



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

December 4th, 2013

6:00 PM

Benton County Administration Building
215 East Central Avenue, Bentonville AR

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:05 PM by Planning Board Chair Ashley Tucker.

Roll Call: Mark Curtis, Jim Cole, Starr Leyva, Ashley Tucker, Ken Knight, Rick Williams.

Staff present: Administrator of General Services John Sudduth, Chief Building Inspector Glenn Tracy, Planning Coordinator Amber Beale, Planning Assistant Michael McConnell and Planning Manager Rinkey Singh were present.

Public Present: 4 members of the public

Disposition of Minutes: Mr. Curtis moved to approve the November 6, 2013 Planning Board Meeting Minutes. The motion was seconded by Mr. Knight. The motion carried 6-0.

General Public Comment: None

Old Business: None

New Business: **New Beginnings Children's Home (NBCH) #12-196 (Amendment 13-335),
18-11185-001
Ken Ferguson, NBCH, 14222 Joann Ln, Gravette**

Applicant has withdrawn the application.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 6:08pm

Old Business: **Sheila Piha (#13-329), 309/311 West Appleblossom, Lowell
18-06030-000
Mr. and Mrs. Piha attended as representative**

Staff Report: Mr. and Mrs. Piha are seeking to operate a RV repair business at their home on 311 West Appleblossom Ave, Lowell. The current land use is a residential structure and the applicant is proposing a new building of 60'x 80' for RV repair on site. The applicant is requesting a waiver from the parking requirements, stormwater management plan and from providing detailed engineered drawings. The surrounding land use is primarily residential and commercial and is surrounded by. The site consists of 1.81 acres with an existing 20' gravel drive with a 55' entrance. The hours of operation would be from 8:00am-

5:00pm with Mr. Piha being the only employee.

A 50' setback is required from the centerline of Appleblossom Ave and the proposal indicated compliance with this. The site plan indicates a row of bushes being proposed along the east and west property lines and an explanation of these needs to be shown on the site plan. The applicant will be required to apply for a driveway permit and will need to have room for a 17' turning radius with an apron type of class 7 base material. There is one SWEPCO light pole existing on site and applicant is not proposing any additional lighting. The applicant needs to get Health Department approval for the septic system. No information regarding the current system is on file with the Health Department so the proposed shop cannot be tied to it. Water, fire and EMS service will be provided by the City of Lowell. The applicant needs to provide a detailed on site drainage study and to show drainage infrastructure on the site plan. The property is not located in an MS4. The Benton County Fire Marshall indicated that a Knox box will be required from the Lowell Fire Department and a 25' fire lane must surround the proposed building. The applicant has indicated that no chemicals will be stored on site and that only 2 RVs will be stored outside for staging and the applicant is proposing a vegetative buffer. SWEPCO will provide all electrical power to the site and the applicant will have dumpsters located on site serviced by Deffenbaugh Industries with the applicant confirming the location on the site plan.

Outstanding Items

- Applicant to confirm the availability of full cut-off lighting for any proposed lighting on site.
- Applicant to provide further details regarding a new septic system for the house and possibly installing a separate system for the proposed shop building.
- Applicant to confirm abandonment of well.
- Applicant to confirm the location of dumpsters and screening measures on the sketch plan.
- Applicant to provide detailed information on the buffering for the proposed parking area and outdoor storage of RVs. The type and species of proposed landscaping is required.
- Applicant needs to demonstrate compatibility with the surrounding residential area.
- Applicant to provide letter regarding gravel compaction.
- Applicant to provide the electrical service agreement.
- Applicant is to justify the proposed 16 spaces as he has indicated he may need up to 4 or 5 parking spaces on site.
- Applicant to consider installing a swale, rain garden, or other LID measure on site by limiting the area of development.
- Applicant to confirm the availability of a lock box for the fire department.

