

Benton County Planning Board

Public Hearing Minutes

February 17, 2010, 6:00 p.m.

1. Call to Order

2. Roll Call

The Board was represented by Scott Borman, Jim Cole, Mark Curtis, Lane Gurel, Bill Kneebone, Ken Knight and Heath Ward.

Staff was represented by Chris Glass, Ronette Bachert, Teresa Sidwell and Karen Stewart.

3. Disposition of the Minutes of the January 22, 2009 public hearing meeting minutes as distributed. Mr. Ward made a motion to approve the minutes; the motion was seconded by Mr. Knight. All members voted in favor of the motion.

4. Public Comment:

Mr. Kyle Unser, representing the residents of Stoner Lane, stated that the letter he had emailed to Staff on February 16th summarized the main points of contention regarding the Dollar General project. He said that residents would prefer that brick be added to the facade on the south side of the building. Mr. Unser stated that the developer indicated that the trees on the west boundary were too tall. He added that the residents had no problem with substituting a plant such as a holly bush on the west instead of the evergreen trees that they had recommended. Mr. Unser commented that the buffering requirements in the regulations for a commercial development abutting a residential area to have types 1,2 and 3 landscaping which are shrubs, short trees and tall trees. He added that he felt the neighbors were being reasonable and less stringent than the regulations require regarding landscaping.

Mr. Gurel asked if Mr. Unser or the residents had met with the developer as recommended by the Board; Mr. Unser stated that they had met with the developer on site. He added that Mr. Ghan was sent a plat with comments regarding the project and Mr. Ghan had responded to the comments. Mr. Unser said that the drawings and letter submitted to the Board were the sticking points on which the residents and the developer did not agree. Mr. Unser stated that the neighborhood was close to being OK with the development. He added that there is an opportunity to develop the project the right way and set the tone for future development. Mr. Unser summarized that the requests from residents were:

- a dedicated turning lane off Highway 12
- a berm on the west side
- a rod iron fence on the west side
- landscaping on the west side
- a privacy fence on the back side with an extra 2 feet
- 150 feet of evergreens on back side

Mr. Unser stated that the developer had offered to place 80 feet of evergreens on the back side. He added that the residents preferred that the buffering on the west side be done

early in the project to keep the construction folks from using the lot to the west; he emphasized that the residents preferred that the construction crew not use Stoner Lane.

Mr. Borman stated that the Board was not in a position to tell the State Highway Department to put in a dedicated turn lane. He added that the State would have to make the decisions if it was a safety issue. Mr. Knight asked if the Board could make a recommendation to the State. Mr. Curtis stated that the County and the State could sit down and work on the project. Mr. Glass pointed out that the County and the State hadn't been able to work together on the debris clean up for the ice storm. Mr. Ward suggested that it might be more productive if the property owners approached the State. Mr. Unser stated that they had met with the State Highway Department on site and they had indicated that they would have to do a safety study. Mr. Kneebone opined that there would not be a lot of traffic at a Dollar General. Mr. Gurel stated that the residents may want to present this to the State Highway Department as a redesign of the area with regard to potential development. Mr. Glass stated that the area is problematic and added that Staff would be happy to facilitate an open forum with the State as recommended by Mr. Curtis.

5. New Business:

A. JP District 02 - Variance from Large Scale Development – Mike's Pizza – 14431 East Highway 94, Rogers

Mike Holland represented the project. The stipulations from the technical advisory committee meeting were as follows.

- Must have written approval from Health Department regarding septic.
- City of Rogers must approve water meter situation.
- A property survey must be submitted to Planning Staff.
- Applicant must submit a site plan showing building, parking, run-off, etc.
- Notification of adjoining property owners is required with post mark 14 days prior to public hearing.
- All applicable requirements for Large Scale Development must be met.

Mrs. Stewart stated that Mr. Holland had met all stipulations except for the stipulation regarding the Health Department approval. Mrs. Stewart added that she had received an email from Starr Glenn of the Health Department stating that the applicant had agreed to install a water meter on the service line to the house between the Rogers water meter and the building; Mr. Borman stated that it was a good option. Mrs. Stewart stated that she would request a written approval by the Health Department for the file.

Mr. Ward made a motion to approve the project pending the approval of the Health Department and the motion was seconded by Mr. Curtis; the motion was approved by all members of the Board.

6. Old Business:

B. JP District 01 – Large Scale Development – Dollar General – 14161 East Hwy 12, Rogers

The project was represented by Rodney Ghan of 3401 Rogers Avenue in Fort Smith.

Mr. Ghan clarified that they had not stated that the trees on the west side would be removed but that they would plant the trees on the west side. He added that they would not double stack the trees but would be glad to plant trees from the back corner of the building all the way up to the edge of the parking. Mr. Ghan stated that the trees are fast growing at an average of 3-5 feet per year and would reach 20-30 feet high. He added that the Giant Emerald Evergreen trees were recommended by the residents and that they would be planted 5 feet apart. Mr. Ghan stated that they had agreed to plant trees across the back as well but had limited the distance. He said that the rod iron fence was eliminated. Mr. Ghan said that they would agree to landscape on the berm with vegetation that would reach only 3-4 feet high along the front area by the parking to keep everyone comfortable but there must be some visibility from the highway for the retailer.

Mr. Borman asked if access would be granted to the neighborhood to maintain the Stoner Lane sign; Mr. Ghan stated that it would not be a problem. Mr. Cole asked if the applicant could limit construction access from Stoner Lane; Mr. Ghan stated that they would have project managers on site and that they would try to control the access. He added that they would not be using the lot across the street and any storage would be sited on Rick Buck's property to the east. Mr. Gurel asked if the applicant was agreeable to use a sign that would be shorter than a pylon sign. Mr. Ghan stated that it would be a decision for Dollar General. Mr. Gurel stated that he felt the sign would have greater visibility if it were shorter. Mr. Ghan stated that Dollar General would send out someone to audit the site for a sign and would make a determination but he would not mind suggesting it if he had the opportunity. Mr. Curtis stated that an example of a shorter sign is in the neighborhood at the Boatworks. Mr. Borman stated that the Board did not have the ability to dictate to the applicant regarding signage. Mr. Glass stated that on Highway 62 there was a proliferation of huge billboards and they are gone now. Mr. Borman said that it was the action of the State Highway Department. Mr. Ghan stated that the State does not dictate signage unless it is off premise.

The stipulations from the technical advisory committee meeting were as follows.

- Project entrance be moved to Highway 12
- Light mitigation to neighboring properties
- Adequate buffering and vegetation

Mr. Cole stated that the following stipulations were removed by the Board.

- Hours not later than 9:00 pm
- A gate barrier at entrance to be locked after operating hours

Mr. Borman confirmed with the applicant that the security lighting on the back of the building will be shielded.

Mr. Unser asked Mr. Ghan if a berm would be placed on the west side of the property. Mr. Ghan stated that there is an elevation change from Stoner Lane down into the parking area so additional soil would not be required to deter vehicles from easily driving through the barrier. He added that the area will possibly have landscaping stones to make the area aesthetically pleasing.

Mr. Ward made a motion to approve the project with the site plan submitted to Staff on February 17, 2010 which demonstrates the landscape buffering requirements agreed upon between the applicant and the residents of Stoner Lane; Mr. Gurel seconded the motion.

Mr. Borman, Mr. Cole, Mr. Gurel, Mr. Kneebone, Mr. Knight and Mr. Ward voted in favor of the motion. Mr. Curtis abstained.

7. Reports of Planning Board members

There were no reports from the Board.

7. Adjournment:

The meeting was adjourned at 6:40 pm