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

DEBRA J. BARRELL
CO. & PARCEL CLERK
BENTON COUNTY, AR

January 17, 2024

6:00 p.m.

Benton County Administration Building
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, Bob Bracy

Roll Call: Bob Bracy, Rachel Kitterman, Linda Lloyd, Theresa Neal, Ashley Tucker and Vernon Reams were present.

Staff present: Madison Kienzle – Planning Director, Tracy Backs – Senior Planner and Sandra Garza – County Planner

Public Present: See sign in sheet

Disposition of Minutes: January 3, 2024

Mr. Tucker motioned to approve the January 3, 2024, Planning Board Meeting minutes. The motion was seconded by Mrs. Kitterman.

Motion to approved: 6 – 0

General Public Comment: None

Old Business: None

New Business:

- I. **Hosteter Site Plan Review & Waiver, case no. 23-431 & 23-433, 14831 Hwy 49, Siloam Springs; 18-14034-000**

Representative: Rory Hosteter, 10851 WPA Rd, Gentry

Site has been used as a location of retail predating the 1998 Planning and Development Regulations. Subject application is to utilize the site for a small-scale manufacturing facility.

Staff gave presentation

The Planning Board discussed the proposal with the applicant.

Public Comment: None

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Mr. Reams motions to approve, seconded by Mr. Tucker

Motion to Approve: 6 – 0

II. Jimenez Site Plan Review, case no. 23-434, 1042 Frisco Cemetery Rd, Lowell; 18-02342-002

Representative: Addie Manzi, 7230 S Pleasant Ridge Dr, Fayetteville; Hismael Jimenez, 1042 Frisco Cemetery Rd, Lowell

In October 2023, the site was reported as an unapproved dump truck facility. Staff visited the site and confirmed the activity. Property owner was instructed to remove trucks, and make an application for Site Plan Review. On October 19th the property owner contact staff to inform that all but one inoperable truck had been removed from the site.

Subject application is for a trucking facility inclusive of 23 dump truck parking spaces and two shop buildings.

Staff gave presentation

Public Comment:

David Whitsett, 10807 Gram B Cir, Lowell

My neighbors and I are not in favor of this development, due to the type of business this is, and the intersection of Frisco Cemetery Rd and Old Wire Rd. I am the president of the POA, every one of us in our subdivision has had a near accident already at that intersection. Old Wire Rd is now heavily traveled, there are subdivisions going in around Frisco Cemetery Rd, that intersection is so narrow for you to get up, it's at an incline and a fall off on the Northerly side of about 7-8 feet, which was left after they rebuilt Old Wire Rd. If you get hit by a car there, you're going over that curb and you're going to roll down the hill, on the southerly side there are utility poles within just feet of the paving. So, if you allow 23 dump trucks to increase the traffic on that road, you're just going to compound our problem and safety for us. My neighbor had to jump the curb because anyone who pulls a trailer or boat and they turn fast, the trailer cuts across and people have to back up on that hill. It's not that we don't want this development, we're telling you that, that intersection is so narrow. If we have dump trucks coming up there from it, it will compound the problem we're already having, unless you can do anything to help us widen that intersection, street light, it's a safety issue.

Zack Decker, 920 Frisco Cemetery Rd, Lowell

I live directly in front of this property, and I do not wish to live next to a dump truck parking lot, when they had just moved in, every morning about 5:30am, I'd hear dump trucks jay breaking at the stop sign at Frisco Cemetery and 265. We already have to deal with dump trucks from the quarry that was approved, which nobody wanted in my area. There are already three travel trailers that live there, people live on site, I often have to pick up their trash, beer cans and bottles and other various things, it doesn't look nice. I'm irritated that all this stuff is going on around my house and it's not going to help my land value, I'm pretty sure none of y'all would want to live next to anything like this.

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BENTON COUNTY

Mrs. Kitterman, states she has received several complaints on this property, I think Lowell is in the position that they do not want it and that's probably why it's here. The complaints I received personally saying that this is just not a good use of the land, it's not taken care of, kind of the same issue that we had with the quarry that's down the road.

Mr. Bracy states there have been issues due to the quarry out in the area.

Mr. Tucker asks if there is sewer being proposed.

