



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

April 3, 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, Jim Cole, and Rick Williams were present. Ashley Tucker 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. Six (6) members of the public were also present.

Disposition of Minutes: Mr. Williams moved to approve the minutes. The motion was seconded by Mr. Cole, to approve the March 20, 2013 Planning Board meeting minutes. The motion carried 6-0.

General Public Comment: Kathy Andresen of Lowell, Arkansas addressed the Board regarding an issue she had with accessing her private property. Her family has a 42 acre farm east of Lowell. In 2007 a subdivision near her property addressed the Board to change the status of the blue sign roads to white, which the Board unanimously denied. The decision was not appealed according to Ms. Andreson. Instead, in 2008, a gate was placed across the dedicated road that provided access to her property. She stated she was never notified about the gate. When she obtained the Order issued by Judge Black on December 2007, she noticed that blue sign roads had been changed to white. She stated this has limited access to her property. She asked the Board how individuals like her could be protected from problems with road status changes. She said her neighbor filed a lawsuit to achieve access but later dropped the matter. She stated the situation has affected her financially and has created a safety issue for her family. She concluded by asking the Board why a public hearing was not held on the name change, and why the name change was allowed to go forward privately.

Old Business: None

New Business: 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

Mark Curtis recused himself as Chair for the Public Hearing. Mr. Pate moved to appoint Mr. Knight as the temporary chair. Mr. Cole seconded the motion. The motion carried 6-0.

Staff Comments: Staff gave a presentation on the revised site plan. The applicant had addressed all outstanding issues. The parking dimensions were changed. A gravel parking area had been added to the northeast portion of the parcel. Six (6) parking spaces were added. All fire lanes were marked. Truck and vehicular flow had been added to the site plan. The dumpster area was moved forward. To the west, a 12

foot gravel drive leading to the rear of the property was added leading to a vehicular bridge spanning Bear Creek. Loading zones had also been indicated and dimensioned.

Mr. Knight asked Staff if the bridge spanning Bear Creek would be the responsibility of the landowner to design and build to the standard set by the County. Ms. McGetrick replied that the bridge connected to a private road, thus the County would not regulate the design. She added that the Board may request more detail on the design. Mr. Ryan commented that the stormwater consultant hired by Staff recommended that the applicant provide detailed inserts of the culverts and bridge on the final site plan.

Staff gave comments on the new proposed employee parking area. The proposed dimensions were given as 83x64 feet, and it was noted that it would be graveled. The applicant proposed connecting this lot to Hoover Point Road with another bridge. The bridge would include two (2) 36 inch culverts. The lot would also be connected to Highway 12 by a graveled access and would be screened by a six (6) foot fence. The access to the lot would be gated and would only remain open during business hours.

Staff stated that no changes were proposed to the landscape plan and that it met all County regulations.

Staff noted that the elevations requested by the Board at the March 20, 2013 Planning Board meeting had been provided by the applicant.

Staff noted that the building setbacks had been added to the revised site plan.

Staff provided comments on the proposed parking areas, which consist of a primary and a secondary lot. The primary lot would consist of 26 total spaces with two (2) spaces designated as accessible. Staff noted six (6) future spaces had been indicated on the revised site plan. The secondary lot would be 64 x 83 feet in dimension and located on the northeast portion of the parcel. The applicant had indicated that the lot would serve as a parking space for the facility to the north and as overflow parking for the proposed site. Staff recommended that no oversized trucks would access the secondary lot.

Ms. Leyva asked if parking calculations for the primary site would accommodate all the employees for the primary site. Ms. McGetrick replied that more parking was proposed than was required by the regulations.

Ms. Leyva asked if the secondary lot had any connection to the proposed new facility. Ms. McGetrick replied that their only connection would be via Hoover Point Road.

Staff commented on some of the requirements for the secondary lot. The applicant was informed that all concrete debris would have to be removed from the site prior to construction. Staff told the applicant that the extent of the parking area should be delineated with anchored railroad ties or concrete bumpers. Finally, Staff noted that the proposed six (6) foot screening fence for the secondary lot should be flush to the ground.

Staff stated the existing access off Highway 12 would need to be abandoned. The proposed 30 foot access from Highway 12 will need final approval from the Highway Department prior to issuance of a building permit. Staff stated the Board might want to ask the applicant if the remaining accesses from TowMate Lane would remain open. Staff re-emphasized that no oversized truck traffic should utilize the access to the secondary lot off Highway 12. Staff also remarked that the name "TowMate Lane" would need to be approved by Benton County 911 Administration.

