
Benton County Planning Board

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**COMMERCIAL/INDUSTRIAL LARGE SCALE DEVELOPMENT:
PLANNER'S TECHNICAL REPORT**

15704 East Hwy 12, Rogers, AR 72756

EXECUTIVE SUMMARY

The applicant TowMate, LLC is an existing business in the Prairie Creek area of Rogers, Arkansas. Towmate, LLC assembles, ships, and sells wireless LED lighting systems. The systems are attached to tow trucks and other large vehicles. The property is currently undeveloped. The applicant proposes to build a new 11,124 sq. ft. building for the assembly and shipping of the wireless lights at 15704 East Hwy 12, Rogers. The facility will house up to thirty employees. The hours of operation are Monday thru Friday 8 am to 5 pm. The submitted application contained a site plan, grading plan, erosion control plan, landscaping plan, bio retention plan and details sheets. A drainage report was also submitted. Staff reviewed the submitted materials and found a number of missing items. Staff has a number of questions in regard to the application as follows;

1. Legal access from AR Highway 12
2. Manipulation or changes to Bear Creek
3. Extent of review area of submitted site plan
4. Service Agreements
5. Septic System design and capacity
6. Potential Stormwater impacts on nearby properties

PROJECT INFORMATION

Applicant/Owner: Tow Mate LLC

Municipal Planning Area: Rogers, AR

Address of subject property: 15704 East Hwy 12, Rogers, AR 72756

Parcel ID: 18-03384-006

Parcel Size: 3.90 acres

Current Land Use: Vacant, undeveloped

Proposed Land Use: Proposed 11,124 sq. ft. building to house commercial office space and a manufacturing and assembly operation for TowMate, LLC.

Attachments: The following drawings and documents are attached:

1. Location Map- 15704 East Hwy 12, Rogers, AR
2. Proposed Site Plan
3. Proposed Landscape Plan
4. Appendix A- Applicant's written description of the proposal

PLANNING ANALYSIS

Description of Property and Surrounding Area

The subject property is municipally known as 15704 East Hwy 12, Rogers and is located east of the City limit in the Prairie Creek area.

The overall land area is 3.90 acres and currently undeveloped and vacant. There is very little existing tree cover on the property. The parcel topography is flat with frontage along AR Highway 12. Bear Creek runs across the northern boundary of the property.

The site is situated between existing commercial operations to the east, residential to the north, commercial properties to the south and undeveloped property to the west. A partially undeveloped residential parcel also lies to the east. The adjacent property to the east is undeveloped at the shared property line with the subject parcel and an existing residence on the far western edge of the property. The property to the north consists of partially developed platted residential parcels in the Serenity Point Subdivision. The property to the west is currently undeveloped and vacant. To the south is a mix of commercial properties consisting mainly of mini storage facilities and residential property consisting of the Yacht Club Mobile Home Park. Please see Location Map attached.

In accordance with the Engineer's note on the site plan the property does not lie within a flood zone but does lie with in an MS4 stormwater area.

BACKGROUND

Bryan Anderson of TowMate, LLC originally received approval for a Large Scale Development at 15827 Serenity Point Lane, Rogers within a residential subdivision. The operations of the location were detailed as manufacturing of tow lights similar to what is currently being proposed for the new proposed location at 15704 East Hwy 12. TowMate was approved at this location for manufacture of tow light parts with up to eight employees with no hours of operation detailed. TowMate, LLC states that they will be moving the bulk of manufacturing operations at the Serenity Point Lane location to the proposed location on HWY 12. Mr. Anderson stated that the Serenity Point location will remain operational as office for TowMate staff. . While the applicant is not required to detail the operations at the Serenity Point for the purposes of this application should any increase in the intensity of operations take place at the Serenity Point Location the applicant will be required to file a separate application for a Large Scale Development Amendment. The applicant may also wish to combine both locations into one project.

