



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

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September 6, 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, Terry Maienschein, Ashley Tucker and Vernon Reams 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:** August 16, 2023

Mr. Maienschein motioned to approve the August 16, 2023, Planning Board Meeting minutes. The motion was seconded by Mrs. Kitterman.

Motion to approved: 5 – 0

**General Public Comment:** None

**Old Business:** None

**New Business:**

- I. **Bertschy Major Subdivision Final Plat, case no. 23-248, 10430 Fishback Rd, Gravette; 18-12261-000**

Representative: Phill Swope, 613 S 58<sup>th</sup> Court, Rogers

The applicant has submitted an application for the Hollows at Beaver Lake Subdivision to divide 7.11 acre into the following tracts:

Lot 1: 1.05 acres, Lot 2: 1.00 acres, Lot 3: 1.28 acres, Lot 4: 1.60 acres, Lot 5: 1.08 acres, Lot 6: 1.09 acres

Public Comment: None

Mr. Reams motions to approve, seconded by Mrs. Kitterman.

Motion to Approve: 5 – 0

**II. Hopper Variance, case no. 23-253, 8830 Dock Rd, Rogers; 15-08941-000**

Representative: Clint Hopper, 21713 Rocky Ridge Ln

In order to meet the Corps of Engineers requirement for shared access to a boat dock on Beaver Lake, the property owner is requesting a variance from the Benton County one-acre minimum lot size requirement by: reducing the size of 15-08941-000 from 2.66 acres to 2.33 acres, with a 0.33 tract split which will provide lake access to the boat dock for the Rambo Riviera subdivision.

Mr. Tucker asks "Will this be used for each of the community docs or is this the only one that owners of the dock, uh, of the slips don't satisfy the requirements?"

Mr. Hopper states "I cannot answer for all the docks that are community docs, states that the two that are in the area both could meet the requirement with the split, but I know that specifically ours does the others around it, I assume they would have to find lands or properties to do similar."

Mr. Tucker asks if the adjoining property is common property or is all of the common property in the center of the Rambo subdivision.

Mr. Hopper states there is no association, so there is no common property.

Mrs. Kitterman asks if there is a home on the lot.

Mr. Hopper states there is not.

Mrs. Kitterman asks why he doesn't just divide the property in half that way he satisfies the one acre minimum.

Mr. Hopper states he has not perked the other half since 2017 for it to meet the requirement for it to be built on, putting it would almost make both of the lots potentially unusable.

Mrs. Kitterman asks who will maintain the 0.33-acres.

Mr. Hopper states the LLC will.

Mr. Bracy just wants to be clear; the new requirement is that the dock is within 200 feet of the private ownership.

Mr. Hopper states that's correct, with 75-feet of frontage to the core's property

Public Comment: None

Mr. Reams motions to approve, seconded by Mr. Tucker

Motion to Approve: 5 – 0

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III. **Beatovic Variance, case no. 23-256, 17852 Fox Hollow Rd, Garfield; 15-10209-001**

Representative: Kevin Beatovic, 17852 Fox Hollow Rd, Garfield

The property owner is requesting a setback variance from the 50' from the center of Fox Hollow Road. The proposed new garage is to be 46'-9-11/16" (at the north east corner) from the center of Fox Hollow Road in lieu of the required 50' building setback.

The Planning Board discussed the proposal with the applicant.

Public Comment:

Jim Davis, 17851 Fox Hollow Rd, Garfield

I live across the street, when I found out about this, I called him up and went to look at the property and stuff, my biggest concern was basically the size, height of the walls. He stated they would be 10-feet, there's a hill there. They'd be digging about 8-feet, so that leaves about 2-foot clearance there, plus a couple feet for the roof, so somewhat hidden. He is going to have a retaining wall too, is what he was thinking. So, the next day I called the Planning Department, they sent me the site plan because I was wondering what the size of the building was, well the size of the building is 2,000 sq ft that is coming into the neighborhood, in front of their yard. So, number one, there's a rule within the regulations and you cannot have a storage unit on the front yard. Number two the impact to the neighborhood. This is a residential neighborhood with 20 lots and this will not look good in any way for our neighborhood. One of the biggest things is that we have lake view and he cleared out a bunch of trees because he wanted a lake view, we are 30-feet above where he's at, if he's wanting to save money on storage, which is not allowed for economic reasons, he can take that off the books. He wasn't sure about the height of the building when I asked him, sorry didn't sit right so the biggest question is the size of the building, the house is only 1,198 and it's in an entrance going down towards the Ventris boat ramp into the neighborhood. This is going to hurt our property value.