Staff stated the applicant would need a Nationwide Permit from the Army Corps of Engineers for the 32 inch culverts placed in Bear Creek. Staff noted, however, the Army Corps of Engineers had reviewed the proposal and saw no issues.

Staff stated the applicant had not indicated the lighting on the site plan. Staff noted the applicant had, however, verbally remarked that the lighting would be porch-mounted and would not exceed intensity levels of common residential lighting. Mr. Knight asked Staff what was meant by porch-mounted lighting. Staff referred Mr. Knight to the applicant for further explanation.

Staff stated the comprehensive landscape plan was satisfactory.

Staff stated that the final approval for the proposed 2000 gallon holding tank had not been submitted. The applicant was informed that its submittal would be required prior to final approval.

Stormwater Presentation: Staff gave a separate presentation on the importance of stormwater issues. It was noted the parcel contained two (2) creeks and was within a designated MS4 area. Staff also informed the Board that several neighbors had expressed concerns regarding flooding.

Staff provided a map of the area drained by Bear Creek. Staff noted that many recent project approvals existed in the area. Staff noted that existing development along the creek already impacted the velocity and amount of stormwater runoff.

Staff stated that another creek existed to the east of the proposed building site. It was noted that the stream had been substantially disturbed with mounds of gravel existing in the bed. Staff was concerned the topography and flow of water had been changed by alterations. It was noted that the neighbor had concerns that the water in this creek would flow onto his property after the development. Staff remarked that County Court Order C-2009-08 required the maintenance of these channels.

Staff noted riprap had been placed on Bear Creek to slow down the flow of water.

Staff reported the applicant had merged the drainage and grading plans together. It was noted that the proposed building would be raised a minimum of two (2) feet above grade and the parking lot a minimum of one (1) foot.

Mr. Pate asked Ms. Singh about the elevation of the top of Beaver Lake Dam spillway. Ms. Singh replied the elevation of Bear Creek on the property was approximately five (5) to eight (8) feet above the spillway.

Staff stated the applicant proposed two (2) bioretention ponds. One would be to the west of the proposed building and the other to the east. Staff stated the pond to the west would contain silt-trap dams. Staff noted that the bioretention ponds might receive significant sediment during flood events if improvements were not made to the adjacent drainage creeks. Staff suggested the fill on the east property line be removed.

Staff informed the Board that the applicant had provided a bioretention maintenance schedule.

Staff stated the applicant had provided a hydrograph for a 100-year storm event routed to the bioretention pond. It was noted that the 100-year runoff volume was calculated as 1704 cubic feet and that the designed storage volume for the bioretention pond was 2505 cubic feet. Staff concluded that the design was more than adequate to store the developed runoff up to and exceeding the 100-year event.

Staff informed the applicant that a Benton County Stormwater Permit would be required. The applicant was told that the permit must be granted prior to any further disturbance to the site.

The applicant was told to provide Benton County with a SWPPP submittal. The SWPPP would need to be approved by Staff prior to the stormwater permit approval.

Staff requested further information from the applicant regarding the proposed bridge and culvert design on Bear Creek.

The applicant was informed that all outstanding data noted by the April 3, 2013 memo from the consultant should be provided to Staff. In addition, the applicant was instructed to provide a statement regarding the protection measures recommended by the consultant in regard to the drainage channel constriction from the adjacent property.

Staff stated the applicant should show the full extent of the development for the erosion-control measures. Staff stated the applicant should also show the stormwater and drainage plans for the entire property.

Staff remarked that most of the previously-identified issues had been addressed by the applicant and recommended the following stipulations for approval:

- Standard conditions
- No oversized truck, traffic, parking, or loading should be permitted at the gravel parking area
- The applicant should address all stormwater recommendations provided by Staff
- Final Health Department approval should be submitted to Staff
- Final Highway Department access approval should be submitted to Staff
- A final Army Corps of Engineer's permit should be provided to Staff before culvert construction
- Approval by 911 Addressing of the "TowMate Lane" road name before final approval

Mr. Williams asked Staff why the fire hydrant had to be moved. Ms. McGetrick responded that the relocation was required by the Benton County Fire Marshal, Mark Trollinger.

Mr. Knight asked the applicant if there were any major issues that couldn't be addressed. The applicant replied that there were none.

Public Comment: Charlie Schroeder of Summershade Road in Rogers stated he was concerned about stormwater drainage. He owned the property directly to the east for 8 years. During that time, he had seen the water level under the Highway 12 culvert reach full depth. He stated during flood events the water would distribute itself onto the proposed site. He stated the creek separating the two (2) properties had never flowed properly. He commented that during high levels, the water would flow over the berm and proceed diagonally from the southwest to the northeast toward the proposed secondary parking area creating a three (3) foot lake. He stated he once stored boats where the proposed secondary lot would be located and that they would float off. He stated that raising the parking area would prevent water from flowing into Bear Creek. He told the Board he was also concerned with proposed access off Highway 12 would create traffic safety issues.

