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2023 NOV -2 AM 10:00



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

BETSY HARRELL  
CG & PROBATE CLERK  
BENTON COUNTY, AR

October 18, 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, 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 4, 2023

Mr. Maienschein motioned to approve the October 4, 2023, Planning Board Meeting minutes. The motion was seconded by Dr. Neal.

Motion to approved: 5 – 1, Dr. Neal abstains, she was absent October 4, 2023.

**General Public Comment:** None

**Old Business:** None

**New Business:**

- I. **Lee Site Plan Review, case no. 23-319, 18652 Bill Young Rd, Siloam Springs; 18-13961-020**

Representative: Nathan Morton, 1716 W Willock St, Fayetteville; Jeffrey Lee, 14513 Fairmount Rd, Siloam Springs

Application is for a special event venue for weddings.

In 2019 the property owner signed an affidavit stating that an agricultural building was being constructed on the property. Shortly thereafter, Planning and Building staff were notified that the site was being developed as a special events facility.

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Staff notified the property owners that they were in violation of the Benton County Planning and Development Regulations and Building Code. The subject application is to retroactively review the non-compliant site.

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CO & PROBATE CLERK  
BENTON COUNTY, AR

Mr. Morton states the lighting should be full cutoff on sheet A-1, part of them getting the power back on obviously because it was told to be cut off by the fire marshal and stuff. I think they have to get a letter at some point approving the existence of the facility to then get to the fire marshal or I think possibly go through the entire building safety process and get the sprinklers in and stuff. But as soon as we're able to get that, um and I don't know if well be able to get it, you know, what order that'll be able to be in, but um, that's what I know on that.

Mr. Bracy, Fire Marshal has not reviewed this project?

Mr. Morton, well, we haven't been to building safety yet, but you know, he's um, stipulated that, you know, sprinklers would be required, which we're aware of, we just, you know, we're starting with the planning approval first.

Mrs. Kienzle, I'm sure we can work that out, really what we need from Carol Electric, is confirmation that they can provide service to the site, not that they are actively doing so.

Ms. Lloyd, was a building permit obtained when the renovations were done?

Mrs. Kienzle, No

Mr. Tucker, just doing a quick calculation, I'm coming up with like 530 seats from just an area calculation, how many actual seats do you anticipate this venue having?

Mr. Morton, 250

Mr. Tucker, the parking ration then sounds a lot more manageable compared to the square footage. It's a little deceiving to sit to say 3,744 square feet of assembly area when it's really, it's probably not 34,744 square feet of assembly area.

Mr. Morton, I had that comment at one point, it seems like a lot of parking, you know, a lot of area that maybe isn't quite necessary. I mean, which I would think would be in the interest of you know, you all and us. I mean, just because you know, we don't want to do more parking than is required or something, but we want to meet the standards, maybe more strategized amount, would be good for both of us.

Mr. Tucker, I was just trying to reconcile 500 seats versus 125 parking spaces. As

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CLERK OF THE DISTRICT COURT  
BETHLEHEM COUNTY, AR

far as traffic flow goes, what are the anticipated operating hours?

Mr. Morton, well, I know in the agreement they have until 12 not for like the receptions, they have until 12 to have it all cleaned up and be out and stuff. So, I'm not sure when the peak traffic exits the parking area.

Jeff Lee, 14513 Fairmount Rd, owner.

With the few events that we have had, usually at 8 o'clock in the morning there'll be 5-10 people that will show up to set up the tables and chairs. They usually setup 13 or 14 round six-foot table with eight chairs around each one and then have a little dance floor kind out in the middle. Normally around 4-5 in the evening is when the rest of the people start showing up.

Mr. Tucker, so that's when your 125 or so cars is 4-5 o'clock, mostly on weekend.

Mr. Lee, people plan on that many, but not that many have ever shown up.

Mr. Tucker, mostly on the weekends? Or all through the week?

Mr. Lee, everything we've had, the earliest we've had, has been on a Thursday and those have been just a small wedding, I think we had one last week and it was like 38 people and they were all out by 9 o'clock.

Mr. Tucker, do you ever have semi-truck deliveries?

Mr. Lee, no sir.

Mr. Tucker, so it's just what people bring in their cars?

Mr. Lee, yes, they may have a bumper hitch trailer or something like that, our entryway is big enough though. They've brought in dump trucks with trailers to fix the road, they put in concrete tin horns on the two creeks, spring bread creeks on both sides for flooding issues in the past several years.

Mr. Tucker, where is that on your drive?

Mr. Lee, there's one on the north, or the east and one on the west side. We have had a few semi-truck deliveries come in there just for a big table or something like that and they've been able to get in and out our entryways is I think 20-feet at the narrowest and then it widens out as it gets closer to the road.

