

Benton County Planning Board

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COMMERCIAL DEVELOPMENT: PLANNER'S TECHNICAL REPORT

11036 High Sky Inn Road, Hindsville, AR

EXECUTIVE SUMMARY

The applicant War Eagle Creekside Treats, represented by Bruce Covey, is proposing an 8'x12' mobile snack vending establishment that will provide shaved ice and other pre-prepared items. The applicant proposes to situate the vending trailer, with associated parking, in the southwest corner of his property fronting on High Sky Inn Road.

The proposed hours of operation are: **Typical Summer Hours:** usually open three days, but up to five days per week, from 11 am to 6 pm; **Special Event Hours:** from 6 am to 8 pm, Monday through Saturday during special event weeks (Craft Fairs, Football Games, Bikes Blues and BBQ, etc.); and Sundays during War Eagle Fairs in May and October.

The submitted application contains a site plan, a written description of the proposal, and a letter from abutting property, Fred Sutton, residing at 11037 High Sky Inn Road.

As part of the proposal, the applicant is requesting the following variance and waivers:

1. Variance from the 50 feet setback from the right-of-way centerline; approximately 26 feet is proposed, therefore, a variance of 26 feet is requested.
2. Waiver from the \$300.00 application fee due to the temporary and minor nature of the proposal.
3. Waiver from submitting a stormwater management plan due to the minor nature of the proposal and lack of impervious surfaces.
4. Waiver from engineered drawings due to the minor nature of the proposal.

PROJECT INFORMATION

Applicant/Owner: War Eagle Creekside Treats, Bruce Covey
Municipal Planning Area: Benton County, AR
Address of subject property: 11036 High Sky Inn Road, Hindsville, AR
Parcel ID: 18-01094-004

Parcel Size:	35 acres total; less than ¼ acre for development
Current Land Use:	Residential
Proposed Land Use:	Proposed 8'x12' mobile snack vending trailer for snacks on site and associated parking for 10 vehicles

Attachments:

1. Location Map- 11036 High Sky Inn Road
2. Proposed Site Plan
3. Applicant's written description of the proposal
4. Letter from abutting Fred Sutton

PLANNING ANALYSIS**Description of Property and Surrounding Area**

The subject property is municipally known as 11036 High Sky Inn Road, Hindsville, AR and is located east of the Rogers city limit in the unincorporated area.

The overall proposed project area is less than ¼ acre. The property is currently a residential use. The parcel topography is relatively flat to the west, and sloping to the east and north. The property has frontage along High Sky Inn Road. The site is situated among rural residential homes and agricultural operations. The subject land is bound by the War Eagle Creek on the east and north sides with abutting properties to the west and south comprising of large parcels of rural agricultural land. The subject land is in close proximity to the War Eagle Mill, a popular tourist destination. Please see attached location map.

Three existing unpaved driveways provide access to the property, and the one unpaved driveway to the southwest of the property will provide access to the business.

According to Benton County GIS, the property does lie within a flood zone, Zone A along the eastern half of the property. The property does not lie with in an MS4 2010 stormwater area.

Staff held a DRC meeting on June 26, 2013. Applicant appeared for TAC on July 3, 2013. Planning staff sent a letter to the applicant noting that Planning Board approval is required and that any commercial activity on-site without the Board approval shall cease.

BACKGROUND

The subject property is currently a residential use; however, the existing building was used for commercial purposes in the past and has commercial infrastructures, such, as a grease trap in the building. The scope of review will include the placement of the mobile vending trailer and associated parking in the southwestern portion of the property.

TECHNICAL REVIEW OF SITE PLAN

Parcel Information

The proposed project area consists of one existing parcel of 35 acres, with less than ¼ acre proposed for the placement of the mobile vending trailer.

Noticing Requirements

Notice has been provided to abutting property owners regarding the proposed development, and a notarized letter from Fred Sutton, abutting property owner of War Eagle Fair, 11037 High Sky Inn Road, consenting to the commercial use was signed and received on July 1, 2013.

Building Setback

Required: A 50 feet setback measured from the center line of the fronting road or 25 feet from the fronting property line, whichever is greater is required.

Comment: Applicant is requesting a variance of approximately 26 feet from the center line for the required setbacks.

