

FILED

2023 JUL -6 PM 3:56



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

June 21, 2023  
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, Dr. Neal

**Roll Call:** Bob Bracy, Sean Collyge, Rachel Kitterman, Linda Lloyd, Theresa Neal and Terry Maienschein 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:** June 7, 2023

Mr. Maienschein motioned to approve the June 7, 2023, Planning Board Meeting minutes. The motion was seconded by Mrs. Kitterman.

Motion to approved: 6 – 0

**General Public Comment:** None

**Old Business:**

**I. Ahart Site Plan Review, case no. 23-137, 3206 Luper Rd, Lowell; 18-02999-002**

Representative: Lee Stewart, 5102 S Pinnacle Hills Pkwy, Rogers; Payton Ahart, 14900 Park Ridge Dr, Lowell

Staff gave presentation

**Public Comment:**

James Bowie, 3168 Luper Rd Lowell

I noticed the screening and fencing area was reduced, does that mean that the commercial activity should just take place within that area? Will the updated landscaping meet the requirements?

Ronnie Cloer, 3220 Katie Ln, Lowell

Comments about the retention pond, the electric company once said a berm wasn't allowed because it was in their right of way. Another thing is, truck traffic there is also a no truck traffic sign on Reed Ave and Luper Rd.

Mr. Ahart states all activity would be within the landscaped area, there shouldn't be a problem with me storing my personal trailers by my house, that wouldn't be part of the commercial activity. I would also like to propose an 8-ft fence instead of the 6-ft wooden privacy fence.

Mrs. Kienzle states that will have to be revised on the plans.

Ms. Garza comments there will be an additional permit required for anything over 7-ft.

Mr. Bracy asks about the truck traffic.

Mr. Ahart comments that Luper Rd is one of the busiest dump truck traffic roads in Benton County, it is open to truck traffic, we wouldn't even be going on Reed Ave, at all.

Mrs. Kitterman asks what the business is.

Mr. Ahart states he owns a construction company, they install freezer panels and doors.

Cody Sexton, Blew & Associates, 5102 S Pinnacle Hills Pkwy, Rogers  
Comments that on the North end of the property we are not doing anything to the pond and modifying the berm along the edge closest to the electric lines, we are gaining our volume for storage by expanding the pond backwards to the south so we are moving on the opposite direction of the electrical lines.

Mr. Bracy asks why the pond is being expanded.

Mr. Sexton states they are expanding to have better retention.

Ms. Lloyd comments when she went to the property on Tuesday, she did not see the Public Hearing Sign.

Mr. Ahart states he replaced the sign today, he had taken the sign down since the public hearing date was for the last meeting he had.

Ms. Lloyd asks staff if the landscaping requirements have been met.

Mrs. Kienzle states the landscaping meets the requirement.

Mr. Bracy asks what type of 8-ft fence is being proposed.

Mr. Ahart states an 8-ft chain opaque fence, it would last longer and look better.

Mrs. Kienzle states it will need to be revised on the plat.

Ms. Lloyd comments that Ms. Garza stated a permit would be required for anything over 7-ft.

Mrs. Kienzle states that would be through Community Risk Reduction, at that height it is considered a structure so the inspectors want to make sure it is installed correctly and in a safely manner.

CLERK  
J. AR

Mrs. Kitterman motions to approve, seconded by Mr. Maienschein.

Motion to Approve: 6-0

**II. Southern Oklahoma Variance, case no. 23-141, Buckhorn Dr, Garfield; 15-02080-000**

Representative: Craig Kelley, 16830 Lone Wolf Tr, Luther, OK

Staff gave presentation

Mrs. Kienzle states this project was tabled from the last meeting because of insufficient votes.

Mr. Kelley comments that Lost Bridge minimum to build is 1,500 sq ft, so a 30 x 50 is the smallest he can build. States that he filed a petition to vacate part of the road and cul-de-sac since he owns all the lots at the end of the road.

Public Comment:

Debbie Harris, 418 Rodric Circle, Siloam Springs

On behalf of her parents, her parents own a lot across from where the building is going, we would like to know what is being built, will it change anything for when my parents want to build?

Mr. Kelley states that he is building a permanent structure for his personal belongings, to then be able to move to the area and build their home.

Mr. Bracy asks about the topography of the property

Mr. Kelley states there is a huge drop off at about 10-12 ft in the back of the property.

Mr. Maienschein motions to approve, seconded by Mr. Collyge

Motion to Approve: 6-0

**New Business:**

**I. Liang Variance, case no. 23-116, 20370 Park Rd, Rogers; 15-09905-000**

Representative: Tom Liang, 20370 Park Rd, Rogers, Louis Graham 606 Lyndal Ln, Bentonville

Staff gave presentation

Public Hearing:

Tom Nicholas, 20389 Park Rd, Rogers

He objects to this project, it creates a safety issue, Park Rd is a 2-lane and there is a lot of traffic coming and going, I quit counting the number of posts for that deck at about being 45 posts. This property is being used as a BRBO, we have been told by the owner's sister that they plan to have large gatherings on this large deck. Being that close to the road is dangerous and mostly unsightly. They have a deck along both sides of the home already and now they have this monster structure at the end of the house, that is not even attached to the house, which would explain that they will be having large gatherings.