Ms. Lloyd, can you explain to us why you were operating when you have been given a stop issue order in 2020?

Mr. Lee, we have continued since we got the stop issue order to get complaint for

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everyone, he is our eighth person that we have actually hired. We've talked to multiple other engineers or architects to try to get them out there but they'll show up, some of them won't even come to the place once they hear what we're trying to do. Others have come out said, yes, we can do this, they draw us up a plan and given us a projected date and said from this date on you can start booking. So, we had booked some weddings because of cash flow issues and for some reason, whatever happens at some point they just give us a call and say sorry we can't do this. So, we go to the next one.

Ms. Lloyd, that still doesn't clarify why you've been operating illegally.

Mr. Lee, now we've not done any other construction, the only thing we've had is some outside weddings, we've put pews outside and then there may be a reception inside. But other than that, the main thing for us I would say that we're operating for is just to not lose everything.

Ms. Lloyd, but the letter in 2020 says you were to cease operations; you have not done that yet. You're coming to us asking us to be nice, basically.

Mr. Morton, yes, we acknowledge, I mean well, I, yeah.

Ms. Lloyd, what kind of water service do you have currently?

Mr. Lee, currently right now we have a well.

Ms. Lloyd, is that an approved ADH commercial?

Mr. Morton, no, it's going to, they're getting county water with the, they already have the sleeve for the sprinkler system, which they were apprised to by the fire marshal and stuff, and they're switching over to the county water. But no, they're currently on a private well.

Ms. Lloyd, which doesn't meet commercial requirements.

Mr. Morton, correct.

Mr. Lee, but we weren't able to bring the water across the street due to the cease and desist, we haven't done anything construction-wise.

Ms. Lloyd, no, but you're having people use water that is not approved for commercial use. Is that correct?

Mr. Lee, for cleaning, they bring bottles of water for drinking and other beverages.

Public Comment: None

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Mrs. Kitterman, can we even move forward on this? I mean, do they not need to get their permits first before they can come back?

JESSY HARRELL  
CLERK OF SUPERIOR COURT  
WELLS COUNTY, AR

Mr. Tucker, they have to get our approval first before they can get permits.

Mr. Bracy, we have very limited information stating what the fire marshal says, he hasn't reviewed this yet.

Mrs. Kienzle, he didn't submit comments on the planning proposal but he's aware of the project and he's consulted with the applicant. I think he has provided guidance specifically in terms of their sprinkler requirement, so yeah, I believe he will certainly be reviewing the building permit application and doing a full fire inspection.

Mr. Bracy, I'm not clear what the disposition that's going to be because it's changing from a residential type application to a commercial type application.

Mr. Morton, its county water, they're getting it from the road, I mean it's not in operation yet but they have the sleeve ran for the sprinkler system.

Mr. Bracy, is that documented, do we have documentation of that activity yet? Here's the conundrum, we've got an operation here that's gone for years in violation of our ordinances, or our land use. It's continuing to operate if we have a challenge to approve an operation that's in violation of our code or our land use. And I don't know that it's clear to me or maybe to the board here, on this operation needs to cease and desist, should not be operating until all these conditions are made.

Mr. Morton, sprinklers and all of that.

Mr. Bracy, well, but it has to be made and it has to be accomplished and it would have to be implemented in before you bring public activity into this type of an operation.

Mrs. Kitterman, including outdoor services.

Mr. Bracy, all these approvals and all this should be done and completed before that activity happens. It is not to penalize the operation of the application, it is to get better understanding and clarity of the operation before it continues to be operated in, in an unsafe, possibility.

Mr. Tucker, you brought something up that, that just kind of occurred to me. The water that you have available, do we know if it, did you have it, you had a hydrant flow test or anything like that to determine the pressure and the suitability of the line for fire suppression system?

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Mr. Morton, I don't have that information at this time but um, kind of like earlier, you know, talking about the fire marshal, he has been apprised to the situation and I know that's more of the water department sort of thing to see whether they have the right pressure out at the road, if operations cease and it moves to, well operation should cease and it, you know, when it gets to that point, that will just determine whether or not they can start again, I mean whether they have the pressure or not or whether they have to make some other method of retaining that sort of pressure bulkhead.

Mr. Tucker, yeah above ground tank.

Mr. Morton, right.

Mr. Tucker, there's a certain amount of due diligence that sounds like you're waiting for this step before you do it, is that correct?

Mr. Morton, well, since I got involved, I've kind of taken the traditional approach to, you know, I'm not involved in the operations or anything, I'm the architect and I said, well, we need to get, make sure we have our ADH, or septic, we need to get our ADEQ coverage and everything like that, you know we need to go to planning, see if we can do this here and then move on to the building. Even though, you know the building already exists.

