



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

March 20, 2013

6:00 PM

Benton County Administration Building  
215 East Central Avenue

**Meeting Minutes**

**PUBLIC HEARING:**

**Call to Order:** The meeting was convened at 6:00 PM by Planning Board Chair Mark Curtis.

**Roll Call:** Mark Curtis, John Pate, Ken Knight, Starr Leyva, Ashley Tucker, and Rick Williams were present. Jim Cole was absent.

**Persons present in addition to the Board:** Director of Planning and Environmental Services Christopher Ryan, Planning Manager Rinkey Singh, Planning Coordinator M.J. McGetrick, Planning Assistant Matt Benton, and Administrator of General Services John Sudduth. Press Representative Tom Sissom was present. Four (4) members of the public were also present.

**Disposition of Minutes:** Mr. Tucker moved to approve the minutes. The motion was seconded by Mr. Knight, to approve the March 6, 2013 Planning Board meeting minutes with corrections. The motion carried 6-0.

**General Public Comment:** None

**Old Business:** None

**New Business:** None

**TECHNICAL ADVISORY COMMITTEE**

**Call to Order:** 7:04 PM

**Old Business:** None

**New Business:**

**A. TowMate LLC, LSD 13-252, 15704 E. Hwy 12 Rogers, AR 72756**

Represented by: Gary Davis of 6487 W. Wedington in Fayetteville, AR and Bryan Anderson of 827 Serenity Point Lane in Rogers, AR

**Staff Comments:**

Staff produced overhead aerial photos of the site to the Board. It was noted that a considerable amount of rock and fill material had been added to the site since the photos were taken. Staff informed the Board that the boats shown on the east side of the parcel had been removed.

Staff provided the Board with photos of the portion of Bear Creek on the applicant's property. Mr. Curtis

noted that Bear Creek was the same body of water involved with a previously reviewed project on Highway 12. Mr. Knight asked if the parcel was located east of Stoner Lane. Mr. Curtis remarked that it was indeed to the east of Stoner Lane. Ms. McGetrick noted the property was to the west of the bridge crossing Beaver Lake.

Staff commented that another dry creek bed existed on site, but that it was mainly located on the adjacent property owned by High Performance Boat Storage. Staff noted it started at the property line on Highway 12 and ran into the adjacent property to the east.

Staff commented briefly on the proposed site plan. It was noted that little tree cover existed on the property and that the topography was relatively flat with the exception of some sloping along the frontage of Highway 12. Staff stated that the site was situated between existing commercial properties on the east and south, a partially undeveloped residential property also to the east, platted residential parcels to the north, and undeveloped properties to the west. The properties to the south consisted mainly of mini-storage facilities and a mobile home park. Staff noted the property did not lie within a floodplain, but did lie within a designated MS4 stormwater area.

Staff gave a brief background on the project. The owner of the property was identified as Bryan Anderson. Staff stated that Mr. Anderson was previously approved for a large scale development at 15827 Serenity Point Lane in Rogers, Arkansas in 2000 and that he had existing offices already in the area that would be moved to the new location. Staff added that in 2008 Mr. Anderson was approved to manufacture lights at his existing location.

Staff felt the proposal was compatible with the existing commercial uses. The applicant proposed to use facility for the manufacturing, assembling, and selling of wireless lighting systems. The proposed new building would be 11,124 square feet and employ up to 30 workers. It was noted that the proposed hours of operation were Monday to Friday from 8 AM to 5 PM. Staff stated the applicant had submitted a site plan, grading plan, erosion control plan, landscaping plan, bio retention plan and details plan. A drainage report was also submitted.

Staff noted a platted subdivision to the north. Staff felt that the topography, which consisted of a steep ridge, created a sufficient screen from the proposed facility and operations.

Staff remarked that the building did not fall within the building setbacks. The applicant was informed that the setbacks should, however, be shown on the revised site plan so that the relationship between the parking and the building could be established.

Staff made comments on the proposed parking and traffic on site. It was noted that the proposed site plan included 26 total parking spaces with two (2) of those spaces being accessible. All spaces would be indicated with yellow striping and van accessible spaces would be identified on the site plan. The applicant had indicated to Staff that no clients would be coming on site. Staff informed the applicant that the parking spaces were required to be 19 feet in length, but that the submitted site plan showed parking spaces with a length of only 18 feet. The applicant was also told that the 24 foot driveway aisle on the submitted plan did not meet the 25 foot Benton County standard. Staff noted the applicant had indicated that trucks of various sizes would be loading and unloading product at the east side of the building, but that the types of trucks as well as the frequency had not been verified. Staff informed the applicant that the location and dimension of the proposed loading zones should be indicated on the site plan as well. Staff noted the applicant had also failed to indicate parking flow on the site plan. Finally, Staff informed the applicant that any additional parking areas on the property would need to be delineated on the final site plan and that he would need to note whether current existing parking to the north would be moved to the new location.