Sid Reef, 17756 Fox Hollow Rd, Garfield

I live next door, I was looking over the regulation on the hardship request and things don't really square with what he is requesting, first there has to be a physical circumstance that applies to the property, that would make it hardship case, the property holds the same slope all the way down so there's no hardship there. This lot is the first one entering in the subdivision and that utility building is going to be big and not going to give a good eye to our neighborhood.

Becky Reef, 17756 Fox Hollow Rd, Garfield

My husband and us bought this property from the original owner, him and his brother who created the subdivision. My brother too bought property next to us, lot 2 to be exact. We enjoy the wild life, enjoy the boats and the treats. My brother got

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sick then had to sell his lot, we thought we would have a good neighbor, well our first introduction to our new neighbor was the clearing of all the trees, which I get it it's his property and he has the right to do that. But he was taking all of the big stumps and having them put with heavy equipment onto our property, that started us off on the wrong path, but we let it go. The stumps are still on our property and we were told by him, "well, I don't want to look off my deck and see those stumps, well, we don't want to look off our deck and see those stumps either." Now back to the proposed building, we were told it's a 50 x 40, that's huge, he already has the house and a nice wood crib that he built, he also has an RV storage shed and another storage shed all on this same property. We want to live and die on this property and preserve the natural aesthetics we thought it would always be.

Floyd Kinzle, 18155 Post Oak Rd

I live in the subdivision, it's just up the hill from where this house, property is. We bought the house to retire there. We do not want to live in a historic area with large buildings on it. We do not want to come up the road and see this monstrous thing to look at as we drive into our subdivision. I don't feel good going against neighbors that isn't the way to treat neighbors but, in this case, I had to say something. Please turn this variance down.

The Planning Board discussed the proposal with the applicant.

Mr. Bracy asks what the height and the use of the building will be.

Mr. Beatovic states the building will be 14-feet to the peak and will be used to store his items such as ATV, things that are personal we are not building this for a storage facility. He states the reasoning behind the hardship is the slope and driveway, he has worked for several years with the architect to get something done, and this is it.

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

Motion to Approve: 5 – 0

**IV. 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.

Public Comment:

Kelly Maley, 12894 Frisco Church Rd, Lowell

We've been there for maybe 18 years and ever since the dump trucks starting coming down the road it has been horrible. They have no respect for anybody out

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there, I'll give you an example, to walk across the street to the mailbox, they come down bouncing literally because they're going so fast, the speed limit is 25, you can't see across my yard because of all the dirt flying around. I've asked Benton County to come out several times to watch the road and catch the speed or slow them down but have not had any luck. We've had several whistling at my granddaughters that are minors following them down the dirt road in the truck honking, the list just goes on. I personally don't know them and have nothing against them, it's just been completely horrible the road is so bad it's tearing up our vehicles, I think it's terrible for the neighborhood.

Danny Maley, 12894 Frisco Church Rd, Lowell

The trucks fly up and down the road creating dust all over the place, like she said they whistle at our grad kids all of the time during the summer and they have no respect for kids, we ask them to low down and they just do what ever they want to do. They have hit some fences and stuff; this is not a good thing for our neighborhood.

Douglas Kirby, 13213 Frisco Church Rd, Lowell

They are proposing a parking lot that has already been happening, they've been parking there for 6 months, a year during that time the road has greatly been not treated. There is over 20 trucks driving back and forth creating a lot of traffic and the road is not capable of that type of traffic. There is not enough room on the road for two vehicles to pass when they are coming down the road.

Wilder Barrera,

I'm here speaking on behalf of a group

I'm here to voice the disapproval my neighbors and I share regarding zoning and land use for heavy commercial, I request the board to put an end to this dump truck operation that has been happening without permission, the residents at Frisco Church Rd have been dealing with dump truck operation, clanging loud noises, the impact drills and air horns at 5am. These dump trucks belong to Daniel Trucking who is suspected of operating illegally out of this location for over two years. The operation has created traffic, the residence directly across from Nessa Holdings property say that they spray water in front of their house to prevent lift up dust but that does not help in the summer months because water evaporates so quickly. Residents can't enjoy their front yard, the dust is bad for our health, our kids can't even make it to the bus stop without getting covered in dirt because of this operation, we have so many safety concerns for our kids in general when they have to get up and walk to the bus stop and have all these trucks up and down the road. We have a petition of about 25 residents in the area that do not want this operation in the area. Neighbors report that they are there 24/7, playing loud music and having parties etc.