TECHNICAL REVIEW OF SITE PLAN

Parcel Information

The overall property comprises 3.9 acres of undeveloped land. The area of review consists of the western section of the property. A portion of the parcel wraps around the adjacent parcel, 15760 HWY 12 E. The subject parcel is accessed by an existing drive at AR Hwy 12 at the south east section of the property. This access will be abandoned before construction in favor of a 40' access further to the west along AR HWY 12. An additional AR HWY 12 access is located to the west of the adjacent parcel.

Parking Requirements

Required: Parking calculation is based on the parking requirements for industrial uses which requires (1) one space for every employee, space for all company owned vehicles, adequate spaces for salesmen, visitors, etc.; and adequate loading areas and holding areas for vehicles awaiting loading or unloading.

Comment: The proposed site plan included 24 asphalt parking spaces and two (2) accessible spaces on-site with a total of 26 parking spaces on-site. All spaces will be indicated with yellow striping and van accessible handicap spaces will be identified on the site plan. The applicant indicates that no clients will be coming to the site.

Staff feels that the building use does not qualify as a typical industrial use but the use of industrial parking requirements is justified as only employees associated with the parts assembly operation for Towmate, LLC will be working on site.

Following comments apply to parking, access, and loading zones:

1. Length of parking space is required to be 19'. The parking space length on the submitted site plan is 18'. The parking space length has been corrected to meet Benton County standards.
2. Driveway aisle is required to be 25'. The driveway aisle on the submitted site plan is 24'. The driveway aisle has been corrected to meet Benton County standards.
3. The applicant has indicated that trucks of various sizes will be loading and unloading product components and finished product at the west side of the building. The applicant has indicated the location and dimensions of the proposed loading zones on the site plan. The loading zones have been marked with striping.
4. The applicant should indicate parking flow on the site plan.
5. Should the applicant wish for any additional parking areas anywhere on the subject property in association with the proposed business, those areas should be delineated on the site plan.

Parking Buffer

Required: Adjoining incompatible uses should be screened with landscaping, walls, berms, or similar treatments.

Comment: The applicant proposes three (3) Shumard Red Oak along AR HWY 12. Staff does not feel additional parking buffers are required. However should the applicant propose additional parking in the northeast quadrant of the property additional parking barriers may be required to screen adjacent residential uses.

Access Driveways

Required: The design and construction shall be in accord with the standards as presented in the Benton County Road Plan.

Comment: The existing driveway from AR HWY 12 to the southeast of the property is to be abandoned. The applicant indicated that they applied for a 40' driveway access to AR HWY 12 to the west of the existing driveway. The applicant applied for an Arkansas Highway Department driveway permit on March 11, 2013. A final approval of the driveway permit will be required from the Highway Department. The applicant has indicated that the proposed access will be completed before construction commences and will be used for all construction access to the site. No additional access to either Hoover Point Road to the north or Putman Lane to the west should be accessed without approval of a County issued driveway permit. The existing access should be abandoned and must not be used for construction purposes. Neither Hoover Point Road to the north or Putman Lane to the west is properly identified on the site plan. All road names of roads adjacent to or bordering the property should be included on the site plan.

Additionally the property has access from AR HWY 12 through an extension of the parcel which wraps around the adjacent parcel 18-03385-000 as shown on the site location map in attachment A. The eastern access is not indicated on the site plan. The applicant has not indicated if this access will be used by the property owner in association with the proposed building business. The access is to the east of parcel 18-03385-000 extending north. This section of the subject property provides the only legal access for parcel 18-03385-000. No easement has been indicated on the site plan or submitted survey. A gravel drive is shown which accesses both parcel 18-03385-000 and the subject property. The applicant should indicate to staff any intention to use the eastern access in association with the proposed building. If the access is to be utilized surface materials and traffic flow should be indicated on the site plan. The applicant should also dedicate an access easement to adjacent property 18-03385-000.

