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

October 4, 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 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:** September 20, 2023

Mr. Maienschein motioned to approve the September 20, 2023, Planning Board Meeting minutes. The motion was seconded by Mr. Tucker.

Motion to approved: 5 – 0

**General Public Comment:**

*Danny Stevens, 13595 Frisco Church Rd, Lowell*

Inquiries about the cemetery in the city limits of Rogers, on the corner of Pleasant Grove Rd and Dixieland Rd he has drove by there and noticed it has not been maintained, he has made calls to the Rogers Community office as well as the Parks and Districts office and they referred me to the county. They said maintenance that would be taken over would be done by the county, the property is owned by a church that no longer exists. It is something that I thought about doing with my son, schools now require that students put in community service. I let the city know I would bring it to the Board's attention to seek some guidance.

**Old Business:**

- I. **Nessa Site Plan Review, case no. 23-258, 13005 Frisco Church Rd, Lowell; 18-02455-000**

Representative: Anthony Ferreira, 1610 NW 12<sup>th</sup> St

The subject application is for a gravel parking area for the operation of the parking/storing/staging dump trucks and employee parking.

Mr. Ferreira requests for the board to review this project as its own entity, as it is not part of the operations that are currently going on, on the opposite side of the property.

Ms. Lloyd asks what is currently going on in the front part of the property.

Mr. Ferreira states there are trucks being stationed on the property that are not necessarily his clients, we are working to create our own entity off to the other side of the property with all the requirements met for the county.

Ms. Lloyd asks staff, isn't that current use of the property not permitted?

Mrs. Kienzle, Yeah, my understanding and maybe I was incorrect, is that though, you know, we received, um, a complaint. We followed up on the complaint to verify that there was a violation. This applicant, this application I thought was an attempt to move those trucks to the northeast corner, um and to comply with our regulations. But I do believe that there's been a couple of operators on this site. Is that what you were referring to, the operation that was occurring beforehand?

Mr. Ferreira, yes, correct.

Mrs. Kienzle, so it's a little murky but basically there was a history there, of dump trucks being staged. That individual is no longer staging dump trucks there. Now the applicant is staging dump trucks there and the idea is to move it into that corner where there's better buffering and that they can comply with our regulations and clean up the site. That was my understanding.

Mr. Ferreira, that's correct, sorry for wording it wrong.

Ms. Lloyd, it just seems to be if they're currently using it as a non-permitted dump truck staging area, that would lead me to not approve something different, but I have another question for the applicant, is there a reason why you want to put this dump truck lot right next to four residential lots instead of as far away from them as you can get it?

Mr. Ferreira, my understanding in previous conversations with planning staff is that those aren't residential lots, they are currently classified as agricultural because there are no homes or any applications submitted for them to be built just yet.

Ms. Lloyd, well, I know built just yet, but we have emails from a number of people who had plans to build on those properties next year. So, it would seem to me to be a good neighbor, you would try to locate your operation as far away from these lots as you possibly could.

Mr. Ferreira, I understand and we are taking measures to provide the buffering per county codes in order to not have to place it elsewhere.

Ms. Lloyd, except that the access road, it's very strange to me that four lots were subdivided with only a 10-foot easement and no frontage, but I guess that happened according to this in 1974 and they could do that. These residential lots would have to drive through your proposed dump truck staging area, which greatly

reduces the value of those lot and people that were planning to build on them would probably now not want to do that, they would find it very difficult to sell those lots because of your proposed operation.

Mr. Ferreira, I understand, on that north portion as well, I mean, we are proposing buffering on that as well, aside from that easement there, the easement is existing so we are using it to our benefits as well, as they would be.

Mr. Tucker, I'm trying to get by bearings on this aerial compared to the site plan, is the proposed buffering on the west, the existing vegetation that's there, are you using the existing vegetation as it's no buffering as your western buffer?

Mr. Ferreira, no, on the western buffering, we weren't required to do buffer only on the east property line.

Mr. Tucker, because the west is considered a commercial use?

Mr. Ferreira, I think it was more because of the spacing between our proposed development and the spacing of where the actual residential is.

Mr. Tucker, this is a subdivision of a lot and the remaining portion to the west is still agricultural, Correct? I think you would still need to buffer to the west because then you would, basically, what you'd be saying at this point is anybody who comes into the development after you would be required to buffer themselves from you. And really what our regulation is, is that you have to prepare as if you're the only one that's going to be required to buffer. You're the one that's not by right, does that make sense?

