



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

November 1, 2023
6:00 p.m.

Quorum Courtroom (temporary location)
2113 West Walnut Street Rogers, AR 72756

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, Terry Maienschein, Theresa Neal and Ashley Tucker 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: October 18, 2023

Mr. Maienschein motioned to approve the October 18, 2023, Planning Board Meeting minutes. The motion was seconded by Mr. Tucker.

Motion to approved: 6 – 0

General Public Comment: None

Old Business: None

New Business:

- I. **CSM Site Plan Review, case no. 23-332, E AR 72 Hwy, Bentonville; 18-07165-002**

Representative: Addison Manzi, 7230 S Pleasant Ridge Dr, Fayetteville, Chris McDaniel, 9904 Spanker Creek Rd, Bentonville

The application is for the construction of an 11,990 sq. ft. facility to be comprised of a truck maintenance shop, 3 offices, and 2000 sq. ft. of lease space.

The Planning Board discussed the proposal with the applicant.

Ms. Lloyd, at the last meeting, did you specify you were running your dump trucks out of your house?



Mr. McDaniel, out of the shop at my residence, yes.

Ms. Lloyd, do you have a commercial permit to do that?

Mr. McDaniel, they just park there, no I do all of the day-to-day operations actually out of the center point office, and that is where I park the dump trucks on my residence. Yes, I do not have a permit for that.

Ms. Lloyd, staff, shouldn't that require a permit?

Mrs. Kienzle, um yes, however, you know, if he's going to be moving the trucks to the site, that would probably, um, alleviate that issue.

Ms. Lloyd, okay, thank you.

Mr. Bracy, so on your property you're just having the 6-foot-tall fence?

Mr. McDaniel, we do have a 6-foot-tall fence with screening, it will be what is chain link and will have screening in it, and then there's a portion of it that will actually be a colored metal fence.

Mr. Tucker motioned to approve, seconded by Mr. Maienschein

Motion to Approve: 6 – 0

II. Royko Variance, case no. 23-338, 22923 Stoneykirk Lane, Garfield; 15-04402-001

Representative: Tony Royko, 2504 SW Calm Ridge Rd, Bentonville

The property owner is requesting a setback variance from the 50' from the center of Pinchers Place. The southeast corner of the proposed new house is to be 30' from the center of Pinchers Place in lieu of the required 50' building setback.

Mr. Royko, Top Nolan is the president of the POA and ACC, with the Lamore subdivision and he has advised me just a few minutes ago, that he had reached out to the entire board and all are in favor of the variance. I also received three letters from other members within the community in favor of it, including one from ROEs who live at the end of the driveway.

Dr. Neal, is there a site plan that locates the well and the septic area.

Mrs. Kienzle, Tracy is going to look.

Ms. Lloyd, the retaining wall that is on the lake side of the property, did you get a permit for that?

Mr. Royko, yes, I got core approval to put that in, it's all on my property. I have a letter from the core in Little Rock that everything was approved and I did get permission to put that in.

Ms. Lloyd, do we have a copy of that letter? I'm concerned it's too close to the lake.

Mr. Royko, the core requires 4-feet, I can get you a copy of the letter of approval from the core. The POA requires a five-foot setback and I moved it six feet setback from our property line.

Ms. Lloyd, no, I'm not worried about the property line, I'm worried about the distance from the lake.

Mr. Tucker, is it 1035 or 1135

Mr. Royko, it's an 1135, so there is no flow easement. The core has also verified that we, our property is not under a flow easement, so we are from the 1135, the septic is over a hundred feet leech line from the, it's called the flow easement 1135 elevation.

Mr. Tucker, so you're well over 1135

Mr. Royko, yes, a hundred feet from that, and that was all approved by the Benton County Health department, Corbitt Environmental did all the layout and schematics for that, that was approved by that account.

Ms. Lloyd, okay, these stairs that go through the center of that retaining wall are shown on this flat as being in the setback.

Mr. Royko, yes, they are in the setback, like I said, the front of the wall is six feet. The POA requires me to be five feet from my property line, and the core only requires four feet. So, I'm two feet further than the core requires.

Public Comment:

Katherine Wilkinson, 22910 Stoney Kirk Ln, Garfield

Mr. Royko pointed out that he had the backup of the board at Loch Mo R and a couple and another letter from another neighbor down the road. What I want to point out is that none of these neighbors have sightline to Mr. Royko's build site, have sightline to the shoreline at his build site or even sightline to his house that will be there. We do. Mr. Royko's going to turn us into a second-row beach house. And so, I would like to at least be considered somewhat. We weren't when the road was moved but in the placement of the house, and so setback variances left. Any real communication with how that works relative to where our house is, is what we're concerned about and we've concerned about that not just from our perspective but also property value perspective and our exclusion from the neighborhood, in the past has meant that our opinion carries no weight. However, I'll point out just one more time we're the only ones to whom it actually has an effect, thank you.