Comments were requested from Bobby Keaton, ATHD permit officer, on March 13, 2013. On March 15, 2013 Mr. Keaton confirmed that he has worked with the engineer for the project, Mr. Gary Davis. Mr. Keaton stated that a completed application for driveway access has not been submitted to the AHTD. A copy of the submitted permit will be required. A final copy of the approved permit will be required before the issuance of a certificate of occupancy should the project be approved. Staff feels that the Board may wish to further review the proposed access due to the curvature of the highway to the west.

Site Features-Lighting

The applicant has not indicated the type, location or intensity of lighting on the site. The applicant has indicated verbally to staff that site lighting will be building mounted. Staff requests that the type of lighting be identified as well as the lighting location on the site plan.

Site Features-Landscape Buffers

A landscape buffer is proposed in association with the bio retention basin at the east property line west of the existing drainage area lying on the property line with the adjacent property to the east. These buffers include 18 one (1) gallon woodland sedge plant, 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 proposes additional landscaping at the

front of the building to include 24 five (5) gallon needlepoint holly bushes. Ground cover consists of a grass/seed mix along the retention basin, at the rear of the building, and along the ROW of AR HWY 12.

Site Services - Drainage/ Stormwater Management Plan

Required: Applicant is required to indicate on plan storm drainage infrastructure and off-site drainage study. If study indicates an increase in peak flow discharge downstream, the developer shall construct a detention facility or an alternative LID methodology that shall control the peak runoff rate. The County also recommends minimizing impervious surface to limit the need for such facilities.

Comment: The applicant has provided both a written drainage report as well as a grading and bio retention plan with the submitted application. An erosion control plan has also been submitted indicating proper erosion control measures for the construction phase of the proposed project. The property slopes to the north and east from the high point to the south at AR Hwy12 into Bear Creek and further into Beaver Lake. All off-site stormwater from the north and east also flows into Bear Creek. Increased peak run off due to construction onsite is 3.16 cfs. While staff acknowledges that this area of Prairie Creek does not lie in a FEMA designated floodway there remains potential for flooding on the property. The applicant has provided stormwater mitigation measures through retention on the provided bio retention plan. The applicant has indicated that the focus of the bio retention basin is stormwater quality not detention. The bio retention basin is multi-layered pond bed layered by gravel, sand, planting soil and filter fabric anchored by a variety of native wetland plants. The applicant intends for the bio retention basin to hold and filter storm water in the event of a flood event. Staff feels that the bio retention basin meets the storm water needs of the site but further analysis may be required. However the bio retention plan references a geotechnical report which has not been provided to staff. Staff should be provided with this report. The bio retention plan also refers to the "City" this should be amended to reference the "County".

The site does lie within a County MS4 area. Therefore a separate stormwater permit will be required. The applicant should work with the County Stormwater Manager in order to submit the application. The property lies within a County MS4 area. Applicant will be required to obtain a stormwater permit per the Benton County court ordered stormwater regulations. Changes in the drainage report and stormwater calculations should be made as follows;

1. The drainage report does not establish changes in the volume of run off or detention duration.
2. The drainage report does not take into account the location of property in an MS4 or the additional requirement for development of a property located within an MS4 area.
3. The drainage report does not consider potential impact to the dry stream bed on the adjacent property to the east. This is required per the court order establishing regulations for MS4 areas.
4. A combined drainage and grading report is required as part of a MS4 stormwater permit application.

Both the County stormwater permit and all ADEQ regulations and permitting will be required as a stipulation of approval.

Additionally staff has concerns regarding Bear Creek which lies along the north edge of the property. Upon staff site visit of March 19, 2013 it appeared that Bear Creek has been modified or that development may be taking place in the creek. Bear Creek is considered an intermittent stream bed as well as a Water of the State. Any manipulation of the creek will require Army Corps of Engineers permitting and approval. A Short term Activity Authorization from ADEQ may also be required. The applicant has not indicated on the site plan or through conversations with staff any manipulation of Bear Creek. All construction in or on the stream banks or bed of Bear Creek should be indicated on the site plan. An approved Nationwide permit from the Army Corps of Engineers should be provided. Staff is aware that the applicant may wish to create a crossing of Bear Creek in order to access Hoover Point Road to the

north. The applicant would then be able to access additional company offices to the north. Should the properties be connected by a private driveway this should be indicated on the site plan.