Mr. Ferreira, yes.

Mr. Tucker, so based on the loop of the road I can't quite tell where that vegetation line is, I would think if you would take this west, northwest buffering and rapped it at least to the edge of the parking field, it wouldn't be very far, but 60-70 feet maybe.

Mr. Ferreira, yeah, I believe we can accomplish that.

Mr. Bracy, my comment on that Mr. Tucker, if the property buffering has to be on the owner's property, not the adjacent property, right now they're representing an access road that's right along the property line. That access road would have to be moved and buffering would have to be to the, because this is now being segregated as another site. So, it's a different owner.

Mr. Tucker, it would be on the interior.

Mr. Bracy, interior side of that, that area.

Mr. Tucker, basically along what's called the 25-foot setback line.

Mr. Bracy, that's right.

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Mr. Ferreira, on the west property line, you're saying.

Mr. Bracy, you'd have to buffer to the west because there is a residence to the west of this recommendation.

Mr. Tucker, the residence has been there since I don't know, the sixties or seventies, it may even be who sold this piece of property.

Mr. Ferreira, yeah, I believe it's all currently his and he's selling over to them.

Mr. Bracy, so if I understand correctly from this drawing and from what I've learned earlier, access to this proposed site is not from the county highway, it is off of an easement that's on a private road.

Mr. Ferreira, yes, it's a right of way easement that's granted to that property and as part of their deal to split that off and is going to give him rights to use that as well.

Mr. Bracy, this is already an easement for properties that are to the east.

Mr. Ferreira, but that easement is for that entire property. Can it not be used as well for that cutoff portion?

Mr. Bracy, I'm not quite sure I understand that, my other question is how far is this access the nearest paved road.

Mr. Ferreira states it is not even a mile away.

Mr. Bracy, by looking at the road, it's a pretty narrow dirt road, is it your opinion that two trucks can pass one another on this road? Do you know how wide the road is? Is it 22 feet wide?

Mr. Ferreira states he does not know.

Ms. Lloyd states it is 10 feet wide.

Mr. Ferreira, the easement is 10 feet wide, I'm not quite sure how wide Frisco Cemetery Road is.

Mr. Bracy asks if this is a blue sign or a green sign road.

Ms. Kienzle states it is a green sign.

Mr. Bracy opens public comment, seconded by Ms. Lloyd

Public Comment:

William Duhaime, 1823 E. Apple Blossom Rd, Lowell  
Part of what was said earlier is true, the Benton County EPA did close their case, ADEQ has not closed theirs, I brought copies for the board to look at their report. There was two dump trucking operations operating off the west end of the property. One of those has moved out of there to another location that is not

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approve through y'all just down the road. With the violations they have on the property, do you think they're going to change the way they're doing things? Unless somebody makes them, nobody's going to make them, they're just going to keep doing what they have been doing. I think those pictures do a lot of justice to what should go on in this case.

Joshua Couch, 13448 Frisco Church Rd, Lowell

I was absent on the last meeting, I apologize, I was traveling for business, just to give you a little context, I live about a mile east of the development property and I encourage development, the small business owner I actually develop travel stops across the country, I do this for a living. I understand traffic movements for semi-trucks, commercial vehicles, commercial truck drivers. I understand the safety and the turning movements that need to happen, I would start by encouraging you all to go out to this property during business hours, maybe in the morning and the afternoon and kind of see the truck activity. A lot of emphasis has been put on the landscape screening. The environmental impacts, they're a huge deal but they can overcome very easy, it's just money that's really all it takes to put in proper detention systems, proper runoff and stormwater prevention plans, all that stuff. What's really concerning for me is the roadway, it is not really adequate for traffic of this type, it's a gravel road and very dusty. I think it is about 14 foot wide in that corner, the right of way does not get mowed, maybe county can help with that. I think the county standard is probably 22 or 24 for two lane traffic if it was paved, maybe there is no standard an unpaved road. There is a school bus stop maybe 200 feet to the west of this development, there are kids that walk to the bus stop and sometimes it is still dark, a dusty road, semi-trucks and children are not a good combination, a child's life should be the number one concern here. This is not a location that is acceptable for truck traffic unless something drastically changes with the county's infrastructure on that road.