Comments were received from the Road Department as follows:

- Vending trailer is set back 26' from the center line of High Sky Inn Road. It is not obstructing the view of vehicles exiting the site, allowing a clear line of sight.
- There is a county road sign that obstructs view, but the Road Department has agreed that the sign can be relocated.
- Driveway entrance complies with the 35'-40' width to allow two-way traffic, along with the pedestrians that may use the driveway.

Parking Requirements

Required: Parking calculation is based on the Other Commercial Uses category which mandates one (1) space for every 200 sq. ft. and adequate loading areas.

Comment: The required parking based upon square footage equals 1 space, thus the number of parking spaces complies. The proposed site plan includes 10 parking spaces on-site. Parking surfaces will remain the existing grass.

Parking Buffer

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

Comment: The proposed mobile vending trailer will be temporary, operating during spring, summer, and fall months. Abutting property includes War Eagle Fair (Parcel no. 18-01094-000), which holds events throughout the year. The abutting properties are currently agricultural and commercial and no residential use in the vicinity.

Access Driveways

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

Comment: There are three existing unpaved driveways which connect the property to existing High Sky Inn Road. Staff has received confirmation that no permitting is required to use the driveways to access the proposed development and parking. Access driveway surface type will remain grass/gravel.

Site Features-Lighting

Applicant proposes to utilize an existing light pole that is present at the proposed location of the mobile vending trailer. No additional lighting is proposed.

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 subject property is not located in a MS4. Applicant has applied for a waiver from a stormwater management plan considering its small and minor nature of the development. The property has adequate stormwater drainage to the southeast and northeast toward War Eagle Creek as well as adequate pervious surfaces. The area to be used for the proposed use is less than an acre.

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 indicates that bathrooms will not be provided on site.

Site Services - Water Service

The applicant indicates that no running water will be available for the mobile vending trailer. Waste water will be taken from the mobile vending trailer to the grease trap on site at his residence.

Site Services - Electrical Power Supply

Carroll Electric provides electric services in the area of the proposed project. Applicant proposes to use existing electrical connections from his residence.

Site Services - Firefighting Provision

Piney Point Fire Department: The property is currently within the Piney Point Fire District.

Benton County Fire Marshall: Marc Trollinger, Benton County Fire Marshall, submitted no comments regarding the proposed development.

Site Services - Solid Waste Disposal

Applicant indicates that he will share a dumpster with abutting property owner Fred Sutton of 11037 High Sky Inn Road.

Environmental Compliance

Applicant indicates that no hazardous chemicals will be stored or used on site.