Site Services - Sewage Disposal

Required: Regardless of development size, a state approved septic disposal method is required of all commercial and industrial developments. All disposal system criteria must meet or exceed septic requirements as established by the Arkansas Department of Health in accordance with Act 402 of 1977 as amended.

Comment: The applicant has not indicated the location of the septic system on the site plan. The applicant has not submitted approval of commercial septic system from the Health Department. It is staffs understanding through conversation with the applicant that a 2000 gallon holding tank on the far western side of the property will be installed. No Health Department review or approval of the proposed system has been submitted to staff. Staff will require that the applicant indicate the proposed system on the site plan as well provide Health Department approval of any proposed system on site.

Site Services - Water Service

The applicant indicates that Rogers Water supplies water on-site. The applicant has indicated that the site will be serviced by a proposed 8" waterline to be laid under AR HWY 12 which will connect to an existing City of Rogers 8" water line. The City of Rogers Water Department has submitted a letter confirming and accepting the proposed water extension plan.

Site Services - Electrical Power Supply

Carroll Electric provides electric services in the area of the proposed project. The applicant has not submitted a service agreement letter to Planning Staff. However the applicant has indicated that an application for commercial service has been submitted to Carroll Electric. Staff can confirm that the applicant has been in contact with Carroll Electric in order to extended service to the site per a February 28, 2013 email from the Carroll Electric engineering department. A service agreement letter will be required at final approval.

Site Services - Firefighting Provision

Beaver Lake Fire Department- Mark Finocchio, Fire Chief

Letter dated March 8, 2013 confirmed that the Beaver Lake Fire Department will furnish fire protection for the proposed building.

Benton County Fire Marshall: Marc Trollinger, Benton County Fire Marshall, submitted the following comments on March 14, 2013.

1. A knox box is required to be installed on the building for fire access
2. Fire Hydrant will need to be moved approximately 40' east into the radius entryway.
3. Radius entryway off of AR HWY 12 and radius entry to parking spaces will need fire lane markings.

Site Services - Solid Waste Disposal

Applicant has confirmed that the proposed solid waste container is serviced by Deffenbaugh Industries. The solid waste container will be located to the east of the building and screened by a proposed six foot fence.

Environmental Compliance

Applicant indicates that no hazardous chemicals will be stored or used on site. The applicant has indicated verbally to staff that Towmate, LLC proposes to assemble wireless tow lights on site. Staff feels that this process may include chemical components. The Board may wish to inquire further into the products used in the assembly of Towmate, LLC products.

OUTSTANDING ISSUES UPDATE

The application is deficient in a number of items which need to be addressed for a comprehensive review. In addition, the proposed site plan is missing essential information. It is expected that the applicant identify all proposed aspects of the site on the site plan. Some of the deficiencies identified by staff include the following:

Site Plan deficiencies:

1. Site lighting location and type to be identified
The applicant has not identified the location of lighting on the site plan but has indicated to staff that commercial grade lighting will not be used.
2. Traffic flow to be indicated on site.
The traffic flow has been indicated on the site plan.
3. Parking stalls to be updated to correct dimensions.
The parking stalls have been updated on the site plan to properly indicate required stall dimensions.
4. Loading zone location and dimensions to be identified.
The applicant has identified the loading zone areas on the site plan. It should be mentioned that the loading zones shall be indicated with striping.
5. Building setbacks to be shown.
Building setbacks have been indicated on the site plan.
6. All roads or drives on property should be properly labeled.
All roads and drives have been properly indicated on the site plan.
7. All accesses and easements should be labeled.
The applicant has labeled all accesses on the site plan.
8. Septic field and system to be shown.
The applicant has indicated the location of the septic holding tank on the property. The site plan indicates that bollards one foot off the corners of the tank location will protect the area from vehicular traffic.