Jessica Stevens, 13595 Frisco Church Rd, Lowell

I just want to start by saying that I think that it's really important for us to have a clear understanding of who is seeking to do business in Benton County before we're approving them for site plans, this commercial enterprise has been in business without any permitting for approximately two years. So, it may not be that surprising that the listed owner is Nessa Holdings, LLC, it is not a legal entity in the state of Arkansas, the website shows it as a forfeited charter. I emailed each of the planning board members further information about the addresses, names, other businesses related to this property and those names that you can search between Benton and Washington County and the State of Arkansas that are forfeited, revoked LLCs, delinquent taxes, no business assessment records. The party listed on the site plan is Daniela Trucking. Washington County has a personal assessment in 222 for the assessed value of \$300 delinquent but paid. So, the big unknown in all of this is who owns all those trucks in the enterprise. I know there's already more confusion about some trucks there, some trucks leaving. So, there's no assessment records of any of the linked individuals or business names attached to this site plan or the property recorded. Also, per the site plan if there was a fire or hazmat crisis what no proposed water or electrical, how can they follow any OSHA safety regulations for their employees? Lastly, it's been maybe slightly mentioned, but this site is less than one mile from the Beaver Lake Water Treatment District, and if you guys have seen those pictures and what it's restricted area close to that and you're having all of that seep into your water, um

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there's current investigations, environmental violations, and I understand that they're just businesses passing names but their same practice, I have pages of names and addresses and businesses that are all related. Are you comfortable approving that, knowing that this is within less than a mile of your drinking water?

Mike Hill, 3505 W Laney Street, Rogers

I'm one of the families that utilize that easement road that cuts from Frisco Church Rd to the properties to the east if you want to call it a road, it's more like a driveway, inside the site plan packet for this meeting there's a copy of the easement deed, it was recorded with Benton County in March of 1974 by Jeanette Blackwell, the previous owner of the Nessa Holdings parcel. Our concern is that this site plan involves Nessa Holdings essentially assigning a usage of this easement that was recorded in 1974 over to the trucking operation, creating this situation where my neighbors and I would have to share this with a minimum of 22 dump trucks plus all the vehicles on a daily basis, that number could easily increase, the easement would be the new drive for the dump truck operation. So, we feel like this arrangement is obviously a recipe for disaster for a number of reasons. We see the wear and tear that it does to Frisco Church, we've heard stories of what goes on, on a daily basis of Frisco Church, there is not room for two dump trucks to pass on the easement drive. Who is going to be responsible for the upkeep of the easement drive? Will the drive be widened to accommodate the increased flow of traffic? Will the access gate off of Frisco Church be removed or will the operators manually open and shut the gate every time. We asked the representative from Nessa Holdings LLC about the questions we have, the only response that I could get was, we'll just work it out later, just trust us we are easy to work with. We request that the board add an additional requirement for Nessa Holdings LLC to add a separate driveway off of the Frisco Church Road for sole use of the dump truck company and that the easement that was recorded in 1974 would be left alone for my fellow property owners and I to access our property.

Danny Stevens, 13595 Frisco Church Rd, Lowell

This is a residential area and I believe that you know, new order of business is for a subdivision to go on Primrose or at least there's a proposal for that. There's growth in this property, and it is residential growth, putting a heavy equipment industry in the middle of residential area it just, it's just not Benton County.

Cody Curtis, 5770 Colvin Place, Lowell

I'm not sure if you're aware of the Colvin Place dump truck operation, about five years ago we ran through the same thing, even with their sit plans and all the promises, all they've done is build a fence. All the runoff still goes down to Monte Ne, we're going to have more problems if we're going to keep doing this, going to contaminate our water, but I just think that if you do approve it, that it does need to be regulated. It needs to be checked to make sure that things are being taken care of because I have that problem on my street.

Wilder Barrera, 1970 Wheatland Avenue, Springdale

At the last meeting I gave quite a lengthy speech, I just to reiterate just a couple things, I do have 28 signatures from neighbors on Frisco Church, not wanting this operation. The engineer stated that we should differentiate the two companies, basically they're saying that it's going to be a fresh start, it's not the same owner, I just want it to be known that it is the same owner of the same dump truck

operation that's been working there for three to four years. They're the same owners who are going to buy these four acres and do the same exact thing, I just didn't want that to come across as it seems like they were painting like it's going to be a new owner, new operation, it is the same thing, just moved 500 feet up the road.