Comments from Applicant: The applicant has a letter indicating that the driveway will support the necessary weight. The applicant noted that he is waiver from the parking requirement as the proposed development is retail business and would not have more than one or two clients on site at any one time. The applicant has consulted with Corbett Environmental regarding the septic system. Corbett has designed it and submitted it to the Health Department for review. He then indicated that the current septic system is functioning and an alternate area has been identified.

Comments from Board: Mr. Curtis asked about the surrounding land use, particularly behind the subject lands. Mr. Piha said that it was a pasture and was possibly annexed by Springdale.

Mr. Tucker asked for a map showing the city limits around the subject property for the public hearing.

Mr. Knight asked about the storage of the RVs. Applicant indicated that he would only have 1 or 2 outside at any one time because the shop is big enough to fit 2-3 inside and that the parking would be in the rear corner. Furthermore, since the applicant does not generally use engine oil or other types of oils an oil/water separator and floor drains may be deleted as a condition of approval.

Mr. Curtis suggested that he would like to see a detailed topographic map for drainage purposes. Mr.

Knight brought up the height of RV units and the need for potentially adding more buffering from the adjoining properties.

Mr. Tucker suggested that the buffering needed to be adequate for the satisfaction of the neighbors. Staff will give a recommendation as to the types of plants after consulting with an arborist.

Mr. Curtis asked about the security of the property and what the applicant intended to do to secure the site. Mr. Piha had considered a gate and fencing combining natural and constructed materials.

Mr. Tucker asked if all notices had gone out, which staff confirmed. Mr. Tucker then noted that the application will proceed to the Public Hearing on December 18th 2013.

**New Business: Elaine Fowler, Bridge Store Liquor (#13-334), 15479 Hwy 12 East, Rogers
18-03392-000
Ms. Elaine Fowler, Mr. Thad Kelly and Mr. Kent Hirsch attended as representatives**

The applicant, Ms. Elaine Fowler, is seeking Planning Board approval for the operation of a liquor store in an existing commercial building at 15479 Hwy 12 East, Rogers. The current land use is that of an existing 1680 s.f. commercial structure, RV park and residential structure. The applicant is proposing the operation of a liquor store and RV park, while the existing mobile home will be removed. The scope of review is for the entire commercial development including the parcels containing the existing commercial building, RV park and residential structure on 1.03 acres. The hours of operation will be from 10:00 am to 9:00pm depending on customer demand and season. The residential structure and its associated fence will be removed and the applicant is proposing two additional parking spaces and a new septic system. The applicant is to identify building setbacks on the site plan and note that the existing canopy and pumps are located within the setback. Additionally the pumps are not in compliance with the fire code requiring a 20' lane of travel for fire trucks. The 1,680 s.f. building will require 8 parking spaces which the applicant is in compliance with. The applicant is proposing one of the spaces be converted into ADA spaces. The property is screened by fencing along the west property line and wrought iron fencing lies along the east and south property lines. No additional buffering is planned. A driveway permit will not be required per AHTD. Existing lighting is to be shown on the property and all of the lights are to be adjusted so that they only shine down. The applicant is proposing a new septic system, which is displayed on the site plan. Applicant is to provide Health Department approval. Water is provided by the City of Rogers while Carroll Electric provides electrical services. Waste Management of Springdale will handle the solid waste removal according to a letter dated 11/19/13. The Beaver Lake Fire Department will provide fire and EMS services to the site. Marc Trollinger, Benton County Fire Marshall noted that the awning over the pumps sits only 18' from the edge of the asphalt where 20' is required, there is no available hydrant within 1000' of the subject property, therefore a fire hydrant will be required and the applicant will provide flow testing to assure adequate water pressure on site. The three existing underground tanks are in full compliance with the ADEQ and no hazardous substances will be stored on site.

