

**Benton County Planning Board**

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**Development Department**

**Planning Division**

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**REVISIONS TO AN APPROVED SITE PLAN  
PLANNER'S TECHNICAL REPORT**

**15704 East Hwy 12, Rogers, AR 72756**

**EXECUTIVE SUMMARY**

On April 3, 2013, the applicant Tow Mate LLC received approval to construct a building for the assembly and shipping of the wireless lights. As part of the site plan review process, stormwater considerations were reviewed in-depth.

In August 2013, Northwest Arkansas experienced heavy rains which were declared an emergency event. The subject land along with many other properties experienced substantial flooding and the dry creek beds conveyed large volume of fast moving water. Following a site visit conducted by staff on August 8, 2013, and as required by the Planning Board, staff sent a letter dated September 12, 2013 to the applicant requesting verification of engineering studies and analysis to ensure adequacy of Stormwater management on site. Subsequently, On December 18, 2013, this application was reviewed by the Planning Board as a Public Hearing item. The decision was to approve with conditions. As a condition of the decision letter, the proof of notification was required for approval of the following requested revisions:

1. Redesign the Stormwater management measure on the east side of the building by creating a 6 foot wide and 18" deep open drainage channel on the east side of the building and an 18" deep rainwater garden.
2. Raise the employee parking located on the north-east part of the subject land, close to Bear Creek, above the existing grade and provide a 4 feet high wood privacy fence along the west and south sides of the parking area.

Staff noted error in notification of abutting property owners. On January 26, 2014, Mr. Davis submitted a letter to staff stating that Tow Mate wishes to withdraw its application to alter the drainage channel. The application to modify the approved site plan, which would raise the employee parking area, shall be the only matter before the Planning Board.

This matter was discussed by the Planning Board on February 5, 2014. The Planning Board voted unanimously to extend the timeline for the issuance of a decision letter and to reconvene the Public Hearing in March after proof of notification was received from the applicant. On February 19, 2014, the applicant submitted the proof of notification to staff.

**Considerations for the Planning Board**

1. That the applicant agrees to obtain a Stormwater permit for any land disturbance on-site prior to the issuance of a construction permit;
2. That the owner agrees to maintain the proposed swale along the employee parking in order to prevent the flooding on the adjacent property;
3. The owner agrees to monitor the Stormwater and flooding issues on-site in future.

**PROJECT INFORMATION**

**Applicant/Owner:** Tow Mate LLC

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

**Parcel ID:** 18-03384-006

**Parcel Size:** 3.90 acres

**Current Land Use:** Building under construction for Tow Mate LLC office

**Proposed Revisions:** Raise the employee parking located on the north-east part of the subject land, close to Bear Creek, above the existing grade.

Applicant withdrew the revisions to the drainage channel and raingarden on-site

**Attachments:** The following drawings and documents are attached:

1. Location Map- 15704 East Hwy 12, Rogers, AR
  2. Proposed Site Plan
  3. Applicant's written description of the proposal dated January 26, 2014
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**PLANNING ANALYSIS**

**Description of Property and Surrounding Area**

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

The overall land area is 3.90 acres and is currently under construction in accordance with the approved site plan. The parcel topography is flat with frontage along Highway 12. Bear Creek runs across the west and northern boundary of the property. A box culvert is located along the south-east property limit that conveys Stormwater from the properties to the south, under the highway. In its undeveloped state, the subject lands provided the overflow area for Stormwater conveyed from the culvert. An open drainage channel exists on the adjacent property to the east that has not been maintained for years. The property is in close proximity to Beaver Lake, thus, acts as a catchment area for a larger offsite Stormwater runoff area. 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. The subject land is located within an MS4 stormwater area.

**BACKGROUND**

On April 3, 2013, the application to construct an 11,124 sq. ft. building for the assembly and shipping of wireless lights was approved on the subject lands. This development is related to the Tow Mate operations in near proximity located at 15827 Serenity Point Lane, Rogers.

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As part of the site plan review process, Stormwater considerations were reviewed in-depth and the applicant's engineer, Davis Engineering, provided a detailed site drainage report dated March 12, 2013 and a Hydrology Report dated March 26, 2013. As a Stormwater management measure, a rain garden along the east side of the building was approved that was designed to carry a 100 year storm event. Although staff had expressed their concerns with the stormwater runoff on the property, impact on the adjacent neighbors and the adequacy of the design, the engineering analysis confirmed that the design addressed the Stormwater considerations.