Mrs. Manzi states there is no sewer being proposed as they are 2,300 feet away from sewer.

Mr. Tucker's concern is that there are people working here in a repair facility for eight hours a day. Where do they use the restroom, wash their hands, where do they prepare to eat lunch? We tend to recommend you stay away from floor drains and have some type of separator, but having a business with no toilet encourages people to go in the woods or the space next to them. I couldn't with good conscience approve something that didn't have a toilet. I don't know that any further comment is going to help until we know if we have jurisdiction over it or not.

Mr. Bracy states the intersection is a bad intersection, it is not compatible and this type of particular activity I don't think it complies with the adjacent neighborhood.

Mrs. Kitterman motions to deny, seconded by Ms. Lloyd

All members motion to deny due to incompatibility.

Motion to Deny: 6 - 0

III. Tackett & House Site Plan Review & Variance, case no. 23-435 & 23-436, Twin Coves Rd, Rogers; 15-09044-000

Representative: Jason Apple, 1207 S Old Missouri Rd, Springdale; Jeff Martin, 3865 N Gully Rd, Fayetteville, Cal Tackett & Evan House, 6073 East Huntsville Rd.

Subject site is a mobile home park predating the 1998 Benton County Planning and Development Regulations. Mobile homes to be removed and replaced with cottages to be used as short-term rentals.

Staff gave presentation

Ms. Lloyd brings up the question that was asked at the previous meeting that Mr. Tucker asked; if they were displacing any affordable housing. My understanding from the answer was that a lot of spaces were vacant and a lot of the spaces were occupied by second homeowners, I now understand that is not exactly true. There are people who have been there for over 30 years, some have spent several hundreds of dollars on remodels. I too understand that there was no intent by the applicant to contact any of these tenants before coming to us, so I would like that to be explained.

Mr. Apple, it's my understanding that 90% of the mobile home owners are out of state, and the way the resort is set up with Beaver Lake and the core of engineers, as a resort you are not supposed to have anybody living there full-time. It is set up as a short-term occupancy resort, our interest is to redevelop not change anything about the current use. We are improving the area with a whole new septic system for the health and exposure that's there from 30 year plus septic systems. We've got a great community here that needs affordable lake housing, having a 1,600-1,900 sq ft option on the lake instead of a large lake house with a dock, that's a million dollars plus, we're trying to put in something in the mid 500 thousand, to be used as secondary residences. Would you like to hear from the manager of the property?

Ms. Lloyd, I know I would, also by the way I'm a real estate broker, \$500,000 is not an affordable house.

Mr. Apple, you're right, we don't have affordable housing, again I would say that given this is a lake property, I don't think we're really necessarily trying to provide affordable housing for the greater Northwest Arkansas in that location on the lake. These are all rentals, every single one of those mobile homes is a rental, we are going to make that opportunity wider and provide a home ownership option or you could rent, which would be short to long term. So, we're just trying to broaden that out.

Ms. Lloyd, with no consideration on what's going to happen to the existing tenants.

Mr. Apple, oh no, we're going to give every single tenant the option, there was really no reason to go and introduce this to the tenants yet until we knew that we had something that made sense. I think we will actually bring that to their attention and give them the opportunity to whether they want to buy a house, rent a house and for the use of the dock, you've got the county road there. Nobody would be looking access to any docks.

Ms. Lloyd, where are they supposed to park, if they're not parking at their home?

Mr. Apple, alongside the county road, there's plenty of room there between that and the core line.

Mr. Bracy asks the property owners to come up to the podium

Mr. Tackett explains there are only two full time tenants and the rest are short term rentals, the discussion has always been to renovate the area, we've had tenants ask throughout the time of our ownership what our overall plan is, we've had to go up on rent, you know, expenses go up and we've made improvements. With the tenants out there, we have presented to them in the aspect of this is what we plan to do eventually with the park, but we wanted to keep it as close to what it currently is, there's going to be permanent stick-built structures. It's important to all of us that everyone there has an opportunity, if they're interested in one of these, I had one tenant in the past that said they would be interested if we were to ever put Lake Cottages. This is the first time we have a plan for the property, we've never once told anyone that it would stay the way it is, especially with taxes and