Outstanding Items:

- Applicant is to provide Health Department approval of the proposed septic system.
- Existing lighting is to be identified on the site plan.
- Applicant to confirm consolidation of the three parcels.
- Applicant to confirm that the existing ADA spaces comply with ADA requirements for size and maneuvering. Applicant to confirm the number of spaces for the RV park.
- Applicant to identify primary septic field and alternate field on the site plan.
- Applicant to identify the size and dimension of all parking spaces.
- The awning covering the gas pump only sits 18' from the edge of asphalt on the SW corner of the west driveway. Fire code requires a 20' lane for traffic and fire apparatus travel.
- No available fire hydrant within 1000' feet from property in any direction. Due to the conversion of this building a fire hydrant will be required.

- A Knox box will be required for fire department access.
- Building setbacks to be identified; variances may be required for the existing gas pumps and awning onsite.
- A portion of the RV Park and the dumpster are shown to be located on the adjacent property. The applicant may relocate them on-site or provide an encroachment agreement with the property owner to the south.
- A separate application will be required for the variance and consolidation of the three parcels.
- Applicant is required to provide the results of flow testing to confirm adequate water pressure on site.

Comment from Applicant: Mr. Kelly informed the Board that the septic system was an existing septic system and he had spoken with the Health Department and referenced Starr Leyva for more information. Ms. Leyva informed the Board that the lateral lines were under the pavement and that the septic was essentially a holding tank was pumped out regularly. Mr. Kelly acknowledged that the lateral lines didn't work and that the contents of the store septic tank were pumped over to the RV tank and then pumped out. Mr. Tucker told applicant that the septic area and alternate area needs to be identified on the site plan. Mr. Curtis added that the RV park septic areas need to be identified as well. Mr. Kelly spoke with a fire protection engineer and the water main is on the south side of the highway and is an 8" main. It would cost around \$8,000 to install a hydrant at this location. Mr. Tucker advised applicant to speak with Marc Trollinger about the location. Mr. Tucker added that the pavement width in front of the canopy is not sufficient for fire trucks. Mr. Kelly said that a plan was in place for the widening of that pavement. Mr. Curtis advised that the restrooms needed to be ADA compliant. Mr. Tucker, expressing concern over the drive aisle width suggested that the applicant move or remove the pumps and wheel stops in front of the parking spaces to leave more room for the drive aisle. Mr. Williams expressed concern over the height of the canopy and the necessary height for fire trucks needs to be 13' 6". Applicant to confirm. Mr. Cole asked applicant if he would consider removing the pumps. The applicant said that if the project would be easier to approve the project then the pumps could be removed. Mr. Tucker, in reference to the access and egress of the properties multiple uses said that the board needed clear circulation paths and entrances for both uses. Applicant agrees and will suggest alternatives. Ms. Singh requested applicant provide a PDF version of new plans handed out at the meeting and that he submit any changes to Ms. Beale upon completion. Mr. Hirsch, lawyer to the project, inquired about the need of a fire hydrant just because the building has been renovated and a use change, when the storage business next door was not required to have one. Mr. Tucker said that it was not a planning requirement, but a fire department one. Mr. Tucker asked if all notices have gone out and applicant confirmed that they had.

**Darrow Garner, J+D Liquors (#13-337), 14199 Hwy 12 East, Rogers
18-03334-004
Mr. Tim Duffy attended as representative**

Staff Comments: Applicant is proposing construction of a new 52'x 65' building for the operation of a liquor store at 14199 Hwy 12 East, Rogers, on 9.36 acres with an area of development of .83 acres. The subject property is municipally known as 14199 Highway 12 E, Rogers, AR and is located east of the Rogers city limit. The overall land area is 9.36 acres. The subject land is flat along Highway 12, sloping to the south in all directions. Surrounding properties comprise of a mix of residential and commercial uses. A residential subdivision is located to the southeast and southwest of the proposed development. In accordance with FEMA FIRM data, the property is not located in a floodplain. According to staff research, the property is located in a Benton County MS4 area. A fifty (50) feet setback measured from the center line of the fronting