Tracy Drand, 13192 Frisco Church Rd

It was a quiet community until these people moved in. Walter Martinez has his dump truck operation over on Colvin Place, he has his trucks coming in and out of this property too, they are so loud and rowdy.

Danny Stevens, 13595 Frisco Church Rd

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We have had bad experiences, there is nothing the road department can do for our road. They have no restroom facilities they go in between the trucks. They have people driving without CDL licenses.

Donny Dryman, 13192 Frisco Church Rd, Lowell  
How do they get by with 30-year-old trucks?

William Ham, 1823 E Apple Blossom Rd, Lowell  
They are operating an illegal dump truck business for over two years, there is piles of dirt on top of the neighbor's fence, tires and oil dumped out on the ground and they have no respect towards the neighbors.

Larry Main, 12880 Frisco Church Rd, Lowell  
I am the neighbor adjacent that has the dirt piled on top of my fence, my cows get out because of that. The owner does not want to fix the issues out there. I don't like this operation at all.

The Planning Board discussed the proposal with the applicant.

Mr. Reams motions to table to October 4, 2023, seconded by Mr. Tucker.

Motion to table to October 4, 2023: 5 – 0

**V. Pepper Source Site Plan Review, case no. 23-262, 11103 N Old Wire Rd, Rogers; 18-05015-000**

Representative: Steven Campbell, 1103 N Old Wire Rd, Rogers

Application is for the construction of an employee parking lot at the existing Pepper Source Manufacturing Facility.

The Planning Board discussed the proposal with the applicant.

Public Comment:

Michael York, 13244 Moondance Rd

Our concern when they bought the property was what's going to happen to the hazardous waste of the car batteries, there is a pond nearby.

Karen Masters, 11062 N Old Wire Rd

My driveway goes through their lot where they park their trailers I have an easement through their parking lot, they have a 31-employee parking lot right now why do they need a 222-space parking lot? There were 65 trailers on the lot I hear thrumming all day long.

Christina Nunley, 501 W Walnut St

My concerns are that when we move there the hum of the trailers will be heard.

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

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Motion to Approve: 5 – 0

**TECHNICAL ADVISORY COMMITTEE****Call to Order****Old Business / Ongoing Applications: None****New Business: None****Discussion Item: COTSWOLD VILLAGE – Planned Unit Development****Representative, Kristen Boozman, with Portfolio Sotheby's International Realty  
2007 Large Scale Development approval**

- 2,500 sf cottages on each site location
- Property owners would own the dwelling but not the land it is on
- Septic fields would be on community property within the PUD; drip system
- Original covenants filed with County Clerk
- Lots are severely sloped down to the lake, pushing them back 50' from the center of the road would make them unbuildable
- Nothing built under this approval; Sunset Clause after two years

**Staff Updates - Administrative Approvals:**

- I. Elkhead Minor Subdivision, case no. 22-515, 12133 E Airport Dr, Garfield; 18-01364-000
- II. Cook Minor Subdivision, case no. 23-175, 18279 Sugar Creek Rd, Garfield; 18-01279-000
- III. Jones Minor Subdivision, case no. 23-213, 19163 Old Norwood Church Rd, Siloam Springs; 18-13121-000
- IV. Gordon Lot Combination, case no. 23-233, 23666 Harry Horton Rd, Garfield; 15-09294-000
- V. Kisner Minor Subdivision, case no. 23-254, 13510 Frisco Cemetery Rd, Lowell; 18-04110-000
- VI. Gibbens Minor Subdivision, case no. 23-259, Kelly Pond Rd, Decatur; 18-11248-004
- VII. Bauer Lot Combination, case no. 23-260, Magnolia Ln, Rogers; 15-00218-000
- VIII. Wooden Minor Subdivision, case no. 23-267, W Hwy 12 & Fairmount Rd, Gentry; 18-10774-003
- IX. Carney Minor Subdivision, case no. 23-268, 15079 Gary Fletcher Rd, Garfield; 18-05448-001
- X. Buffington Minor Subdivision, case no. 23-280, 14916 Pleasant Ridge Rd, Rogers; 18-03472-000

**Meeting Adjourned: 8:59 p.m.****Next Meeting: September 20, 2023**

FILED

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APPROVED THIS 20<sup>th</sup> DAY OF Sept, 2023.

ATTEST:

APPROVED:

*C. Iki*  
PLANNING DIRECTOR

*W.H.O. Boy*  
PLANNING BOARD CHAIR or  
VICE CHAIR

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