



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

---

March 17, 2021

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, Mr. Torrez.

**Roll Call:** Bob Bracy, Sean Collyge, Terry Maienschein, Theresa Neal, Stephen Torrez, Bethany Rosenbaum, and Rick Williams were present.

**Staff present:** Taylor Reamer – Director of Planning, Madison Kienzle – County Planner

**Public Present:** See meeting sign in sheet.

**Disposition of Minutes:** March 3, 2021

Mr. Williams motioned to approve the March, 2021, Planning Board Meeting minutes. The motion was seconded by Mr. Maienschein.

Motion approved: 7 – 0

**General Public Comment:**

**Old Business: None**

**New Business:**

- I. Burris Major Subdivision and Waiver, case no. 21-019, Stage Coach Road, Gravette; 18-12170-004

Staff gave presentation.

Representative: Jennifer Watkins

Public comment: None

Mr. Williams motioned to approve. Mr. Maienschein seconded the motion.

Motion approved: 7-0

II. Myers Site Plan Review, case no. 21-022, 20500 S AR 59 Hwy, Siloam Springs; 18-13209-000

Staff gave presentation.

Representative: Brennan Myers 20500 S AR 59 Siloam Spring, AR

Mr. Myers thanked the Board for the list of items to be addressed. Regarding item #9, he had contacted the Health Department, and was told that the septic onsite must be inspected, which is underway. The well must be upgraded to a semi-public well.

Mrs. Neal asked if the septic and water would be hooked up to the new building.

Mr. Myers replied that there will be accessible water and bathrooms onsite.

Mr. Torrez asked if there is currently accessible water and bathrooms onsite.

Mr. Myers replied that per the plumber's code the site is within guidelines. There is a restroom available to public use on the property within 500 ft. The state suggested that as long as a restroom is offered onsite, he would be in compliance. That restroom is connected to the septic system.

Mrs. Neal asked how the building will be cleaned if there is no water in the building.

Mr. Myers replied that there are outdoor spigots outside.

Mr. Bracy asked where the public restroom would be located.

Mr. Myers replied that the restroom will be in his house, and that according to the state as long as patrons don't have to cross any sanitary areas such as a kitchen that is within code.

Mr. Torrez asked if they will sell beer and wine.

Mr. Myers replied that would require a separate permit, and when they are approved, they will apply to the Board again.

Mr. Torrez asked how the facility will be cleaned without hazardous chemicals.

Mrs. Myers offered providing locking up the cleaning materials in a safe.

Mr. Reamer replied that those items may be addressed by the Arkansas Department of Health under item #12. They will be required to comply with all Arkansas Department of Health retail food establishment permitting requirements which does include cleaning chemicals and the housing of those.

Mr. Torrez ask how far applicants have typically gone with the Department of Health when they appear before the Board.

Mr. Reamer replied that applicants may have approved permits from the Department of Health or they may be in the process of obtaining approval, as is the case in this

application.

Mr. Torrez stated that this project seems to be in the preliminary phases of approval with the Department of Health which is concerning due to the sale of coffee and snacks. He asked if the coffee would be brewed onsite.

Mr. Myers replied that the coffee would be brewed onsite with a simple coffee pot.

Mrs. Neal asked what kind of pre-packaged food would be offered.

Mr. Myers replied that everything would be pre-packaged, like chips, snacks, candy.

Mrs. Neal asked if they were going to sell bread or milk.

Mr. Myers replied no, nothing that is perishable.

Dr. Rosenbaum noted the applicants have done a lot of work, and she appreciates the updated map. She recommends moving the plants which are near the loading dock to line up along the border.

Mr. Myers noted that he read that if there is 40 ft of screening then additional fencing or a retaining wall would be required and would be a financial setback.

Mr. Reamer state that the 40 ft refers to depth not length, therefore, the plantings could be moved for a single row of buffering. Those could be moved to create a single line of plantings without the need for additional fencing.

Mr. Myers replied that he would be agreeable to that.

Mr. Torrez how to plan to control ingress egress.

Mr. Myers replied with signage. Per the Arkansas Department of Transportation 22 ft is required to two-way traffic, however, the ingress entrance is only 20 ft wide, and it could not be widened due to the storm drain.

Mr. Bracy asked if coffee was going to be available.

Mr. Myers replied yes.

Mr. Bracy noted that coffee requires water and cleaning. Hand must be washed every time the product is touched even though it's in a package. He notes that he is unclear about whether the restroom in the private residence would satisfy the Board of Health's requirement. If the Board of Health requires that there is a bathroom in the facility, will that be a deterrent to opening the business?