road or twenty-five (25) feet from the fronting property line, whichever is greater is required. The proposal complies with this regulation. Parking calculations are based on Commercial Uses, which stipulates one space for every 200 s.f. The proposed structure will equal 3,380 s.f., which would require 16 parking spaces. Applicant is proposing 18 asphalt parking spaces. The proposal requires at least one ADA parking space, which is indicated on the site plan. Applicant to confirm that the size of the ADA parking space will comply with ADA regulations. Applicant to confirm the location of any proposed lighting on site. All light fixtures are required to be full cut-off. Adjoining incompatible uses should be screened with landscaping, walls, berms, or similar treatments. The property has adequate existing timber to the west, east, and south of the proposed structure. No buffering is proposed on the site plan along Highway 12. The design and construction shall be in accord with the standards as presented in the Benton County Road Plan. A proposed access easement to the west of the development is shown on the site plan. A proposed 28' asphalt drive lane is shown on the site plan, connecting the proposed development to the access easement. A proposed 25' asphalt drive lane for circulation is also shown on the site plan. According to AHTD, applicant will not need to apply for a permit as long as no work is being done in the AHTD right of way. Applicant to provide access easement documentation. A hydro pole exists onsite where the access connection from Dollar General is shown, applicant to identify measures to protect the hydro pole. Applicant is required to indicate on plan storm drainage infrastructure and to provide an 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. Applicant to provide an engineer's statement or study for stormwater management. The subject property is located in an MS4 area. Applicant is required to obtain a stormwater permit prior to the issuance of a building permit. Applicant has submitted an erosion control plan, which includes provisions for silt fences, fiber rolls, and hay bales. A gully exists along the southern property boundary. 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. The site plan indicates a proposed 1,000 gallon septic tank to the south of the proposed structure. Applicant is to provide Health Department approval of the septic system design. The water service, electrical supply and fire service agreements are to be provided by the applicant. Marc Trollinger, Benton County Fire Marshall, had the following comments: Both sides (edges) of access driveway shall be marked with striping and signage of a fire lane. If the building is constructed with a drive thru window, the lane for the window and waiting line will not count towards the minimum width of 20' driveway access around the building. The drive thru lane will occupy 9' of the available area. So will result in a minimum width of 29'. The parking area shall have a minimum of 20" width between parking spaces to keep open fire access. Building must install a Knox box on building for FD access. Applicant to confirm compliance with these requirements. Applicant is to confirm solid waste disposal. The location for a dumpster and concrete pad is located on the site plan. Applicant to confirm adequate screening of dumpsters on the site plan. Applicant has indicated that no chemicals will be stored on site. The Benton County Emergency Management Agency submitted a letter dated November 25, 2013, indicating that applicant is currently in compliance with reporting requirements. No schools or churches are within 1,000 feet of the proposed liquor store business.

Outstanding Items:

- Applicant to provide notice to abutting property owners;
- Applicant to confirm the proposed hours of operation;
- Applicant to confirm the proposed number of employees;
- Applicant to confirm parking dimensions;
- Applicant to confirm if a drive thru window is proposed;
- Applicant to confirm the location of any proposed lighting on site;
- Applicant is to apply for a stormwater permit;
- Applicant is to provide an engineer's statement for stormwater management;

- Applicant is to provide Health Department approval of the septic system design;
- Applicant to confirm compliance with these requirements;
- Applicant to confirm adequate screening of dumpsters on site;
- Applicant to confirm services for electrical, water, solid waste disposal, and firefighting;
- Applicant to provide access easement documents;
- Applicant to confirm the availability of a Knox box;
- Applicant to identify the fire lane on the site plan;
- Applicant to apply for a lot line adjustment.

Comments from Applicant: The applicant will provide confirmation of the lot split which occurred through the city of Rogers. Applicant confirmed that the drive lane would be 30' wide with the outer 5' being compacted gravel.

Comments from Board: Mr. Tucker asked applicant to provide a circulation pattern with the drive through identified on the site plan.