Staff noted the applicant proposed three (3) Shumard Red Oaks along Highway 12. Staff felt that no further buffering would be needed, but that additional parking areas would need to be evaluated by Staff if proposed.

Staff informed the Board that the existing driveway off Highway 12 would be abandoned. The applicant had applied for a 40 foot access to Highway 12. The applicant had also applied for an Arkansas Highway Department driveway permit on March 11<sup>th</sup>. The applicant was informed that final approval of permit would be required from the Highway Department. The applicant had indicated the proposed access would be completed before construction commenced and would be used for all construction on site. Staff noted that no access to Hoover Point Lane or Putnam Lane was indicated on the site plan, but that any access would need to be on site plan if proposed and would require approval from the County and the Army Corps of Engineers. Neither Hoover Point Road nor Putnam Lane was identified on the site plan. The applicant was informed that all roads adjacent to or bordering the property should be indicated on site plan.

Staff noted that the property had an additional access to Highway 12 through an extension of the parcel that wrapped around the adjacent parcel at 15716 Highway 12. The applicant had not indicated if the access would be used by the property owner in association with the proposed building and use. It was noted that the parcel to the east of the building site and directly behind High Performance Boat Works only had access through High Performance Boat Works or through an abandoned County road. Staff's understanding was that the easement was prescriptive. If any legal easements existed, Staff stated they would need to be identified on the site plan, as well as all access easements.

Staff requested comments from Bobby Keaton of the Highway Department in regard to the proposed 40 foot access. The Highway Department reviewed the proposal and offered no comments. Staff noted they were concerned with a significant curve on Highway 12 that would create limited visibility for east bound traffic as it approached the access. Staff requested more detail from the owner in regard to the types and frequency of trucks using the access. Staff was under the impression that most exiting trucks would be coming to and from the west. Staff felt the Board should consider additional signage to address the issue.

Staff remarked the applicant had not indicated the type, location, or intensity of the lighting on the site plan. The applicant had verbally indicated to Staff that the lighting would be building-mounted. Staff requested that the type of lighting be identified on the site plan, as well as the location.

Staff noted that a landscape buffer had been proposed in association with the bio retention basin at the east property line. The proposed buffer would include 18 one (1) gallon woodland sedge plants, 14 three (3) gallon common boneset plants, 18 three (3) gallon soft rush plants, and 12 one (1) gallon cardinal flower plants anchored by two (2) bald cypress trees to the far north and south of the retention basin. The applicant also proposed additional landscaping at the front of the building to include 24 five (5) gallon needle point holly bushes. The applicant had specified the ground cover would consist of a grass seed mix along the retention basin, at the rear of the building, and along the right-of-way of Highway 12. Staff felt the buffers were adequate, but that additional buffering might be required if parking or a new building was erected on the far east side of the property.

Staff reported that the applicant had provided a drainage report, a grading plan, and a bio retention plan. An erosion control plan had also been submitted indicating proper erosion control measures for the construction phase.

Staff reported that the applicant had provided stormwater mitigation measures through the bio retention plan. The applicant indicated that the focus of the bio retention basin would be stormwater quality, not detention. Staff noted that the bio retention plan referenced a geo-technical report which had not been provided by the applicant. This plan referred to the "City" which Staff noted would need to be changed to

“County”. Staff told the applicant that the velocity and duration of the stormwater detention on site would need to be provided as well.

Staff informed the Board that the property was within a County MS4. The applicant was informed that a stormwater permit from Benton County would be needed. The applicant was instructed by Staff to make the following changes to drainage report and stormwater calculations:

- The drainage report would need to take into account the location of the property in an MS4 or the additional requirements for development of a property located within an MS4.
- The drainage report would need to consider the potential impact to the dry stream bed on the adjacent property to the east as required by the court order establishing regulations for MS4 areas.
- A combined drainage and grading plan would be required as part of an MS4 stormwater permit application. The applicant was advised to review the court order and pre-consult with the Stormwater Manager.
- A stormwater permit would be required prior to the issuance of a building permit.

Staff stated several concerns regarding Bear Creek. No existing development on the banks of the creek was noted during the March 19, 2013 site visit, but some modifications were observed. Staff noted that an Army Corps of Engineers permit would be required for any construction on the stream banks or bed and that the changes would need to be indicated on the site plan. Staff stated that any linkage to Hoover Point Lane would need to be indicated on the site plan as well.

Staff noted the applicant had not indicated the septic tank on the site plan. The applicant had also not submitted approval of a commercial septic system from the Health Department. The applicant informed Staff that it had not done so because changes were being made to the design, but that the septic system had been tested and passed a percolation test. Staff requested a copy of the submitted application to the Health Department and the final approval. Finally, Staff noted the redesigned septic system would need to be indicated on the final site plan.