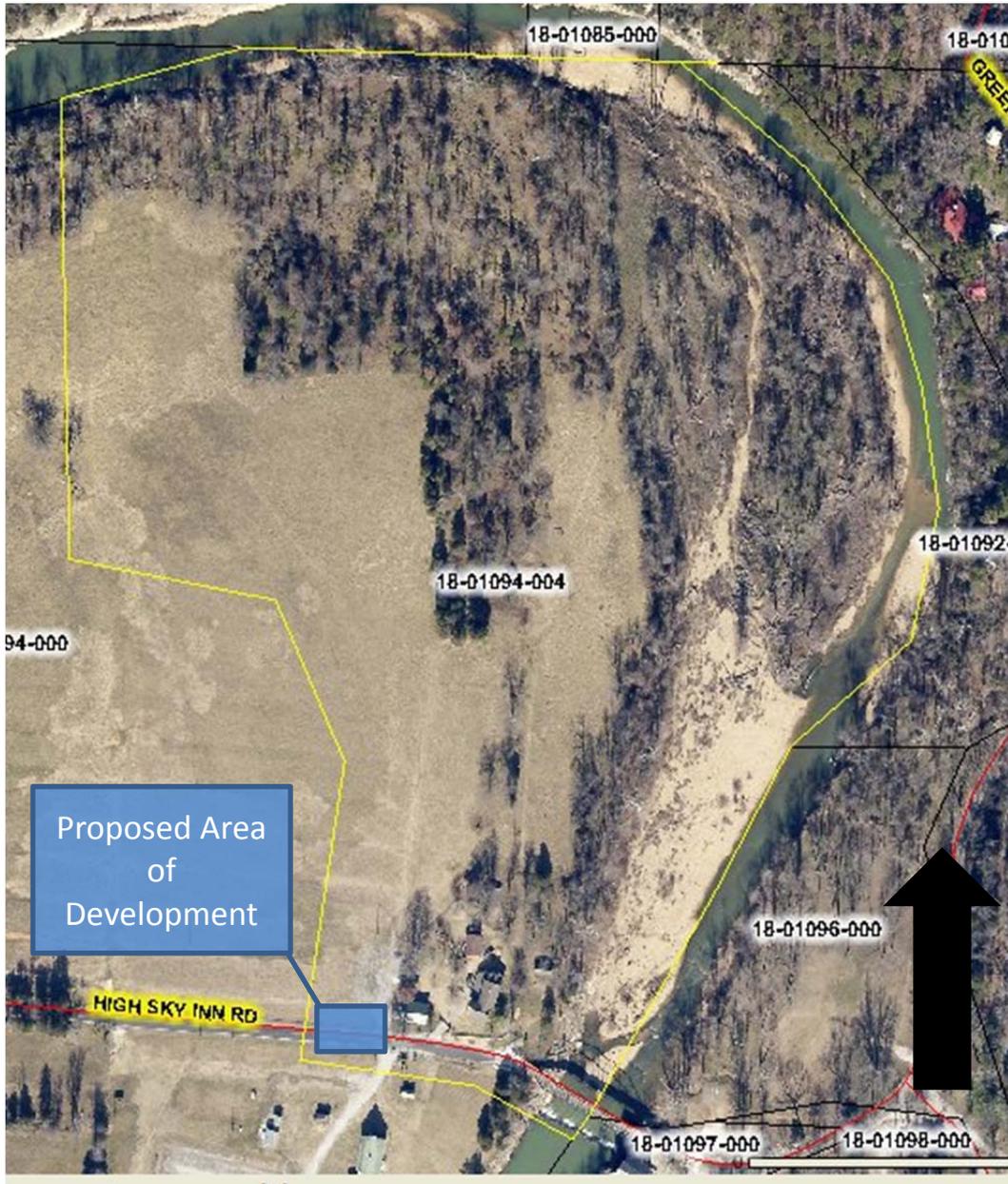
OUTSTANDING ISSUES

The applicant provided approval from the Health Department on July 3, 2013.