Ms. Leyva expressed concern over whether or not a commercial subdivision was occurring by way of tract splits and property line adjustments. Ms. Singh suggested that staff confirm the planning jurisdiction with the City of Rogers for this process and inform applicant of next steps.

Mr. Tucker brought up the issue of compatibility with the surrounding neighborhood. Buffering will be an issue because of the close proximity to residential subdivisions. Applicant is requested to provide some sort of screening along the back of the property.

Mr. Tucker asked about the throat depth that connects the development to both Highway 12 and Dollar General and has a study been done about the amount of vehicles using this center?

Ms. Singh is requesting that the Dollar General site be shown a bit more on the site plan as well as the east side as well. The applicant should be mindful of the timeline to submit the project materials.

**Tow Mate LLC, (#13-315), Hwy 12 East & Putnam Dr.
18-03384-006**

Mr. Anderson Attending as representative

Outstanding Items:

- Applicant is required to obtain a 404 Clean Water Act permit from the Army Corps of Engineer to realign the existing drainage channel. Staff has provided the contact for the Army Corps of Engineer to the applicant.
- Applicant is also required to obtain a Stormwater permit from the County prior to undertaking any land disturbance on-site.
- Applicant was requested to provide detailed calculations showing the run off received on-site and the adequacy of the design of the Stormwater management measures, however this information is not provided.
- Applicant is required to confirm if the employee parking will be raised 2 feet or 3 feet above the grade. The cross section indicates 3 feet while the text on the site plan indicates 2 feet elevation above the adjacent grade.

Applicant is proposing the creation of a drainage channel located solely on the applicant property to ease maintenance concerns. The main thing that the applicant is trying to do is get the water back to the creek bed as soon as possible to allow room for upstream water coming in later on during a rain event. The Army Corps of Engineers required 2 box culverts during construction to handle a 50 year storm but applicant installed 3. No changes are proposed to where water will pool and gather. Mr. Tucker asked the applicant to

see the figures around depth of flow and the width of flow to confirm applicant's assertion of that fact. Ms. Singh would ask the applicant to see cross sections of the elevations of the berm and parking area. In response to applicant's suggestion that he fence in his property effectively land locking the abutting residential structure Mr. Tucker said that the board would not and could not approve the land locking of parcel.

Mr. Curtis noted that Mr. Schroder has materials and vehicles lined up all the way to the creek bed. Ms. Singh will bring to the attention of Environmental Officer Higgins for investigation.

OTHER BUSINESS: None

STAFF UPDATES:

DISCUSSION ITEMS: Area Lake Boat and Mini Storage: Staff conducted a site visit on November 25th. The site plan approval does allow construction equipment and trailers to be stored on site. The applicant confirmed that the equipment stored on site was to be sold and that a construction company was not being run out of the property. The signs located on the property were off site advertising for the construction business. Mr. Tucker said that the approval was for a storage site with accompanying offices and suggested that staff continue to monitor the site for potential violations such as expansion of development area. Mr. Williams asked staff to confirm the Certificate of Occupancy and its conditions.

Osage Creek Events Center: Applicant has provided staff with construction updates regarding their progress towards completion and that on site water and sewer that they have submitted the utility plan dated November 26th to the Arkansas Health Department. The applicant has provided to staff service agreements with the Highfill fire and water department, Carroll Electric, Benton county sheriff's office, Pulse EMS and Bubs Inc. for septic pumping and the letter from the Arkansas Department of Health Division of Engineering regarding the proposed well on site and the Department of Health proposed water system. The Flood plain has been added to the site plan per staff request and no development is planned for these areas. Applicant needs to provide the engineered certificate for as built drawings.

Comments from Applicant: The materials stockpiled on site are for the improvement of Logan Springs road and additional material is available if needed.

Administrative Review: McReynolds Telecommunication Tower
Huntington Tract Split
Fee Ordinance and Regulations are to go to the next Committee of the Whole
Meeting on December 10, 2013, Quorum Court on December 19, 2013

Meeting Adjourned 9:00pm