The applicant had indicated to Staff that Rogers Water would supply water on site. The applicant noted on the site plan that an eight (8) inch water line would be laid under Highway 12 connecting to Rogers Water. Staff indicated that Roger Water had submitted a letter confirming and accepting the proposed water extension.

Staff noted Carroll Electric would provide electrical service to the site. The applicant had not submitted a service agreement letter to Staff, but had indicated an application had been submitted to Carroll Electric. Staff noted a service agreement letter would be required for final approval.

A letter dated March 8, 2013 confirmed to Staff that Beaver Lake Fire Department would provide fire protection to the site. Benton County Fire Marshall, Mark Trollinger, commented that a knox box would be required, the fire hydrant would need to be moved approximately 40 feet east into the radius entry, and that the radius entryway off Highway 12 and radius entry to the parking spaces would need fire lane markings.

The applicant confirmed to Staff that the solid waste container would be serviced by Deffenbaugh Industries. The container would be located to the rear of the loading/unloading area and would be screened by a six (6) foot fence.

Staff noted the applicant indicated no hazardous chemicals would be stored or used on site. Staff felt more clarification from the applicant was needed regarding the chemical components used in the manufacturing

and assembling of the lighting units, including lubricants and industrial glues. Staff noted all Arkansas Department of Environmental Quality permits including the SWPPP should be provided as required.

Staff stated that upon completion of the application review, there were a number of outstanding issues that needed to be addressed before the Public Hearing. The applicant was instructed to provide Staff with an updated site plan detailing the entire property and all potential accesses. Clarification was also requested as to the proposed use of the building and that of the other undeveloped areas of the property to the east.

The applicant was told that any plans to access adjacent owned properties to the north as part of the business complex would need to be described in detail on the site plan.

Staff felt the applicant had been receptive to working with the Planning Department in addressing all outstanding issues. Staff commented that if the applicant worked diligently with staff to clarify these issues that the proposal would be ready for the April 6, 2013 Public Hearing.

**Comments from the Applicant:** Mr. Davis felt the issues brought up by Staff were minor in nature and could be easily addressed. Mr. Curtis asked for clarification on whether or not it would be a major problem for Mr. Davis to revise the site plan. Mr. Davis replied that most of the issues had already been addressed.

Mr. Knight asked the applicant if all components would be produced on site or if they would be purchased and then assembled. He said he was concerned with the production of fumes. He also asked the applicant why so many employees would be needed. Mr. Anderson replied that the circuit boards were manufactured in China and that they were populated by robotic equipment on site. He stated his operation was lead-free and that he used vapor phase equipment instead of traditional solder. He noted the liquid placed in the vapor phase machine was drinkable and cost \$1100 per gallon. He said the liquid was reprocessed and that it remained within the machines. He commented that any fumes were vented to the outdoors and would not be smelled in the neighborhood due to dispersion. He noted his employees attached the wires and programmed the computer chips. He stated his company built 45 different products and that the need for an expanded factory was significant. He remarked that two (2) access points across Bear Creek would likely be needed. He said he wanted to convert the property on the eastern side into a parking lot and possibly a building in the future. He told the Board he didn't realize he needed to go through the permitting process to gain access across Bear Creek, but that he was attempting to go through all the proper procedures. He noted he used vibration rotary welding which releases no fumes and wouldn't require ventilation. Finally, he remarked that he had no heavy equipment on site.

Mr. Knight asked if anything was used on site that would require OSHA to mitigate any spill problems. Mr. Anderson replied that nothing would require OSHA intervention. He said he used no epoxies or chemicals on site.

Mr. Tucker asked if any lithium ion or nickel metal hydride batteries were used on site. Mr. Anderson replied that lithium ion batteries had been used in the past, but at the current time were not. He stated the nickel metal hydride batteries on site were similar to AAA batteries and that they were already produced and sealed.

Mr. Knight asked if the applicant if he would consider mitigating light trespass when designing the facility. Mr. Anderson said he was using Collin Haynes as his architect and that he intended the facility to be low key.

Mr. Knight asked Staff if moving the hydrant 40 feet would be necessary. Staff responded that they would have to consult with the Benton County Fire Marshall, Mark Trollinger.

Mr. Pate asked if any other manufacturing facilities existed in the area. Mr. Anderson replied that a fishing

lure manufacturer existed locally. He said there was also a boat repair facility located nearby. He added his facility wouldn't produce much noise and would definitely not cause pollution.

Mr. Pate stated he had compatibility concerns given the recreational and residential uses already established in the area. Mr. Anderson responded that the facility would be an asset to the area. He said he lived in the area and wanted it to remain nice. He noted the proposed facility was not heavy industrial.