Mr. Myers replied that all Department of Health guidelines would be adhered to. Regarding the question of water, he was directed to the plumber's code section 403-1.

Mr. Bracy asked if he had received a response from the Department of Health.

Mr. Myers replied no, but that the State and the Plumber's code suggested that the

onsite water could be used as a water source.

Mr. Bracy asked if that applied to a restroom which is in a private residence and not associated with the retail building.

Mr. Reamer stated that based on the response he had received from the Arkansas Department of Health, a handwashing station is still required, but those items would be covered under the retail food establishment permit which would be issued.

Mr. Bracy noted that the Board does not want the Myers to be misled by the regulations. He states that it is his belief that the State Board of Health is going to require that there be a bathroom onsite for handwashing. He states that the Myers need to decide if bringing the water to site will be a deterrent, or a financial benefit.

Public comment: None

Mr. Torrez states that the owners may need to hire an architect or civil engineer to help them navigate the Plumber's Code, ADA, and Department of Transportation regulations.

Mr. Maienschein motioned to approve contingent upon items 9-13. Mr. Williams seconded the motion.

Motion approved: 5 – 2

Mr. Torrez stated that he voted no because he believed there was still due diligence to be completed prior to acceptance of the application as presented.

Mrs. Neal states that she voted no because she doesn't feel that the retail checklist has been addressed, and it would be in the best interest of the public to make sure there is water and sewer if it is required by the State, and in writing.

III. Haynes Variance, case no. 21-032, 9934 Monte Ne Estates, Rogers; 15-06160-001

Staff gave presentation.

Representative: Robert Haynes 1218 E Necessary Rd, Rogers 72758

Mr. Haynes stated that the walkway does set back 16 ft from the edge of the road, 26 ft from the center.

Mrs. Haynes stated that there is a streetlight at the cross of the road, and at the end of the driveway.

Mr. Maienschein asked if planning has seen any details regarding railing on the walkway.

Mr. Haynes said that the builder has not provided plans, but that the walkway will be build to code, and inspected by Community Risk Reduction.

Mr. Bracy asked if the walkway will be attached to the building.

Mr. Haynes replied that the walkway will attach to the front deck.

Mr. Bracy stated the walkway should not be attached to the house in any way. That it should be a stand-alone walkway.

Mrs. Haynes stated that it will be an extension of the existing deck.

Dr. Rosenbaum asked how many cars can fit on the 24 ft gravel.

Mr. Haynes responded that two cars can fit on the gravel.

Mr. Torrez stated that the walkway is an alternate route for pedestrian access.

Mr. Maienschein motioned to approve. Mr. Williams seconded the motion.

Motion approved: 7-0

IV. Nichols/Verizon Telecommunications Tower, case no. 21-034, 12425 Springtown Rd, Gentry; 18-10794-000

Staff gave presentation.

Representative: Jennifer Waymack-Standerfer, 2302 SW Nottingham, Bentonville 72713

Mrs. Waymack-Standerfer stated that there have been no objections from the public regarding the tower. AEP is the owner of the overhead electrical lines near the tower, they have made contact with AEP and discussed the line, orally the contact conveyed that there would be no problem with the overhead line and a request for written confirmation has been submitted. Written confirmation will be supplied to Planning once the request is completed. There are no federal, state, or local laws which would prohibit the placement of the tower near these lines. She clarified that if towers are built too high, the system can be overwhelmed. There are many factors which determine the height of a tower including geography, usage, and density.

Mr. Bracy asked about the radius of the break zone if the tower were to fall.

Mr. McGee replied that the tower is designed per the ANSI engineering H-standard. The tower is designed to collapse rather than fall over like a tree. However, the fall radius is not detailed in the site plan. Should that be necessary it could be provided.

Public comment: None

Mr. Bracy motioned to approve. Mrs. Neal seconded.

Motion approved: 7-0

**TECHNICAL ADVISORY COMMITTEE**

1. **Call to Order**
2. **Old Business / Ongoing Applications: None**

**3. New Business:**

- I. Twin Ridge Properties Variance, case no. 21-050, 15991 Patton Road, Pea Ridge, 18-05558-001

Staff gave presentation.

Representative: Greg Lee, 500 NE Greencreek Rd, Bentonville

Mr. Lee stated that he and his family own the 75 acres to the East of the property. They own the corner lot on the north side of Roland David Rd.. The previous owner approached when she became interested in selling the property. He stated that his niece plans to live in the house. There was a house on this property before, which burnt down. The new house is within the footprint of the original house.

Mr. Torrez asked if a survey was completed prior to purchasing. Is Roland David rd. a dirt road?