The Planning Board discussed the proposal with the applicant, trying to understand why the road was shifted the way it currently is and where the septic is on the property, the board discusses with applicant that they do not see a hardship to his request as he can reduce the size of the home in order to comply with the setback requirements.

Mr. Royko withdraws his application.

Mr. Tucker motions to deny per the applicants request to withdraw the application, seconded by Mr. Maienschein

Motion to Deny: 6 – 0

All board members state there is no hardship and per applicant's request to withdraw the application.

III. Quarles Variance, case no. 23-350, 1175 Kay Lyn, Pea Ridge; 15-07002-000

Representative: Gary Quarles, 1175 Kay Lyn Place, Pea Ridge, Michael Lane, 491 E Roller Ave, Decatur

The property owner is requesting a setback variance from the 10' from the side property line. A new single card garage is proposed to be 4.65' from the southeast property line in lieu of the required 10' building setback.

The Planning Board discussed the proposal with the applicant, the utility easement that is in place does not provide a hardship for the variance being requested. Planning board members come to an agreement that the request being seeked is more than that, over 12 feet. The variance requested is more than 4-foot 6-inches. The board lets the property owner know that the easement can possibly be vacated through a major replat on the property.

Ms. Lloyd motions to deny the variance request due to no hardship, seconded by Dr. Neal

Motion to Deny: 6 – 0

All board members state there is no hardship.

TECHNICAL ADVISORY COMMITTEE

Call to Order

Old Business / Ongoing Applications: None

New Business:

- I. Vilella Waiver, case no. 23-361, 14740 Esculapia Hollow Rd, Rogers; 18-03749-014**

Representative: Frederick Vilella, 14740 Esculapia Hollow Rd, Rogers

The applicant is proposing to remove the existing trailer home and build a 20' x 40' home on to the existing footer and flat pad. Per the applicant, the septic for the existing trailer is on another property owner's land to the southwest (18-03749-006, Ronald Blanshan).

FILED
CLERK
COUNTY, AR

Benton County Planning and Development Regulations require that any land development as defined in this Ordinance that utilizes septic systems, also known as Individual Sewage Disposal Systems, must be designed so that the tank, lateral lines, and alternate area are all located on one (1) legally recognized Lot or Tract as referenced by deed. The applicant seeks a waiver of the sanitary sewer system within section 4.6 of the General Requirements of Division and Development of Land for residential Site Plan Review requirement.

The Planning Board discussed the proposal with the applicant.

II. Snopko Waiver, case no. 23-362, 12738 Gooseberry Ln, Bentonville; 15-19100-000

Representative: Justin Snopko, 12738 Gooseberry Ln, Bentonville

The applicant is proposing to build a new dwelling on top of the existing underground dwelling. That is, this new dwelling would be a second story to the property owner's existing single-story underground dwelling. Benton County Planning and Development Regulations define medium density residential as one dwelling per acre. Two dwellings on less than two acres is considered a non-compliant high-density situation. To exceed the medium density threshold requires Site Plan Review. The applicant seeks a waiver of the high-density residential Site Plan Review requirement.

The Planning Board discussed the proposal with the applicant.

III. Johnston Site Plan Review, case no. 23-364, 14780 & 14778 Bethlehem Rd, Gravette; 18-11193-007

Representative: James Leeman, 3437 Iris Court, Boulder, Colorado

The subject application is for an unmanned battery energy storage facility.

The Planning Board discussed the proposal with the applicant.

IV. Poole Site Plan Review, case no. 23-365, 20225 Chamber Springs Rd, Siloam Springs; 18-10610-002

Representative: James Leeman, 3437 Iris Court, Boulder, Colorado

The subject application is for an unmanned battery energy storage facility.

The Planning Board discussed the proposal with the applicant.

Discussion Item: None

Staff Updates - Administrative Approvals:

- I. CSM Tract Combination, case no. 23-266, 10316 E AR 72 Hwy, Bentonville; 18-07165-001
- II. Holly Minor Subdivision, case no. 23-326, 13757 Oneal Rd, Gentry; 18-13901-004
- III. Baker Minor Subdivision, case no. 23-327, 24267 Van Fleet Rd, Siloam Springs;

CLERK
COUNTY, AR

18-15813-000

- IV. Tillery Minor Subdivision, case no. 23-342, Ventris Rd, Garfield; 18-01463-001
- V. Kippen Property Line Adjustment, case no. 23-355, 14550 Indian Creek Rd, Garfield; 15-10575-000
- VI. Heflin Lot Combination, case no. 23-359, Horseshoe Ln, Rogers; 15-03750-000

Meeting Adjourned: 8:18 p.m.

Next Meeting: November 15, 2023

APPROVED THIS 15th DAY OF Nov, 2023.

ATTEST:

APPROVED:



PLANNING DIRECTOR



PLANNING BOARD CHAIR or
VICE CHAIR

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