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Benton County Planning Board
Public Hearing
Technical Advisory Committee Meeting

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

September 20, 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, Theresa Neal, Terry Maienschein, Vernon Reams 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 6, 2023

Mr. Maienschein motioned to approve the September 6, 2023, Planning Board Meeting minutes. The motion was seconded by Mr. Reams.

Motion to approved: 5 – 2

Ms. Lloyd and Dr. Neal Abstain, they were not present at the September 6, 2023 meeting.

General Public Comment: None

Old Business:

- I. **Envision Site Plan Review, case no. 23-223, 14492 Logan Cave Rd, Siloam Springs; 18-11134-000**

The subject application is for a poultry litter digester facility. The site will consist of the digester, an oil separator, two litter sheds, and a gas/administration building.

The applicant requested the project be tabled to October 18, 2023.

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

Motion to Table to October 18, 2023: 7 – 0

New Business: None

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TECHNICAL ADVISORY COMMITTEE

Call to Order

Old Business / Ongoing Applications: None

New Business:

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

Representative: Anthony Ferreira, 1610 NW 12th St, Bentonville

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. Ferreira asks if permits from ADEQ, ADH and Benton County Water Authority need to be completed by Public Hearing or final approval?

Mrs. Kienzle states it is very commonplace that it would, there could be an approval with outstanding items as such.

Mr. Ferreira states that those processes tend to take a little longer.

Mr. Bracy states usually those contingencies are part of the approval to be completed before the final process.

Mr. Tucker asks what the radius to the cul-de-sac is?

Mr. Ferreira states the radius is 48.

Mr. Tucker comments the minimum radius per the fire department is 50. Were there any lots that didn't meet the minimum frontage requirement?

Mr. Ferreira states there is not, they all meet the minimum frontage requirement.

Mr. Tucker asks if all of it is septic?

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Mr. Ferreira states it is.

Mr. Tucker asks if there will be enough room for the houses planned after they perk? If not, they may have to increase the size of the lots.

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Mr. Ferreira states they will know after they go out there.

Mr. Reams states that even if the board gives the approval, it is really up to the health department to determine if the lot size is sufficient.

Mr. Ferreira states that they met with the fire marshal and he is okay with the bump outs that are being proposed, to have a variance approved for the lengths of the road.

Mr. Bracy asks if he will have the approval letter by the Public Hearing.

Mr. Ferreira states he will reach out and try to get that by the next meeting.

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

Representative: Edward Pace, 548 Pace Ln, Bentonville

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.

Mr. Tucker asks if this is a rental?

Mr. Pace states it is not, this is for me, hopefully will be my final home.

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.

Mr. Swope states the outstanding items are very simple, I thought the

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approval on the road and water were already sent to you, I'll make sure it is tomorrow.

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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.

Mr. Painter states the septic is for a 3-bedroom, 2-bath and that will remain the same; he plans on making that his office after the cabin is built and will then consult from there.

Mr. Tucker asks if the applicant be willing to allow the waiver to be extinguished once they move into the home. So that essentially the waiver would only be a temporary workaround for our ordinance so that if they were to ever sell the property, the new owner would not be under the belief that they could rent out the upper room as high-density housing?

Mr. Painter states that he agrees.

Mr. Bracy asks for clarity; this will only be a room or office that would be above the newly erected garage. There will not be any water connected to that, just electricity?

Mr. Painter states there will be water.

Mr. Bracy asks what the discharge plan is.

Mr. Painter states they have a septic design that will probably need to be changed to have the water discharge into the new septic system. There will be no, new bedroom very minimal water discharge into that new septic tank.

Ms. Lloyd asks what the size of the new house is?

Mr. Painter states 2,200.

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Ms. Lloyd asks how many bedrooms.

Mr. Painter states three.

Ms. Lloyd asks her question just because even though he may not use it as a bedroom, the apartment would be a fourth bedroom, therefore the septic might need to be a four-bedroom septic.

Mr. Painter states that there would be nothing on in the upstairs area that would be considered a bedroom, no closets, there will only be a desk.

Ms. Lloyd states she understands what the plans are but it would be very easy for when this property is to be sold to mark it as a four-bedroom house.

Mr. Painter states no one is selling the property, to whoever asked the question.

Mr. Reams states he wants to design the septic so that it doesn't fail, I would ask the health department to revalidate the septic and you will be adding an office to the shop to see what they say when you come back.

Mr. Painter states he will have his builder recertify that the existing septic approval will be sufficient.

Mr. Bracy states that there should be one of two things done, either increase the septic design to accommodate the 3-bedroom and the apartment or get a separate septic for just the apartment.

V. Giese Waiver, case no. 23-302, 21283 Pine Dr, Garfield; 15-05216-000

Representative: Lindy Giese, 21283 Pine Dr, Garfield

Staff gave presentation, Property owner wishes to build an addition on top of her existing garage. Her elderly parents visit from out of state regularly and will likely live there permanently in the future. This will be the second dwelling on 0.37 acres. Benton County Planning and Development Regulations define medium density residential as one dwelling per acre. To exceed that density threshold would require Site Plan Review. The applicant seeks a waiver of the high-density residential Site Plan Review requirement.

Mr. Reams asks if this is an addition to the existing home.

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Ms. Giese states her house is in a cave and has grass on the roof top, they plan on building on top of the garage for her elderly parents.

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Mrs. Kienzle states that a dwelling per our regulations is basically a single unit which provides provisions for sleeping, eating, cooking and sanitation.

Mrs. Kienzle asks what the square footage of the existing structure is?

Ms. Giese states it is 1700 sq ft and the addition would be around 400.