Ms. Lloyd states she went out and is familiar with the property, this deck is very large and that is a tough corner there to go onto lake shore. Apart from that the hardship and the variances being requested by someone who created the problem either he and or his contractor, therefor I do not see any basis what so ever to approve this variance.

Mr. Bracy mentions there was a part on the hardship statement that mentions something about customers so I assume that this is a commercial activity.

Mr. Liang states he calls his renters, customers.

Ms. Lloyd motions to deny, seconded by Dr. Neal.

Motion to Deny: 6-0

All board members state, there is no hardship.

**II. Dungan Waivers, case no. 23-145 & 23-146, 14037 Frisco Springs Rd, Lowell; 18-02292-000**

Representative: Josh and Amy Dungan, 11818 Ervin McGarrah Rd, Lowell

Staff gave presentation

Ms. Garza comments that ADH provided comment, the dwelling shall not exceed 3 bedrooms, if the system fails or exceeds the 3 bedrooms an upgrade or a new septic would be required. The septic easement was also submitted.

Mr. Dungan states the house is just a 2 bedroom home, also states that once the elderly couple passes they will be removing that trailer and hooking up to the septic that exist on the parcel.

Public Comment: None

Density & Septic Waiver: Ms. Lloyd motions to approve, seconded by Mrs. Kitterman.

Motion to Approve: 6-0

**III. Southern Oklahoma Major Replat, case no. 23-149, Buckhorn Dr, Garfield; 15-02079-000**

Representative: Craig Kelley, 16830 Lone Wolf Tr, Luther, OK

Staff gave presentation

Public Comment: None

Ms. Garza comments that she will get with the surveyor for further revisions needed on the plat.

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



Motion to Approve: 6-0

**IV. Maltese Vineyard Major Replat, case no. 23-154, The Pines Rd, Rogers; 15-17335-000**

Representative: Dustin Riley, 3106 SW Regency Pkw

Staff gave presentation

Public Comment: None

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

Motion to Approve: 6-0

**V. Beaver Major Subdivision-Preliminary Plat, case no. 23-155, 16326 Van Hook Rd, Gentry; 18-10919-001**

Representative: Conner Threet, 300 N Collyge Ave, Fayetteville

Staff gave presentation

Public Comment: None

Ms. Lloyd asks if the fire marshal was okay with the cul-de-sac length.

Mrs. Kienzle states she had a conversation with the fire marshal and he just stated that as long as there was proper turn around, that he is okay with the variance.

Ms. Lloyd motions to approve the cul-de-sac variance, seconded by Dr. Neal.

Motion to Approve: 6-0

Mrs. Kitterman motions to approve the preliminary plat, seconded by Ms. Lloyd.

Motion to Approve: 6-0

**VI. Gloeckler Waiver, case no. 23-157, 22015 Indian Bluff Rd, Garfield; 18-00207-000**

Representative: Jonathan Jonacek, 1880 S 26<sup>th</sup> St, Rogers

Staff gave presentation

Public Comment: None

Mrs. Kitterman asks if this is going to be an Airbnb?

Mr. Jonacek states this is a mother-in-law suite.

Mr. Bracy motions to approve, seconded by Mrs. Kitterman.

Motion to Approve: 6-0

**TECHNICAL ADVISORY COMMITTEE**

**Call to Order**

**Old Business / Ongoing Applications: None**

**New Business:**

- I. **Brown Waiver, case no. 23-182, 12662 Miller Church Rd, Bentonville; 18-09650-003**

Representative: Blake & Kim Strickland, 12662 Miller Church Rd, Bentonville

Staff gave presentation

Mrs. Kitterman asks if there will be a second driveway for this house?

Mr. Strickland states there will be, they have applied for a driveway permit with the road department.

- II. **Benton County Wilderness Site Plan Review, 14232 E Hwy 12, Rogers; 18-03334-004**

Representative: Jason Ingalls, 9200 Suits Us Dr. Bella Vista

Staff gave presentation

The Planning Board discussed the proposal with the applicant.

**Discussion Items:**

- I. **Barbee Waiver Signage**  
Staff asks for alleviation by the board for property owner to place necessary signage only.

**Staff Updates - Administrative Approvals:**

- I. Gibbs Property Line Adjustment, case no. 22-441, 23860 W Hwy 102, Gravette; 18-16364-002
- II. Cox Minor Subdivision, case no. 23-001, Benson Rd, Gravette; 18-15276-000
- III. Marts Property Line Adjustment, case no. 23-102, 13995 E AR 72 Hwy, Garfield; 18-05643-002
- IV. Ulmer Lot Combination, case no. 23-161, Dogwood Dr, Garfield; 15-04483-000
- V. Buffer Minor Subdivision, case no. 23-170, 11591 Georgia Flat Rd, Gravette; 18-15135-000
- VI. Kelley Property Line Adjustment, case no. 23-181, 18618 Shaddox Mountain Rd, Rogers; 15-09550-000

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Meeting Adjourned: 8:20 p.m.

Next Meeting: July 5, 2023

APPROVED THIS 5 DAY OF July, 2023.

ATTEST:

*Lilip*  
PLANNING DIRECTOR

APPROVED:

*Theresa Dea*  
PLANNING BOARD CHAIR or  
VICE CHAIR

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