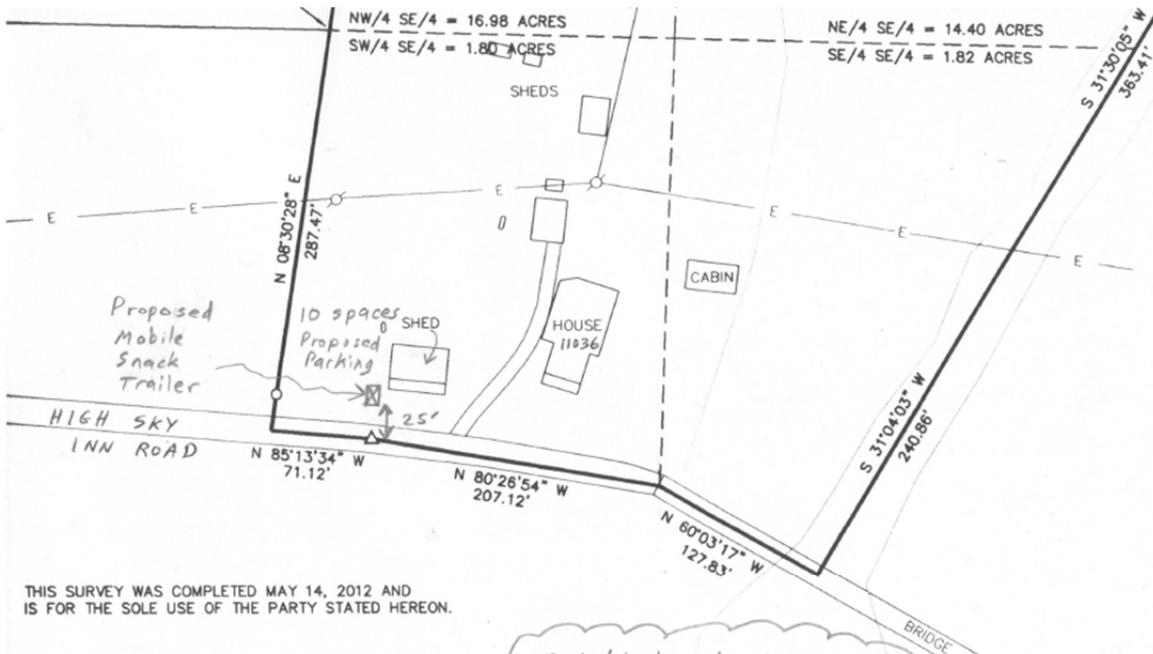
CONCLUSION

The proposal of an 8'x12' mobile vending trailer is temporary and minor in nature. During review, no major issues were identified by staff. The applicant has received approval from the Health Department. Comments received from the Road Department confirm that the requested variance from the front setback on High Sky Inn Road does not create sight line issues.

The proposed mobile vending trailer and the requested variance and waivers are minor in nature and do not warrant stipulations to be added to the Planning Board's decision.



LOCATION MAP - 11036 High Sky Inn Road



THIS SURVEY WAS COMPLETED MAY 14, 2012 AND IS FOR THE SOLE USE OF THE PARTY STATED HEREON.



Establishment Name:
War Eagle Creekside Treats

Prepared by Bruce Covey
6/28/13
Phone: 479-357-0111
Email: coveyp3@gmail.com

500-19N-28W-0-34-200-04-111

SURVEY FOR:

**BRUCE A & TERRY
COVEY**

SURVEY 1, I.
2620 Melody Lane, Springdale,
TEL 479-750-1608 FAX 4
Gene E. Buescher R.I.

W.O. 12088 | DRAWN BY: GEB |

Site Plan - 11036 High Sky Inn Road

STANDARD OPERATING PROCEDURES

Establishment: War Eagle Creekside Treats

Street Address: 11036 High Sky Inn Road, Hindsville, AR 72738

Prepared by: Bruce Covey phone: 479-357-0111
email: coveyp3@gmail.com

July 11, 2013

Location: Per attached site plan and pictures, 25 feet from center line of High Sky Inn Road.

Purpose and Intent: This is a simple snack trailer, intended to meet the needs of local residents and the tourists visiting the War Eagle Bridge and Creek area. Because of the unique timing of the visitors to this area, days and hours open will vary accordingly.

Hours of operation:

* Varies depending on season (mainly summer, plus some spring and fall weeks). *

- Typical Summer Hours: usually open three days, but up to five days per week, from 11 am to 6 pm.

- Special Event Hours - No more than 6 am to 8 pm, Monday through Saturday during special event weeks (Craft Fairs, Football Games, Bikes Blues and BBQ, etc.)

- Also open Sundays during War Eagle Craft Fairs in May and October.

Employees: Covey family members

Product Purchasing: Sam's Club; Wal-Mart; Southern Snow; Sysco

Intended Menu: Hawaiian Shaved Ice; Fresh Squeezed Lemonade; Strawberry Lemonade; Hand Dipped Corn Dogs; Fried Pickles; Frozen Coffee Drinks; Bottled Water; Bagged Chips/Snacks; and will add Hot Chocolate and Coffee in the fall

July 17, 2013

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**CONSENT TO PROPOSED COMMERCIAL DEVELOPMENT
NOTIFICATION FORM**

This form serves as notification of proposed changes to the following property location:

11036 High Sky Inn Road, Hindsville, AR 72738

The proposed changes include, but are not limited to:

Placement of 8' x 12' mobile snack trailer and allowance for
10 parking spaces at southwest corner of property.

By signing this form you hereby consent to the stated proposed changes to the above-referenced commercial development. Please note that this form **must be signed** before a Notary Public. If you have any questions, please feel free to contact Benton County Planning and Environmental at 479-271-1003.

Owner Signature: Fred J Sutton Date: 7/1/2013

State of Arkansas Fred Sutton

County of Benton

Subscribed and sworn to before me this 1 day of July 2013.

Kaitlyn Templin
NOTARY PUBLIC



Letter from Fred Sutton