Ms. Lloyd asks if there was an investigation into the authority to use the 1974 easement?

Mrs. Kienzle, the subdivision application has not been submitted to staff yet, I advised them to apply for the subdivision after seeking, site plan review approval from the board. So, they have not submitted an application and I have not investigated the deed, although I do believe that I included the easement deed in the packet.

Ms. Lloyd, my other question, granted I'm not a lawyer, I'm a real estate broker and I did just check the Department of State's website and Nessa Holdings KKC does in fact have a forfeited charter, so I believe that they cannot be a legal applicant or conduct business in any way or request a subdivision, although I understand, that's not requested tonight until they get that legal status resolved. My other point would be that there's currently a trucking operation operating illegally on this site. And I would, with all these questions, I would not be inclined to vote to approve this application.

Mr. Tucker, I would agree with Ms. Lloyd, if the entity isn't a legal entity, I see that they have purchased the property or at least the parcel is in their name. I don't know if that was done prior to throwing of the charter, but if we don't have a legal entity, then we don't have an application that we can act on. That being said, I too have done several large developments like the speaker, was there a reason that the easement wasn't widened to a two-way road? Was there some agreement that, that wouldn't be widened?

Mr. Ferreira, there is no agreement and in previous conversations with my client, they're willing to widen that road and work on that. The other thing I wanted to mention is that the easement curves the way it does because of the ravine that's there, making it difficult to straighten it out as mentioned earlier but I can have that conversation with my client as far as whether they're willing to widen that, I think past our property line, that would be a conversation for the rest of the property owners, if they'd like to match that.

Mr. Tucker, having driven on Frisco Cemetery Road, when you get to the intersection, you have a pretty good view, but before you get to that intersection it's really difficult to see, especially going east simply because the way grade works and all of the vegetation. I don't know that you could really adequately see that intersection unless some pretty significant modifications were made.

Mr. Ferreira, would there be a possibility to have vegetation around that gate cleaned up in order to improve visibility?

Mr. Tucker, that would be up to the property owner, that being their property.

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Mr. Ferreira, I'd have to talk with them, but I believe that's something they'd be willing to do.

Mr. Tucker, have you explored a sight triangle for that intersection.

Mr. Ferreira, no not currently.

Mr. Tucker, for me, I would have to see this road widened, to two lanes at least tot the second driveway, the sight triangle where it approaches Frisco Cemetery Road cleaned up so that the approaches from the main road to Frisco Cemetery would be, you know, the appropriate width turn radius, so if you're meeting a bus coming down the road that you have got plenty of room to see it make maneuvers to avoid each other. But I don't have a valid applicant, I don't know that any of those matters.

Mr. Bracy asks who the applicant is.

Mrs. Kienzle states the applicant is Daniella Trucking but the application was made under Ignacio's name because he's the Nessa Holdings LLC owner, but I was not aware of the LLC being forfeited until earlier today.

Ms. Lloyd, the mental gymnastics are a waste of time because that entity can't legally subdivide anything.

Mr. Tucker, it would revert back to whoever inherits that, the assets of that entity.

Ms. Lloyd, I'm not sure that this applicant who is making an application on property they don't own can use that easement, so I think those legal questions need to be resolved before we take any action on this application.

Mr. Bracy, to have heavy truck traffic on a 12-14-foot-wide road would not be very compatible, if I were to build a heavy industrial activity, I would be paving it all the way to the nearest numbered highway. There's a lot of mediation going on to be able to approve this particular activity, with all that being said I'll leave it to the board to make a recommendation.

Mr. Tucker motions to deny, seconded by Ms. Lloyd.

The board motions to deny because of compatibility with the existing matrix and the clouding of both title to the road access and the privity of the applicant to make the application.

Motion to Table to Deny: 5 – 0

**New Business:**

- I. **Serenity Ridge Major Subdivision, case no. 23-286, N Primrose Rd, Lowell; 18-02331-007**

Representative: Anthony Ferreira, 1610 NW 12<sup>th</sup> St, Bentonville



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Staff gave presentation, The subject application is for the preliminary plat for the Serenity Ridge Estates Subdivision. Applicant proposes to convert 47.72 acres located off of Frisco Cemetery Rd. & N. Primrose Rd. into a 34 – lot residential subdivision.