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insurance and interest and everything the way it is. That's why we've been very L
conservative with doing so, but slowly gone up on the rates over time. STATE CLERK
BEAVER COUNTY, AR

Public Comment:

Mark Webster, 20963 Twin Coves Resort Rd

I sent an email (reads his email to the board) states he is speaking on behalf of the Webster family they do not have the means to purchase these halves a million-dollar tiny cottages, they also have a dock that they share with relatives. He stated there is plenty of room to park, the core has placed a fence along the road so there is no parking along there, I do understand that they went through and got approval for a variance to put a parking lot for their dock but have not done anything as far as on this proposal for an existing dock. In the five years I have been there, they have increased the rent three times, I could be wrong on that but it has happened, they said that they've made improvements to the resort, I have not seen one, I've never met these gentlemen before or have no correspondence from them. They've had total disregard for us as tenants or homeowners, they say they're going to have a gate, there's a lot of transportation that comes through there constantly, people loading and unloading their boats as a dock owner. Under the Beaver Lake Shoreline Management Plan, it states that all owners of floating facility must have legal access to government land for a facility, we must have access to our dock. I just ask you toto deny this request.

Robert Conquest, 20993 Twin Coves Resort Rd

I am from Halstead, Kansas, we drove down today because someone sent me a picture of the sign that was posted. These guys didn't have the courtesy to call the people that are renters from them. In fact, I called Blue Dog Realty to find out if they had any idea, they didn't have a clue, the people that managed the property for them, I kind of look at it the other way. This whole situation is cold, it's expensive to move a mobile home, there's no place in this area to put one. I have called the place I bought my mobile home from, they're more than happy to sell it for me but I think if this were to get denied the rent is going to go sky high to where we have to move away. We are weekenders, it takes us about five hours to drive down to the lake and we have a dock at the end of the lake by the boat ramp, been enjoying it here since 2011. I just hate to be treated like the second-class citizen that we've been treated like.

Jennifer Hunt, 20995 Twin Covers Resort Rd

We've been a resident there for eight years, I've been in the Rocky Branch community for 30-years, been on the Rocky Branch Fire Department for 23-years, no one bothered to let us please justice to the board. No one bothered to let us know that this was happening. There are five full-time residents out there. I'm a single mom living at Twin Coves due to a divorce because we couldn't afford anything else in the community to keep us there, to raise my son there, to make sure he had a safe community. It would've been nice for them to advise us that they had different plans for the park so that we could have made different arrangements because property value wasn't what they are now at one time. I mean three years ago we could have afforded a better house, a nicer house out there had they have said that at the time they bought the property. But living in Rocky Branch for as long as I have, I know that the other people have bought that property down there hoping to do better things with it because it is a prime piece

JOHN W. BASKELL
CO & PROBATE CLERK
BENTON COUNTY, AR

of real estate on the lake there, but it just became to be more of a money issue than they wanted to invest in and I think this will happen too.

Joseph Spalding, 21188 Low Gap Ln

My stepdaughter lives in Twin Coves and what they're planning is making people pick up and move. A lot of these people in Twin Coves financially cannot do that, a lot of the mobile homes cannot be moved, if you put those on the road they can just fall apart, I don't think that's right, that they can just come, put a sign out on January 2nd and tell these people they have to move their mobile homes, if they had a whole lot more notice and everything, then it might have been better, but just to come out and say you're going to move your mobile homes, that not right, especially for people who have lived there for as many years as we have.

Steve Curd, 20961 Twin Coves Rd

My wife and I purchased our mobile home in August of 2022, we also purchased a boat slip and a community slip right in front of the mobile home. We've invested over a hundred thousand dollars just in that, to be clear we have never been told that there might be a development that could happen. I am the one that called a month ago to ask about building a deck, I called Blue Dog Realty they told me to go for it. I was getting ready to do that when we found out about this. Steve reads a letter from Duke and Betty Clapper, they are 90 and 88 years of age and have been living in Twin coves for over 35-years, they're adult children and grandchildren enjoy coming to the lake, we have been retired for many years and live on a fixed income, Twin Coves has provided affordable lake access for many years and we are hopeful to be able to continue for many years to come. Due to our financial constraints, we cannot afford a half million-dollar house in lieu of what we presently have, we also find it impossible to remove our mobile home from the area if this proposed development took place, and it would be arduous for us to access our dock. We're hopeful that you will consider the unique circumstances. We are requesting that you vote against the proposed project.

