify the property line issue before the commercial development is put in. Matt asked if the property line dispute is in regards to the forty (40) line and Mr. Singleton stated that is the only one he could think it would be in reference to. They are in accordance with the original survey. From Matt's point of view the litigation is not relevant at this moment, his concern is does Bright Properties own anything south of the forty (40) line that is in dispute and Mr. Singleton stated they own everything to the forty (40) line including the triangle that is not hatched. Bright Properties is retaining ownership of the easement since they own the property to the north and for any future plans with the property. Justin asked why there was a right turn lane on the driveway if there was never any intent for Kaufman Road to be used. Eric stated that is just standard layout and if in the future they did extend to the north then that would not be tied into North Kaufman. Matt asked why this would not be a separate tract and Mr. Singleton stated that could be an option and then it would just be retained by the land owner, Matt believes that would give a better understanding and cleaner title. No further questions from the Board at this time.

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Marcia Brown, 22211 North Kaufman, she has been a resident there with her family for about ten (10) years now and is a teacher in the Sheridan School District and her husband, Jeremy in the military and her two (2) children. For them there are a lot of unknowns, there are no plans in place to prevent anyone from using North Kaufman Road if coming to the store from Woodson Lateral and that is a safety concern to them since their research shows them a Dollar General can average four hundred fifty (450) to five hundred (500) customers per day. It is also a financial burden for them since the neighbor's upkeep the gravel road and this would possibly increase the traffic on that road with no plan in place to prevent it. This also seems like a safety concern about the intersection and pulling into the traffic on Hwy 167. This will change the integrity of their community and neighborhood and this has been a residential area since they have been there; they have lot of privacy and endured pollution to their area now. Dollar General is not reputed to be good neighbors and have issues such as rat infestation and crime. She is asking the Board to also take into consideration the feelings of the residents in the area and she has reached out to people in the community and there has been an outpouring of support.

Cheryl Kaufman, 22601 South Kaufman Road, her daughter died when she was pulling out onto Highway 167 in traffic from the Dollar General in Ico and she died in the accident. She has a fifteen (15) year old daughter that is about to start learning how to drive on the highway and it doesn't make sense to her to have the Dollar General located off of this highway. The police presence is not large in that area and she is concerned about the safety of those pulling in or out of this development onto the highway; she believes it would make more sense to put it on the property by Woodson Lateral as it seems it would be safer.

Paul Roberts, 231 Herbert Loop, he states the plan is very vague and there are issues to the residents that are unclear. There is no plan in place to keep traffic off of Kaufman Road and there is no storm water plan, states storm water will cause issues on all sides of the development.

Theresa Small, 659 W. Woodson Lateral, Kaufman Road is a small private used by the residents and her concern is safety as she has grandchildren of all ages and she is concerned of her grandchildren's safety. Concern about flooding because there is a lot of water issues on their property and it turns into a small swamp on her property when there is a lot of rainwater running onto her property.

Jeremy Brown, 22211 North Kaufman Road, concerned about the safety issues especially with the cross median on Hwy 167 and crossing traffic there are no lines or direction for traffic. There is no turning lane; it is wide enough? Wants a stoplight put in so it will be safer for traffic on the highway.

Martha Berry, 22405 North Kaufman, this is a residential area with a private road and they are going to share their access to the highway and they would just like to know what is their property. They want to know what the plans are, drainage solutions and there are other issues that need to be addressed; it is not safe off the highway and that they will be considerate of the neighborhood.

Dorris Kaufman, 22923 South Kaufman Road, traffic on highway 167 is atrocious and traffic is very fast; there is a major safety issue with the entrance off of the highway. People have enough time to be going fast enough after the red light to cause a wreck. She does not to look out and see a Dollar General sign every time she gets on the highway and she doesn't want anyone to go through the devastation that her family has had to go through.

Elizabeth Solano, 3052 Wood Drive, she is concerned in what this Dollar General will do for their community and answers on the safety issues; there are more questions than answers right now.

Mr. Singleton states the Highway Department has control of access on the highway and it allows or doesn't allow for certain areas to be accessed. On this highway you have to access at



certain points and they are meeting the highway department standards with the access for this development. Also, when presenting a plat they found a lot of comments about the site plan and from the stand point of the Board's approval or disapproval is do we meet the plat requirements that are set and approved by the County and Mr. Singleton is asking the Board to strictly look at the plat. Matt asked Eric about the drainage issues, have there been any drainage studies done on the property? Eric has done drainage calculations and there is a high point on the north side and everything flows northeast to southwest, a small portion will drain towards Kaufman and there will be a ditch and culvert that will pull it back under their drive and over toward the highway; all of the water from the site will go to the highway ditch. Matt asked in consideration of the concerns of the citizens in regards to people cutting through Kaufman Road from Woodson Lateral and Eric stated there is no existing means to keep people from cutting through the road now other than a private road sign. In regards to the Health Department, is the area behind the store intended to be used for the septic system; do they have Health Department approval on it? Eric stated they have received verbal approval, but do not have the Health Department letter as of yet. Eric stated as far as the safety on Highway 167 that is the Highway Department's jurisdiction, the owner nor developer have no say if a traffic signal or turning lane are put in on that highway. John asked, based on the forty (40) line issue which way would move the line would move the line to the East? If the line moved to the East it would give more property to the Berry's, but moved to the West it would give more property to Bright Properties. Mr. Singleton states that they are accepting the line that the Berry's state is the correct property line, this puts Kaufman Road on the Berry's property.