Mr. Lee replied that the previous owner supplied a survey, but the structure was still proposed. He did not complete his own survey. Roland David road is a dirt road. Patton is a paved rd., but the paved road ends a quarter mile past the property.

Mrs. Neal asked how the applicant knows he needs a variance without a survey.

Mr. Lee replied that it was revealed in the inspection process.

Mr. Bracy asked what year the house was started.

Mr. Lee replied that house was began in 2018 and the house was purchased in 2020.

Mr. Reamer stated that the tiny home was permitted with a site plan that detailed compliant setbacks. Inspections were not completed, it's possible the previous contractor did not understand the inspection process. The violation was caught by our inspectors after the sale of the home.

Mr. Torrez stated that likely it was never caught because the house was not completed and the certificate of occupancy not issued.

Mr. Bracy asked is the home was built within the footprint of the original house.

Mr. Lee stated that the frontage is in the same place as the original house.

Mr. Bracy stated that if the original house was built prior to 2014 the same setbacks would not apply. However, the original owner of this house did not execute what he proposed.

Mrs. Neal asked if during the planning phase if a site plan or survey was provided, or GIS was used to determine the location of the proposed home.

Mr. Reamer replied yes, a site plan was provided using a measurement from the

centerline of the road. However, inspections were not completed in a timely manner.

Dr. Rosenbaum asked if building permits and inspections are completed by the County or City.

Mr. Reamer replied that the county would complete all inspections unless the house is serviced by Pea Ridge water.

Dr. Rosenbaum expressed that setback problems can cause a lot of problems. She asked how far the house is setback from the south property line.

Mr. Reamer replied that is 40+ feet from the Southern property line.

Mr. Lee noted that the house is built in pilings and therefore it may not be worth physically moving the home.

Mr. Maienschein noted that by approving the variance, various legal issue will be cleaned up in the future.

Mr. Lee noted that himself and the other neighbors are excited to have the house completed.

Mr. Bracy stated that they are doing the right thing.

- II. Martin | Verizon Telecommunications Tower, case no. 21-059, 20536 Walker Road, Siloam Springs, 18-13280-010

Staff gave presentation.

Representative: Ralph Wyngarden 678 Front Avenue NW suite 215 Grand Rapids, Michigan 49504

Mr. Wyngarden noted that a letter from Verizon to accommodate co-locaters will be provided.

Questions from the Board: none

- III. Yoder Major Subdivision and Waiver, case no. 21-056, Peterson and Shelley Road, Gentry; 18-14746-000 + 18-11687-000

Staff gave presentation.

Representative: Robert Caster 2715 SE I St, Bentonville, AR 72712

Questions from the Board: none

- IV. Rayburn Variance, case no. 21-060, 21293 Ridgeview Drive, Garfield, 15-04908-000

Applicant was unable to complete public noticing by today's deadline. TAC will be rescheduled for April 7<sup>th</sup>.

4. **Other Business:** None

5. **Staff Updates - Administrative Approvals:**

- I. Tucker Minor Subdivision, case no. 21-041, 14447 Readings Road, Siloam Springs; 18-11080-001
- II. Kell Minor Subdivision, case no. 20-303, Y City Road, Gentry; 18-14568-006
- III. Haisman Minor Subdivision, case no. 21-038, 9802 Mt. Zion Lane, Decatur; 18-15303-000
- IV. Krawood Minor Subdivision, case no. 21-046, 15542 Railroad Cut Road, Rogers; 18-04171-000
- V. Gransim Minor Subdivision, case no. 21-052, High Sky Inn Road, Hindsville; 18-00398-000
- VI. Luedtke Minor Subdivision, case no. 20-253, 12351 Fire Run Road, Garfield; 18-04540-000
- VII. Wilson Minor Subdivision, case no. 21-042, 15026 E AR Hwy 264, Lowell; 18-02742-001
- VIII. Wilkerson Minor Subdivision, case no. 21-040, Russel Yeates Road, Pea Ridge; 18-05407-002

6. **Discussion Item:** None

**Meeting Adjourned:** 8:00 p.m.

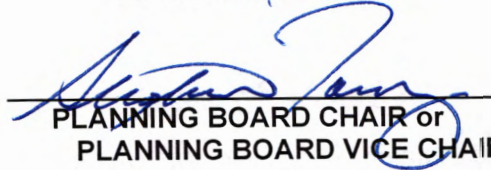
**Next Meeting:** April 7, 2021

APPROVED THIS 7th DAY OF April, 2021.

ATTEST:

APPROVED:

  
PLANNING DIRECTOR

  
PLANNING BOARD CHAIR or  
PLANNING BOARD VICE CHAIR