Sydney Newhof, 1502 SW Wisteria Ave.

I have a private boat dock down there, I lived up the hill on Twin Coves Rd, just up from the resort and yes, I have concerns about my boat dock access, If I lose my boat then I lose my boat dock. there are people here in jeopardy of losing their homes, and these are very good people that don't have the resources to move. The people in this area are like family, we associate with many of them. Mr. Tackett stated there are only two people, there are actually five that I know of at least, that are permanent residents, so they don't have their facts straight. It sounds like they've been wishy-washy on the proposal, I understand the desire Mr. Martin talks about offering affordable homes, how contradictory when you're taken out of very affordable option at Beaver Lake. Again, these are very good people we're disrupting their lives, if you approve this, I urge you to really consider what you're approving and how it's going to impact.

Angela Utley, 20991 Twin Coves Rd

I do live here, I sometimes go to Oklahoma to take care of my daughter's medical needs, so I consider myself a permanent resident, I get special mail delivered at this address, it would be a hardship for my family as I am on a fixed income to move my home. I'm a little bit nervous right now, there's been problems with the septic system, they've had one of the systems emptied there since the time I've

been there since 2018. I think we need more time to consider the land, and the true affordability of the homes here. No one has ever mentioned to me that this was only a short-term leasing, I'm concerned that I'm going to be homeless, concerned about other people that live here, my neighbor is also a full-time resident here.

The Planning Board discussed the proposal with the applicant.

Mr. Reams motions to table to February 21, 2024, seconded by Mrs. Kitterman

Motion to Table to February 21, 2024: 6 – 0

TECHNICAL ADVISORY COMMITTEE

Call to Order

Old Business / Ongoing Applications: None

New Business:

- I. **Lopez Site Plan Review & Waiver, case no. 23-378 & 24-001, 18248 Merry K Ln, Rogers; 15-12273-000**

Representative: Antonio Lopez, 18248 Merry K Ln, Rogers

Subject application is for a wholesale nursery consisting of a 1,600 square foot structure and irrigation pond. Applicant is seeking a waiver of the requirement to submit a drainage report.

Staff gave presentation

The Planning Board discussed the proposal with the applicant, the board requests the septic field to be shown on the plans as well as access to the proposed structure.

- II. **Nichols Telecommunications Tower, case no. 23-429, 12361 Springtown Rd, Gentry; 18-10794-000**

Representative: David McGee, 121 Village Boulevard, Madison Mississippi

The applicant proposes to construct a new 250', self-supported telecommunications tower, enclosed by a 60' x 60' fence.

Subject application is for a trucking facility inclusive of 23 dump truck parking spaces and two shop buildings.

Staff gave presentation

The Planning Board discussed the proposal with the applicant.

Discussion Item:

Ideas for reducing the time duration needed for future Planning Board meetings

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DEBRA M. HARRIS
18-10781-1
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Staff Updates - Administrative Approvals:

- I. Eddleman Minor Subdivision, case no. 23-352, W Hwy 12, Gentry; 18-16191-000
- II. Pritchard Minor Subdivision, case no. 23-389, 23269 W AR 72 Hwy, Gravette; 18-16191-000
- III. Conner Minor Subdivision, case no. 23-393, Mundell Rd, Rogers; 18-00082-000
- IV. Easter Minor Subdivision, case no. 23-412, 16905 Smith Ridge Rd, Garfield; 18-01438-000
- V. Kollman Minor Subdivision, case no. 23-413, 9338 Pine Grove Rd, Gentry; 18-14485-000
- VI. Borgerding Minor Subdivision, case no. 23-415, 10802 Wildwood Way, Gravette; 18-12291-000
- VII. Davis Minor Subdivision, case no. 23-438, Hwy 102, Decatur; 18-14290-000

Meeting Adjourned: 10: 25 pm

Next Meeting: February 7, 2024

APPROVED THIS 7th DAY OF FEB, 2024.

ATTEST:

APPROVED:


PLANNING DIRECTOR


PLANNING BOARD CHAIR or
VICE CHAIR

*Digital voice recording may be made available upon written request to the Planning Department. *