Matt asked Mr. Tidwell what his stance was regarding the through traffic that might come about on Kaufman Road. Mr. Tidwell stated that the through traffic is already an issue and that it is a private road which Dollar General has no control over. He stated they are doing the best they are able to prevent traffic into that area but they cannot restrict access onto the private road. Mr. Zachary stated that the questions are relevant, the usage of the land and increase in traffic is something to be considered in these meetings. Matt stated that by putting this development here they are creating more of a public use road than a private road due to the fact that people who would not normally use the road will be using the road to get to the development. Clay stated that if the Board does postpone the development it needs to be based on a reasoning on our rules and regulations. Justin asked Matt if there was anything wrong with the plat as it is. Matt stated that the reason he could not vote for the plat was that the easement lot technically did not have access to the highway, it has platted use but does not touch the highway. Matt would like to see the plat reworked so that the lot has access to the highway. John stated they need to make sure to have all utility providers, adjoining land owner information, etc. Mr. Zachary asked that Dollar General be required to do a traffic study to appease some of the concerns of the citizens. Matt asked Mr. Tidwell what he thought of the traffic study and Mr. Tidwell stated that he was not aware of that being a requirement under the rules and regulations. Mr. Tidwell could not state one way or the other whether Dollar General would be willing to conduct a traffic study or not. Eric stated that he couldn't say if Dollar General will do it, but that is not a requirement of the rules that must be done, it is similar to when we approve cell towers that technically passes but we can suggest to them to shore up parts that are suspect, but we cannot force them to. In this case it cannot be forced, but maybe suggested and that may go a long way in placating the neighbors. Matt stated that currently under the circumstances that have been presented to the Board by public comment and current presentation of this plat he made a motion to table the development until the July 11<sup>th</sup> meeting with the recommendation that certain issues with the plat that need to be brought back to the Board being that access to the highway in regards to where Controlled Access is granted from the Arkansas Highway Department be clearly stated and

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provided for the lot we are approving and it is also recommended that Dollar General possibly supply traffic information for the safety concerns of the public if so willing, second by Sherry and tabled by all.

- **Dollar General, Hwy 5/298, Commercial** **-Paxton Singleton, Blew and Assoc.**  
Chairman Penfield is returning to Chairman status, Eric Krebs will still abstain from the Board. Paxton Singleton is here to present the plat. This lot consists of all of one tract and a portion of the other. John has seen the construction drawings and it needs adjoining land owner information, utility information. Staff has received health department approval documentation. Site plan was approved last month and they are bringing the official plat for approval now. Motion to approve by Justin, second by Matt and approved by all.
- **Olde Salem Township Ph. 2 Lot 101, Final** **-Vernon Williams, GarNat Eng.**  
Eric Krebs is returning to Board Member status. Vernon Williams is here to present the plat. John has no comments on the plat. Vernon explained the situation of why we are looking at this plat for only one lot approval. When Dee Fiser, developer, did Phase 1 he built all infrastructure and utilities that fronted this lot and he thought it was part of that phase and sold the lot before it received final plat approval; therefore there was a discussion between Vernon and staff members Clay Ford and Audrey Villegas on the best approach to getting this lot finalized and filed and this was the best course of action in their opinions to bring to the Board for approval. Motion to approve by Kevin, second by Matt and approved by all.
- **River Ridge Landing Ph. 1, Final** **-Matt Nalley, CMN & Assoc.**  
Matt Nalley is abstaining from the Board to present the plat. This is the same preliminary that came before the Board about one (1) year ago with the exception that it has lost one lot since then due to results of the septic. They are wanting to get started on selling the lots and then get started on Phase 2. Drainage easement, they are going to try to put in a small retention pond. Health department and water approval have been received. Motion to approve by Justin, second by Sherry and approved by all.
- **Avilla Cove Estates, Preliminary** **-Eric Richardson, Richardson Engineering**  
Eric Richardson is here to present the plat. This is a small subdivision in Saline County off of Avilla Vincintage Road. Requesting preliminary plat approval tonight. John has no questions or comments on the plat. Entrance is at the top of the hill so there is good sight distance at the entrance. Motion to approve by Eric, second by Justin and approved by all.

## **OPEN DISCUSSION**

## **MEETING ADJOURNMENT**

- Justin made a motion to adjourn, second by Matt and approved by all. Adjourn 7:10 pm.