Mr. Tucker, the turning radius for the end of the cul-de-sac, what is the turning radius at the end?

Mr. Ferreira, 50, as well as the intermediate turnarounds throughout.

Mr. Tucker, mountable curb?

Mr. Ferreira, no, the road won't have a curb, the inner curb isn't mountable.

Mr. Tucker, it'll be a standing curb. Has the fire department reviewed a standing curb? They often want a mountable or semi mountable.

Mr. Ferreira, no they didn't make a comment of it, but I will talk to my client to see if that's something they'd be willing to change.

Mr. Tucker, were you able to get any soil classification?

Mr. Ferreira, that is currently in the works, they're going to do test pits on each lot to make sure that they are but I don't have anything for you right now.

Mr. Tucker, any of that would be resolved by final plat.

Mr. Ferreira, I planned to do all of that and work with staff and if it is the case where we can't do it, as you mentioned in the previous meeting, then we would adjust lots to make sure we can meet the requirements.

Mr. Bracy asks about the new regulation, which was reduced from the 120 down to 60 of frontage for each lot at the turnaround.

Mr. Ferreira, so am I allowed to apply that towards this or do I need to keep the 120 feet.

Mr. Bracy, well, I'm sure 120 feet, but since that regulation went into effect a week ago or so and this project hasn't been approved, you would have to do what's approved today moving forward.

Public Comment:

Frankie Jackson, 401 N Primrose Rd, Lowell

I'm approximately a thousand feet to the south of this, my primary concern is the intersection of Frisco and Nort Primrose Rd, it is a 90-degree intersection. I've lived on that dirt road for 50-years, that has been a dangerous intersection my entire life. If you go farther to the east side of that intersection it actually goes down a hill. So, you cannot see cars until they are approximately at the intersection. The safety of entering a subdivision would need to be taken into account if there's going to be a primrose road access, that intersection itself would need some work. Both roads are narrow and on top of that visibility that makes it dangerous. My second concern is the water source, I'm currently on rural water number four, I'm the last home on the line and I basically have no water pressure, now if we put 34 homes on that same line without that line being upgraded or whatever it would take, I'm concerned about water pressure because there on N Primrose, south of where the subdivision would be, we all have water pressure issues. I ask the board to consider those things not just looking at the subdivision as an entity of development but those safety and secondary effects.

Darryl Doss, 12693 Frisco Cemetery Rd

My property is to the right, to the east. Coming down Frisco Cemetery Rd, is very dangerous, people just fly through there. I am on a well and we have well water, and we have problems so they're going to have problems with that as well. My well runs out quite often as well, I don't know if the spigot that caused it is on my property or there's but I would like to ask if that could be removed.

Donya Wells, 500 N Primrose Rd

I would be approximately within 500 feet of the new subdivision, I agree with what everyone else has said, the traffic on both roads is horrible, you cannot see and we add 34 houses, 2 cars per house you're looking at 70 some odd more vehicles in that small area right there where there's already problems with traffic and water, I have to agree, our water pressure is horrible.

The Planning Board discussed the proposal with the applicant.

Ms. Lloyd motions to approve the variance for the cul-de-sac length, seconded by Mr. Tucker.

Motion to approve variance: 5 – 0

Mr. Tucker motions to approve, seconded by Ms. Lloyd

Motion to Table to Approve: 5 – 0

## II. Pace Waiver, case no. 23-295, 464 Pace Ln, Bentonville; 18-09364-000

Representative: Edward Pace, 548 Pace Ln, Bentonville

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Staff gave presentation, there are two family dwellings currently on this parcel. Applicant sold the third dwelling, a mobile home, as it needed major repairs. Applicant has purchased a new mobile home and wishes to place it on the parcel where the old mobile home was that was removed.

The Planning Board discussed the proposal with the applicant.

Public Comment: None

Mr. Tucker motioned to approve, seconded by Ms. Lloyd.