Mr. Tucker asked what size of trucks would be entering and exiting the property. Mr. Anderson replied that a 53-foot trailer would make deliveries twice a month. Mr. Tucker said that the turning radius on the site plan didn't appear to be sufficient for a WB67 truck and trailer combination. The applicant stated he had entered into a five (5) year lease agreement with the property owner to the east of the boat repair facility for one of his buildings and a one (1) year renewable lease for one of his warehouse facilities. The applicant added this area did have enough room for a 53-foot tractor truck combination to enter and exit. He said he would like to have access to his property from Hoover Point Road in two separate locations.

Mr. Tucker asked if the site distance would be adequate for trucks entering and exiting off Highway 12. Mr. Davis replied that he had met with the State Highway Engineer who felt the distance would be adequate, although not ideal.

Mr. Tucker asked if it would make more sense for the dumpster to be moved forward on the final site plan to make unloading easier for truck traffic. Mr. Davis replied that the design allowed for trucks to turn left and back into the loading area on the east side. He stated, however, it could be pulled further up if necessary.

Mr. Tucker asked if it would make more sense for future growth to be identified on the site plan to save the applicant from further appearances in front of the Board. Staff commented that any additional parking on the property, any additional access from Hoover Point Road, the use of buildings on any adjacent property, and/or any access to the property to the east on Highway 12 needed to be on the site plan. Mr. Davis commented that six (6) more parking spaces were added to bring the total to 30 parking spaces on site. Mr. Tucker asked if that was required amount of spaces. Mr. Davis replied that it was. Mr. Tucker asked Mr. Davis if he had considered land banking to accommodate any spaces that might be needed in the future. Staff reiterated that any proposed parking would need to be on the site plan. Mr. Anderson stated he hoped to see the eastern part of the parcel would be used as a gravel parking area. Staff told Mr. Anderson that they would need to see the dimensions of this area, how it would be accessed, and any additional runoff it would create. Staff informed Mr. Anderson that additional buffering would be needed as well. Mr. Anderson responded that he would put up a fence. Staff informed him that the fence would need to be on the site plan.

Mr. Knight asked how trash produced on site would be disposed and why a trash compactor would not be installed. Mr. Davis stated that a daily trip was made to the Rogers Recycling Center.

**Comments from Staff:** Ms. McGetrick asked the applicant if a revised site plan would be ready by April 3, 2013. Mr. Davis replied that he thought it could be ready by then, depending on the Army Corps of Engineers. Mr. Ryan stated the outstanding stormwater issues would be difficult for the applicant to address before the next Public Hearing.

Mr. Curtis announced that he was a neighbor of Mr. Anderson. He stated that the outcome of 2008 permit issued to Mr. Anderson dramatically improved the site. He added that he walked his dog every day and had never noticed any fumes.

Mr. Pate asked if the applicant had architectural plans available for the Board to view. Mr. Davis said that he would bring plans to the Public Hearing. Mr. Anderson added that several examples of what he wanted the

facility to look like could be seen on Horse Barn Road.

Mr. Davis asked Staff if the building elevations had been received. Ms. McGetrick replied that they had not arrived at the Planning Department.

Mr. Curtis asked the applicant how much water the detention/retention pond would hold. Staff directed Mr. Curtis to the drainage report. Mr. Davis stated that detention was not always ideal for developed runoff. He said he wanted to treat the stream with bio retention to improve water quality, instead of focusing on detention.

Mr. Ryan noted the dry creek under Highway 12 showed signs that a large number of water likely flowed onto the property and that if the grade was changed it would have to go someplace else. He asked the applicant if the excess water had been taken into consideration. Mr. Davis replied that significant rainfalls would cause flooding, but that he wanted to mitigate as much as possible

The Technical Advisory Committee ended at 7:21 PM

**STAFF UPDATES:** Staff announced that the Legislative Committee would be presented a wrap-up of Chapters 1-10 of the proposed new regulation on March 25, 2013. Ms. Leyva asked if family subdivision was included in the new regulations. Mr. Ryan stated that family subdivisions had been incorporated into the informal plat provisions.

Mr. Knight asked if Staff could update the Board on proposals being administratively reviewed. Mr. Ryan replied that Ms. Singh would be producing a department newsletter that would include a list of all administrative approvals.

Mr. Curtis urged the Board to contact their representatives regarding Senate Bill 367. He stated the bill would harm the County from a planning and environmental standpoint. Mr. Ryan commented that its passage would likely result in the rollback or elimination of planning regulations in the County. Ms. Leyva asked if the bill had a special hearing date. Mr. Ryan stated he was unaware if a hearing date had been set. Mr. Knight asked if Ken or Jim Hendren was the sponsor of the bill. Mr. Sission replied that it was Jim Hendren.

The meeting adjourned at 7:35 PM.