9. Extent of property and all proposed developed areas on the property should be detailed on the site plan. The applicant has updated the site plan to include additional parking to the northeast of the property. The parking is proposed as an 83 by 64 graveled parking area screed by a (6) six foot board on board fence. The Board may wish to request that the fence be raised in order to allow stormwater to flow beneath during a storm event. No additional buffering will be required. The applicant has also included two proposed bridges to connect the subject property to Hoover Point Road to the north. Both bridges will cross Bear Creek. The bridge to the northeast of the property will require an Army Corps of Engineers permit as the applicant proposes placing culverts within Bear Creek. Additionally, a Short term Activity Authorization may be required from ADEQ.
10. If the applicant proposes to access the subject property from the adjacent Advanced Builders rented warehouse building this access should be labeled on the site plan. The applicant has indicated a 12 foot gravel access to the adjacent commercial property to be used for warehouse storage to the southeast from the proposed TowMate Lane.
11. The applicant may wish to move the solid waste receptacle location to allow for better large truck access. The applicant has shifted the solid waste receptacle to the north to allow for better truck access.

Benton County Fire Marshall: Marc Trollinger, Benton County Fire Marshall, submitted the following comments on March 14, 2013.

1. A Knox box has been indicated on the site plan
2. The fire hydrant has been moved approximately 40' east into the radius entryway.
3. Fire lane markings have been indicated on the site plan.

Access:

Staff feels that the applicant should indicate any proposed use of the additional AR HWY 12 access to the far west of the property. The applicant has indicated that additional access from HWY 12 for employee vehicles ONLY is proposed to the southeast of the property. Staff feels that no truck traffic should be allowed at this location.

If any adjacent properties will be accessed from this drive the access will be labeled on the site plan. Any additional access to the property over Bear Creek in connection with Hoover Point Road should be accurately depicted on the site plan. The applicant has indicated both Bear Creek crossings on the site plan.

Any additional Corps or ADEQ permits will be required. A highway driveway access permit will be required. A final copy of the approved permit will be required before the issuance of a certificate of occupancy should the project be approved. Staff will require copies of submitted permit requests before April 3, 2013 Public Hearing. These are to include ADEQ NOI, Highway Department application, and Corps Nationwide permit.

Stormwater: A County stormwater permit will be required. Drainage report changes should be made as follows;

1. The drainage report does not establish changes in the volume of run off or detention duration. Applicant provided a Hydraulic Study to show the Pre and post construction change in run off on-site. It is unclear if the run off from adjacent existing streams have been taken into consideration.
2. The drainage report does not take into account the location of property in an MS4 or the additional requirement for development of a property located within an MS4 area. Applicant provided detailed drainage and grading plan in accordance with the Stormwater requirements. Since the property is located in a MS4 area, a Stormwater permit is required before the issuance of a Building Permit. Further, since the area of disturbance is over an acre, a SWPPP is also required to be submitted.
3. The drainage report does not consider potential impact to the dry stream bed on the adjacent property to the east. This is required per the court order establishing regulations for MS4 areas. Staff's review of the submitted drainage and grading plan shows that the proposed bio retention pond is designed to allow any overflow Stormwater from the property next east and direct the flow towards Bear Creek. Staff is aware of the concerns expressed by the property owner to the east and are working to review alternative options.
4. A combined drainage and grading report is required as part of a MS4 stormwater permit application. **(COMPLETE)**

Considering that the area of disturbance is less than 5 acres, separate ADEQ permit is not required. However, the applicant is required to have the automatic Notice of Coverage (NOC) posted at the site prior to commencing the construction. A Stormwater Permit is required to be obtained from the County Planning Department. Also the Stormwater Pollution Prevention Plan (SWPPP) approved by the County is required to be made available at the site prior to the issuance of a construction permit.