Motion to Table to Approve: 5 – 0

**III. Bowen Major Subdivision Final Plat, case no. 23-296, 16175 AR 102 Hwy, Decatur' 18-11304-000**

Representative: Phil Swope, 7 Halstead Cir, Rogers

Staff gave presentation, The subject proposal is for the final plat of the Hill Country Estates Subdivision, a 15-lot residential subdivision on Highway 102.

The Planning Board discussed the proposal with the applicant.

Public Comment: None

Mr. Tucker motioned to approve, seconded by Mrs. Kitterman.

Motion to Table to Approve: 5 – 0

**IV. Painter Waiver, case no. 23-300, 2655 Folsom Point Rd, Garfield; 15-03983-000**

Representative: Eugene Painter, 930 Briarwood Dr, Bartlesville, OK

Staff gave presentation, Property owners plan to build a two-story garage and live in the garage while they are building a new home on this parcel. Eventually, the existing cabin will be demolished. This is considered a high-density, noncompliant situation, or more than one dwelling per acre. Aerial views are on the second page.

The Planning Board discussed the proposal with the applicant.

Public Comment: None

Mr. Tucker motioned to approve, seconded by Ms. Lloyd.

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Motion to Table to Approve: 5 – 0

**V. Chrisman Major Replat, case no. 23-304, 9428 Pullum Place Rd, Rogers; 18-00970-000**

Representative: William Pereira, 1610 SW 12<sup>th</sup> St. Bentonville

Staff gave presentation, Applicant is proposing a major replat of the parcels listed above to create Tract 2 (subdivision tract) containing 3.50 -acres. Parcel 18-03817-000 & 18-00970-000 to be 9.58 acres, thereby reducing the boundary of the subdivision, requiring a Major Replat.

The Planning Board discussed the proposal with the applicant.

Public Comment: None

Mr. Tucker motioned to approve, seconded by Ms. Lloyd.

Motion to Table to Approve: 5 – 0

**VI. Somarriba Site Plan Review, case no. 23-305, 14427 Bethlehem Rd, Gravette; 18-11220-004**

Representative: Emily Somarriba, 2110 Periwinkle Dr, Centerton

Staff gave presentation, Application is for the development of a you-pick flower and fruit agritourism site.

The Planning Board discussed the proposal with the applicant.

Public Comment: None

Mr. Tucker motioned to approve the variance, seconded by Ms. Lloyd

Ms. Lloyd motioned to approve, seconded by Mr. Tucker.

Motion to Table to Approve: 5 – 0

**VII. Stable Site Plan Review & Variance, case no. 23-306 & 23-307, 21419 Davidson Rd, Siloam Springs; 18-14026-000**

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

Staff gave presentation, Application is for an overhead door manufacturing site,

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consisting of existing 40' x 50' structures, and a proposed 3,600 sq ft structure to connect the existing structures.

The Planning Board discussed the proposal with the applicant.

Public Comment: None

Mr. Tucker motioned to approve the variance, seconded by Ms. Lloyd

Ms. Lloyd motioned to approve, seconded by Mr. Tucker.

Motion to Table to Approve: 5 – 0

**TECHNICAL ADVISORY COMMITTEE**

**Call to Order**

**Old Business / Ongoing Applications:** 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

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. 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.

The Planning Board discussed the proposal with the applicant.

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

Representative: Jerry Webb, 10243 Elzeys, Rd, Rogers

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

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

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The Planning Board discussed the proposal with the applicant.

**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 improvements are required by the Planning and Development Regulations.

The Planning Board discussed the proposal with the applicant.

**Discussion Item:** None

**Staff Updates - Administrative Approvals:**

- I. Withey Lot Combination, case no. 23-238, Linden Ln, Rogers; 15-00767-000
- II. Webb Lot Combination, case no. 23-271, 10243 Elzeys Rd, Rogers; 15-10199-000
- III. Twelve Stones Minor Subdivision, case no. 23-321, Bredehoeft Rd & Y City Rd, Decatur; 18-11484-006
- IV. Jech Minor Subdivision, case no. 23-324, Y City Rd, Decatur; 18-14562-000

**Meeting Adjourned:** 8:54 p.m.

**Next Meeting:** October 18, 2023

APPROVED THIS 18<sup>th</sup> DAY OF Oct, 2023.

ATTEST:

APPROVED:

*Mikki*  
PLANNING DIRECTOR

*John D. Bay*  
PLANNING BOARD CHAIR or  
VICE CHAIR

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