Mr. Knight asked Mr. Schroeder how long he had owned his property. Mr. Schroeder replied he had owned the parcel since March 2005. Mr. Knight asked Mr. Schroeder if the ditch existed when he purchased the property. Mr. Schroeder replied that the ditch already existed. Mr. Knight asked if the ditch formed naturally. Mr. Schroeder replied that he was not sure how the ditch formed.

Mr. Knight reminded Mr. Schroeder that the Highway Department approved the access off Highway 12 to the secondary parking area.

Karrie Stricker of 29 Ravenshoe Road in Rogers stated she had lived across Highway 12 from the proposed site for 15 years. During this time, she had witnessed severe flooding. She stated she often had to come

home from work early because of flooding along Highway 12. She stated she was concerned that the entrance to the proposed facility would cause fatal accidents. She was also concerned about elderly individuals having to make turns near the proposed accesses.

Gary Tharp of 8102 Cedar Drive stated he was concerned about the location of the accesses. He said he owned Lakeside Storage near the proposed site. He said he was worried about trucks turning in and out of the accesses causing traffic issues.

Lindsey Fisher of 15465 Highway 12 East stated she had several concerns with the proposal. She was worried about the lack of shouldering on the highway near the accesses. She said vehicles pulling heavy trailers would not be able to stop if a truck pulled out of the site. She was also worried about how fast runoff would be absorbed. Finally, she said she didn't feel the facility was appropriate for the existing conditions and that she wanted the area to remain the same for tourists and local residents.

Mr. Knight reminded Ms. Fisher that there was no zoning in the County. He added that the area appeared to be transitioning into a more commercial area.

Ms. Leyva reminded Ms. Fisher that a septic tank was not proposed, so there would not be any contamination issues. Ms. Fisher responded she was worried that runoff from the parking lot would still create pollution.

Public Comment ended at 7:17 PM

Comments from the Board: Mr. Cole asked if the Department of Transportation had reviewed the proposed accesses. Ms. McGetrick responded that the Highway Department had reviewed the proposal and had granted preliminary approval. She reminded the Board the regulations allowed the accesses.

Ms. McGetrick asked the applicant if their current warehouse in Rogers could be utilized to cut down on truck traffic on site. Mr. Anderson replied that large trucks would be unloaded off site and the contents shipped in on flat-bed trucks. He said he too was concerned about the access off Highway 12. He also said he had proposed to the neighboring property owner to create an access off the back of the property, but that Mr. Schroeder informed him his lender would not approve the proposed access.

Mr. Ryan commented that the Highway Department would review the facility after it was built and might choose to add additional signage to mitigate the traffic safety concerns. He added that the Board could include a stipulation that the applicant consult with the Arkansas Highway Department at the time of final approval regarding additional signage warning of trucks entering Highway 12.

Ms. Leyva asked the applicant to clarify the volume and type of truck traffic using the site. Mr. Anderson replied he didn't expect a 53 foot truck to be able to enter and exit the proposed access safely. He added he was very concerned about safety. He said the facility wouldn't have a regular loading dock and that the United Parcel Service would handle 99.9% of the packages being dropped off and picked up. Ms. Leyva asked if the driveway was designed for large trucks. Mr. Anderson replied it was designed to handle large truck, but that no dock would be available for unloading.

Vote: Mr. Williams moved to approve the proposal. The motion was seconded by Ms. Leyva. The motion passed 4-1 with Mr. Pate voting against.

The Public Hearing ended at 7:30 PM.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 7:31 PM

Old Business: None

New Business: None

STAFF UPDATES: Mr. Ryan informed the Board that all remaining items would be presented to the Legislative Committee on April 16, 2013. He stated a Board of Appeals and a public outreach program would be proposed at the meeting. He requested Board support for the proposed outreach program.

Mr. Knight requested that Staff draft a publication regarding ongoing projects. Mr. Ryan informed Mr. Knight that Staff was working on establishing a web presence referencing current projects. Mr. Ryan said that Staff was also working on brochures that could be passed out to the public.

Mr. Curtis urged the Board to remember Ms. Andresen's concerns when voting on future proposals.

Mr. Ryan informed the Board that he had no new updates on Senate Bill 367. Mr. Knight stated that the Bill had been modified, but that he had no details.

The meeting adjourned at 7:42 PM.