Staff remains concerned about stormwater runoff on the property. Staff will complete an additional site visit on Tuesday April 2, 2013 in order to further investigate the impact of the proposed stormwater mitigations measures proposed on the property in regard to adjacent properties.

Health Department Approval: Final Health Department approval will be required. Staff will require copy of submitted permit request before April 3, 2013 Public Hearing.

Site Services - Electrical Power Supply: A service agreement will be required. Staff will require copy of submitted agreement as part of the final approval.

Parking: Numerous parking area changes should be made:

1. Length of parking space is required to be 19'. The parking space length on the submitted site plan is 18'. The parking space length should be corrected to meet Benton County standards. **(COMPLETE)**
2. Driveway aisle is required to be 25'. The driveway aisle on the submitted site plan is 24'. The driveway aisle should be corrected to meet Benton County standards. **(COMPLETE)**
3. The applicant has indicated that trucks of various sizes will be loading and unloading product components and finished product at the west side of the building. The applicant should indicate

the location and dimensions of the proposed loading zones on the site plan. The loading zones should be marked with striping. **(COMPLETE)**

4. The applicant should indicate automotive and truck traffic flow on the site plan. **(COMPLETE)**
5. Any additional parking areas located on the property should be detailed on the site plan. Any additional proposed parking areas will require buffering and screening to be located on the site plan. **(COMPLETE)**

Additional required information: The TowMate Lane road name will require approval by 911 addressing office. A final approval of the road name will be required.

CONCLUSION

Upon completion of the initial TAC review for the TowMate, LLC Large Scale Development application staff identified a number of outstanding issues to be addressed including key access from AR HWY 12, stormwater and flooding concerns, changes or developments within Bear Creek and site plan deficiencies. An updated site plan was submitted to staff on March 29, 2013 encompassing the entire property and all potential accesses to the property as well as any other proposed changes or developments to the subject property. Staff remains concerned about stormwater runoff exiting the property. Staff continues to conduct additional stormwater research concerning the proposed mitigations measures on the property. Should the Board wish to approve the proposed project staff would recommend the following stipulations;

1. An approved stormwater permit including SWPPP be acquired by the applicant
2. Final Health Department approval of waste water facility should be submitted to staff
3. Final Highway Department access permit approval should be submitted to staff
4. Service agreement with Carroll Electric should be provided to staff.
5. Final Army Corps of Engineer Permit be provided to staff before culvert construction begins
6. The TowMate Lane road name will require approval by 911 addressing office. A final approval of the road name will be required.



LOCATION MAP - 15704 East Hwy 12, Rogers, AR 72756

Gary A. Davis, PE
6487 W. Wedington Drive
Fayetteville, AR 72704
479.366.4268

March 8, 2013

Benton County
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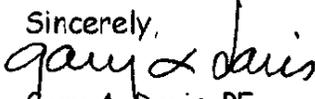
Greetings,

We are pleased to submit this Large Scale Development package for TowMate, LLC for your consideration and approval.

TowMate is an existing vibrant business operating in Benton County with desires to expand and grow the company. This includes building this new facility to be located at 15704 East Highway 12, Rogers, AR 72756. The business currently employs approximately 20 employees with plans to grow to 30 or more in the next few years. TowMate designs and builds portable wireless LED lighting units for transport vehicles. Hours of operation are generally 8-5 Monday through Friday. For additional information please visit their website at towmate.com.

We have met with the applicable utility companies serving this site as well as the AHTD resident engineer. All required utility support is available and in process of permitting. AHTD is on board with the driveway access to Hwy 12. Stormwater will be managed for this site with bio-retention basins.

We appreciate the opportunity to work in harmony with the community to help grow the economy with this vital local business.

Sincerely,

Gary A. Davis, PE
Enclosures