Mr. Tucker, this is still a fairly large operation.

Mr. Bracy, I'm still not clear, this building was constructed to be an agricultural barn, to those building specifications, converted into an event center, which brings a completely different kind of habitat. And is there going to be building renovations to be made to habitat this structure?

Mr. Morton, some renovations were made turning it from a barn to commercial type structure.

Mr. Bracy, was there a permit issued by the county?

Mr. Morton & Ms. Lloyd, no.

Mr. Bracy, that's part of the process, when you apply for permits you get all that information there, so you get all the ducks in a row here.

Mr. Morton, right.

Mr. Bracy, is there any activity from today moving forward that's committed to this property to be function as a commercial activity?

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Property owners state they do

Ms. Lloyd, the website's up and operating.

Mr. Bracy, I think the board right now has a problem, we don't see that the applicant is in a position or going to take a position to cease and desist until a proper permitting for this type activity and the safety of the public is involved in here. When you come to septic, water and building permit, those are the three major activities that change from agricultural to a residential or commercial type of activity.

Mrs. Kitterman, do we want to table this, I mean would it make a difference because it doesn't sound like it.

Ms. Lloyd, they've got an event next week.

Mr. Bracy, we could table it but we don't normally table things with so many unknowns available to the activity and then tabling it would be a financial burden to some degree if it exceeded 90 days or something in that.

Mr. Tucker, if I may, I think it would be best if we approached this like every other project and just discover, is this a compatible use for the site and let the building department and fire marshal handle their portion of it; and if additional upgrades need to be made, then the applicant will have to make those that satisfy their permit.

Mr. Bracy, if we were to approve this project, we would have to approve it with conditions, you can get approvals to get your sanitation, your water, but you still have to wait to get a conditional occupancy permit. That means you can't use it for commercial reasons until you get that permit and you won't get that permit until you get all these other activities done. That's not a penalty, that's the way it goes.

Ms. Lloyd, I'd like to know from the owners if you're willing to cease all operations until all of those conditions are met.

Mr. Lee, yes, we are.

Ms. Lloyd, even things that are currently scheduled, because that's my concern, that you've flaunt our rules and regulations, yet you're here asking for permission to move forward.

Mr. Lee, I would say we did not flaunt your rules and regulations from the beginning, it's not that we've set on this saying that we're not going to do anything, that we're just going to write it out, hopefully they won't do anything, that's not the case. We have the safety of the people that are in there in mind all the time, we're

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down there multiple times throughout the events making sure that everything is right, that there's access into the parking lot for the fire truck, there's a county fire department within less than a half mile away and fire plugs with less than a hundred yards away, two of them. So, if something did happen, there are 11 exits.

Mr. Bracy, if you're willing to testify to not having any type of activity until you receive a certificate of occupancy to operate, we'll take that in consideration. If you're not we can't approve this application.

Mr. Lee, how long does that process take?

Ms. Lloyd, I would agree with Mr. Bracy, because you've gone ahead and operated, the only way that I would approve this is with a stipulation that if any events happen there before all of these conditions are filled, that our approval goes away, because you cannot have the public there, period. No question, you are operating illegally.

Dr. Neal, why was operation never ceased if the cease-and-desist letter is dated 2020?

Mrs. Kienzle, we've known that it was operating in violation for some time, like I've discussed with the board. That's probably something we need to address is a mechanism for staff to enforce these kinds of things. In terms of why did it take three years? I think what I'm hearing the applicant say, especially once the power was pulled, they have been seeking consultation from various engineers and architects, which didn't stick and so this was really the first kind of successful application that met our minimum requirements to actually proceed with planning review.

Dr. Neal, okay, so I would be in favor if I knew that this cease-and-desist order was still being abided by, how do we make that happen?

Mrs. Kienzle states that planning and building department work closely and would find out if there is an event, so for instance, if an approval was issued from planning with a stipulation that all operations cease until a certificate of occupancy is issued the permit does not proceed anymore, then we'd have to have another conversation.

Mrs. Kitterman, what are the specific recommendations? Just make sure they have their permit, their certificate of occupancy, water and electricity?

Ms. Lloyd, ABC and D but I think we need to add an E, that there shall be no events until ABC and D are fully complied with Madison.

Mr. Tucker motions to approve the project with the stipulations A through E as



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mentioned. Seconded by Mrs. Kitterman.

Motion to Approve with conditions: 6 – 0

**II. Webb Variance, case no. 23-329, 10243 Elzey's Rd, Rogers; 15-10199-000**

Representative: Jerry Webb, 10243 Elzey's, Rd, Rogers

The property owner is requesting a setback variance from the 50' from the center of Elzey's Road.