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

Representative: William Pereira, 1610 SW 12th 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.

VII. 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.

Mr. Tucker asks the accessible parking space aisle to be on the passenger side.

Ms. Somarriba states she will change that.

Ms. Lloyd asks how the rainwater will be collected

Ms. Somarriba states she will be having them build a 300-gallon rainwater on an elevated wood plat, there will be roofing to funnel into one and it will defer into other rain fields. So total, each structure will do it like a thousand gallons of water.

Mr. Tucker states it would be odd to have landscaping for a garden.

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CLERK
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Ms. Somarriba states she agrees, she agrees too on the buffer at the portion around the porta-potties and possibly around the greenhouse and tool shed.

Mr. Tucker asks, what brought this application to the board.

Mrs. Kienzle states the fact that the public will be visiting the site.

Ms. Somarriba states it will be a public agritourism where the public would have to sign up for a certain time because I also have a full-time job, so it will be open on the weekends then Thursday and Friday.

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

Mr. Ingalls states there's two chicken houses and to assist the business owner with shipping and receiving and connect the two buildings together, he's building a 3,600 sq ft enclosed dock. There is a recess dock that's going to be made of concrete with some wing walls that trucks will back into, plus some at grade entrances as well. We've also added some gravel parking to meet the county ordinance for parking requirements as there was not enough currently on site. As far as the variance for landscaping, this business has existed and is nothing new to the area. There's a railroad track on one side, a city or a county road on the other side, the applicant's residence is to the east of it, where he is building is between the chicken houses so you can't see it, so that's our grounds for variance for no landscaping.

Mr. Tucker states there's really no hardship, just because it is being converted from agricultural to commercial?

Mr. Ingalls states that maybe the board is not understanding, there is a current operating business.

Mr. Tucker asks how long it's been operating?

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Mr. Ingalls states about 30 some years.

Mr. Tucker states, so it does predate our 1992 regulation.

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Ms. Lloyd asks staff, why the property is listed as vacant on the report.

Mrs. Kienzle, that's a mistake on my part, I apologize.

Mr. Tucker states he was surprised this wasn't in Siloam Spring's planning area.

Mr. Ingalls, just barley outside of it and the city was notified and they commented that it doesn't meet their threshold to come before their planning board.

Mr. Bracy, it does or it does not?

Mr. Ingalls, it does not, it has to be 20,000 of additional impervious area to be clear required.

Mrs. Kienzle, I can speak to that, if you're confused.

Ms. Lloyd, no my question is, I thought if it was a preexisting commercial use, it had to meet a certain percentage threshold in order for us to deal with it and it seems to me if you add up the size of those two chicken houses that this might not meet the percentage threshold.

Mrs. Kienzle, yeah, so I'd like your input on this, we have regulations pertaining to land use dating back to 1982, this hasn't been approved. That's not abnormal in the county, there's a lot of, you know, existing businesses that never went through the site plan review process. Um, and so if you were reviewing this as a whole site, given that it had never been reviewed in the past, I think that meets the threshold for site plan review. However, if you don't think it's appropriate to review the entire site, given the history, then I, I see that perspective as well. Is there some input on that?

Mr. Tucker states, we've typically only reviewed the addition and unless there is a non-conformity to the existing, if there, we had 1981-82 was the first edition, then we had Blue Book in 1991 and really the blue book was what we had always gone by until 2014. Until 2014, the eighties edition was really nothing; I think it was just a few pages.

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Ms. Lloyd, by just a quick calculation, the addition is only 7% of the current existing square footage of the two structures.

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Mr. Bracy asks what the business is.

Mr. Ingalls states they store and sell a whole overhead door, they install some too but they also wholesale the other installers.

Mrs. Kienzle clarifies the question to Mr. Bracy; the question is if does it meet threshold to be reviewed by this board or should it be an administrative approval based on the minority.

Mr. Ingalls states the public has already been notified.

Mr. Bracy states that he thinks the board should review the project.

Ms. Lloyd clarifies that she believes that if there's absolutely no record of site plan review, I think that would, in my opinion, would still need to come before us.

The board makes a decision to continue with review.

Discussion Item: None

Staff Updates - Administrative Approvals:

- I. Larue Minor Subdivision, case no. 23-210, 5001 Wayne Trl, Siloam Springs; 18-15732-000
- II. Victory Church Minor Subdivision, case no. 23-237, 9200, 9194& 9196 S AR 43 Hwy, Gentry; 18-15984-000
- III. Nye Minor Subdivision, case no. 23-269, 17290 White Oak Ridge Rd, Pea Ridge; 18-07741-000
- IV. Clayton Property Line Adjustment, case no. 23-274, Rosebud Ln, Rogers; 18-00988-010
- V. Ames Minor Subdivision, case no. 23-275, 13280 N Gaiche Rd, Gentry; 18-08479-000
- VI. Beeman Minor Subdivision, case no. 23-277, 22438 Harper Lane Dr, Gentry; 18-13412-000
- VII. Goforth Property Line Adjustment, case no. 23-283, 19836 Pine Ridge Village Rd, Siloam Springs; 18-13183-000
- VIII. McClelland Lot Combination, case no. 23-297, Park Rd & Lakeview Dr, Rogers; 15-09821-000

Meeting Adjourned: 7:16 p.m.

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Next Meeting: October 4, 2023

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APPROVED THIS 4th DAY OF Oct 2023.
BETSY HARRELL
CLERK
BOSTON COUNTY

ATTEST:

APPROVED:

[Signature]
PLANNING DIRECTOR

[Signature]
PLANNING BOARD CHAIR or
VICE CHAIR

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