The southwest corner of the proposed new carport is to be 36.2' from the center of Elzey's Road in lieu of the required 50' building setback.

Public Comment: None

Mr. Bracy, when you define carport, is this a carport you go buy and is pre-assembled metal or is it a stick built?

Mr. Webb, it is a stick built.

Mrs. Kitterman, what is the proposed addition that is behind the house.

Mr. Webb, we are adding a living room, we were going to put the carport there but it is a bi-level house and the driveway comes on the top side so we decided we'd try to park up there where we normally do.

Mrs. Kitterman, there's no room on the other side to put the carport on.

Mr. Webb, no, our well is there, when we bought this house, it was just a basement and we added to it, it was quite an undertaking, lets put it that way. We had to figure out where everything was.

Mr. Bracy, there's a 5-foot representation on the site plan, what is that?

Mr. Webb, we are going to add a pantry to the house, as well as an entry way.

Mr. Bracy, so that is part of the addition, you own the other side of the road too?

Mr. Webb, yes and we were thinking about adding something on that side of the road, except it is too small.

Mr. Tucker, are there people that live past you?

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Mr. Webb, yes.

Mr. Tucker, so their utilities, do they come down Elzey's Rd?

Mr. Webb, yeah, they come down the road.

Mr. Tucker, the existing road on your side or on the opposite side?

Mr. Webb, on our side of the road.

Mr. Tucker, but there's no water, no sewers, just electricity.

Mr. Webb, mmhmm.

Mr. Cable, tv, telephone, all the same.

Mr. Bracy, all above ground.

Mrs. Kitterman, I think it's going to be tough to make it fit, because if they pave the road, I mean it's still a circle drive it looks like, but it'll be right in that right of way.

Mr. Tucker, it will be 16-feet from the right of way.

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

Motion to Approve: 6 – 0

**III. Burris Major Subdivision and Waiver, case no. 23-330, 17417 Stage Coach Rd, Gravette; 15-19087-000**

Representative: Grant Nievill, 705 NW D St, Bentonville

The applicant has filed an application to divide the 17.26-acres parcel into the following tracts:

- Lot 1A: 15.44 acres
- Lot 1B: 1.82 acres

Based on the cumulative number of tracts split from the parent parcel, the tract split requires review by the County Planning Board. This is a tract split that cannot be administratively reviewed.

The applicant also submitted a request to waive the requirement to separately submit a preliminary plat for consideration—that is, a request to review the project at this time as the final plat, as no roads or other significant subdivision scale

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BENTON COUNTY, AR

improvements are required by the Planning and Development Regulations.

Public Comment: None

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

Mrs. Kitterman motions to approve, seconded by Dr. Neal.

Motion to Approve: 6 – 0

### TECHNICAL ADVISORY COMMITTEE

#### **Call to Order**

**Old Business / Ongoing Applications:** None

#### **New Business:**

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

Representative: Addie 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.

- 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.

The Planning Board discussed the proposal with the applicant.

- 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.

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The Planning Board discussed the proposal with the applicant.

**Discussion Item:**

1. Temporary Planning Board meetings to be held at 2113 W Walnut St, Rogers. (Rogers Annex) for the month of November.

**Staff Updates - Administrative Approvals:**

- I. Andersen Lot Combination, case no. 23-289, 10571 Emerald Ln, Rogers; 15-15297-000
- II. Conner Minor Subdivision & Property Line Adjustment, case no. 23-299, Mundell Rd, Rogers; 18-00072-000
- III. Solomon Minor Subdivision, case no. 23-308, 15890 Bethlehem Rd, Gravette; 18-11229-000
- IV. Swinney Minor Subdivision, case no. 23-312, 22730 Floyd Moore Rd, Gentry; 18-14656-003
- V. Marthinec Property Line Adjustment, case no. 23-314, 9786 Eldson Dr, Decatur; 18-15353-001
- VI. Caswell Property Line Adjustment, case no. 23-316, 14168 Cayenne Cir, Siloam Springs; 18-10962-000
- VII. Delzer Lot Combination, case no. 23-320, 22350 Sunrise Cove Rd, Garfield; 15-03849-001
- VIII. Beauford Minor Subdivision, case no. 23-335, 15548 Strawberry Ridge Rd, Gravette; 18-15553-010

**Meeting Adjourned:** 8:08 p.m.

**Next Meeting:** November 1, 2023

APPROVED THIS 15<sup>th</sup> DAY OF Nov, 2023.

ATTEST:

  
PLANNING DIRECTOR

APPROVED:

  
PLANNING BOARD CHAIR or  
VICE CHAIR

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