In August 2013, Northwest Arkansas experienced heavy rains which were declared an emergency event. The subject land along with many other properties experienced substantial flooding and Bear Creek and the box culvert conveyed large volume of fast moving water, flooding the subject lands. Following a site visit conducted by staff on August 8, 2013, and as required by the Planning Board, staff sent a letter dated September 12, 2013 to the applicant requesting verification of engineering studies and analysis to ensure adequacy of Stormwater management on site. Further, staff noted that gravel removed from Bear creek was stockpiled at the employee parking area located on the north-east part of the site. Staff also requested a verification of the final building elevation. Subsequently, on November 12, 2013, a drainage report and revised site plan was submitted.

On December 4, 2013, the Planning Board reviewed this matter at TAC. Staff identified few outstanding items as detailed in the report. On December 12, 2013, the applicant submitted a revised site plan, channel report, drainage channel analysis, a hydrograph for 50 year storm event and a written description of the revisions.

On Decembers 18, 2013, this application was reviewed by the Planning Board as a Public Hearing item. The decision was to approve with conditions. As a condition of the decision letter, the proof of notification was required. Staff followed up with Mr. Gary Davis regarding the outstanding proof of notice on December 23, 2013. On December 27, 2013, staff received the proof of notices sent to the abutting property owners. It was noted that 5 of the property owner (7 parcels) were not notified. Staff contacted Mr. Davis on December 27, 2013 identifying the issue. It was also noted by Ms. Singh that the date on the notification letter was incorrect-the Public Hearing date noted on the notification form was December 4, 2013. The Public Hearing date was in fact December 18, 2013.

The project went back before the Public Hearing on February 5, 2014 where the Planning Board voted unanimously to extend the timeline and reconvene the Public Hearing in March after the applicant had provided proof that all abutting property owners had been notified.

On February 19, 2014, staff obtained the notifications that were provided to all abutting property owners, notifying them of the public hearing on March 5, 2014.

## **TECHNICAL REVIEW OF SITE PLAN**

### **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: Applicant has withdrawn any changes to the approved raingarden on-site. The adequacy and efficiency of design needs to be monitored.

The site does lie within a County MS4 area. Therefore any land disturbance requires a separate stormwater permit.

### **Parking Buffer**

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

Comment: The applicant has proposed a 4 feet high wood privacy fence along the south and west sides of the elevated employee parking area to buffer from the adjacent residential units. The parking area will be gated and will require ramp access.

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### **CONCLUSION**

In a letter dated January 26, 2014 the applicant stated that they would withdraw the proposed alteration and relocation of the drainage channel. The application to modify the approved site plan, which would raise the employee parking area, shall be the only matter before the Planning Board.

The on-going Stormwater and flooding issue on-site needs to be monitored. While the proposed development in itself does not create substantial run offs, the site receives substantial off run off due to its location on the lower elevation, few feet away from Beaver Lake. As evidenced during a recent flood event in August, Stormwater management is an essential aspect of the development which requires detailed engineering analysis.

The Planning Board may consider the following stipulations in their decision in addition to the existing stipulations:

1. That the applicant agrees to obtain a Stormwater permit for any land disturbance on-site prior to the issuance of a construction permit;
2. That the owner agrees to maintain the proposed swale along the employee parking in order to prevent the flooding on the adjacent property;
3. The owner agrees to monitor the Stormwater and flooding issues on-site in future.



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

Gary A. Davis, PE  
16479 Rainbow Drive  
Rogers, AR 72756  
479.366.4268

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January 26, 2014

Benton County  
Planning and Environmental  
905 NW 8<sup>th</sup> Street  
Bentonville, AR 72712

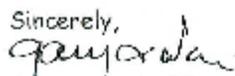
RE: TowMate LLC  
15704 East Hwy 12, Rogers, AR 72756

Greetings,

During a meeting with the Corp of Engineers on the referenced project site on January 17, 2014, it was determined that the drainage channel that the Owner has been planning to relocate on the TowMate site is located on the adjacent property to the east belonging to Mr. Charles A. Schroeder. It was determined that Mr. Schroeder is the responsible party for any alterations to the existing channel including any permits with the Corp of Engineers or Benton County.

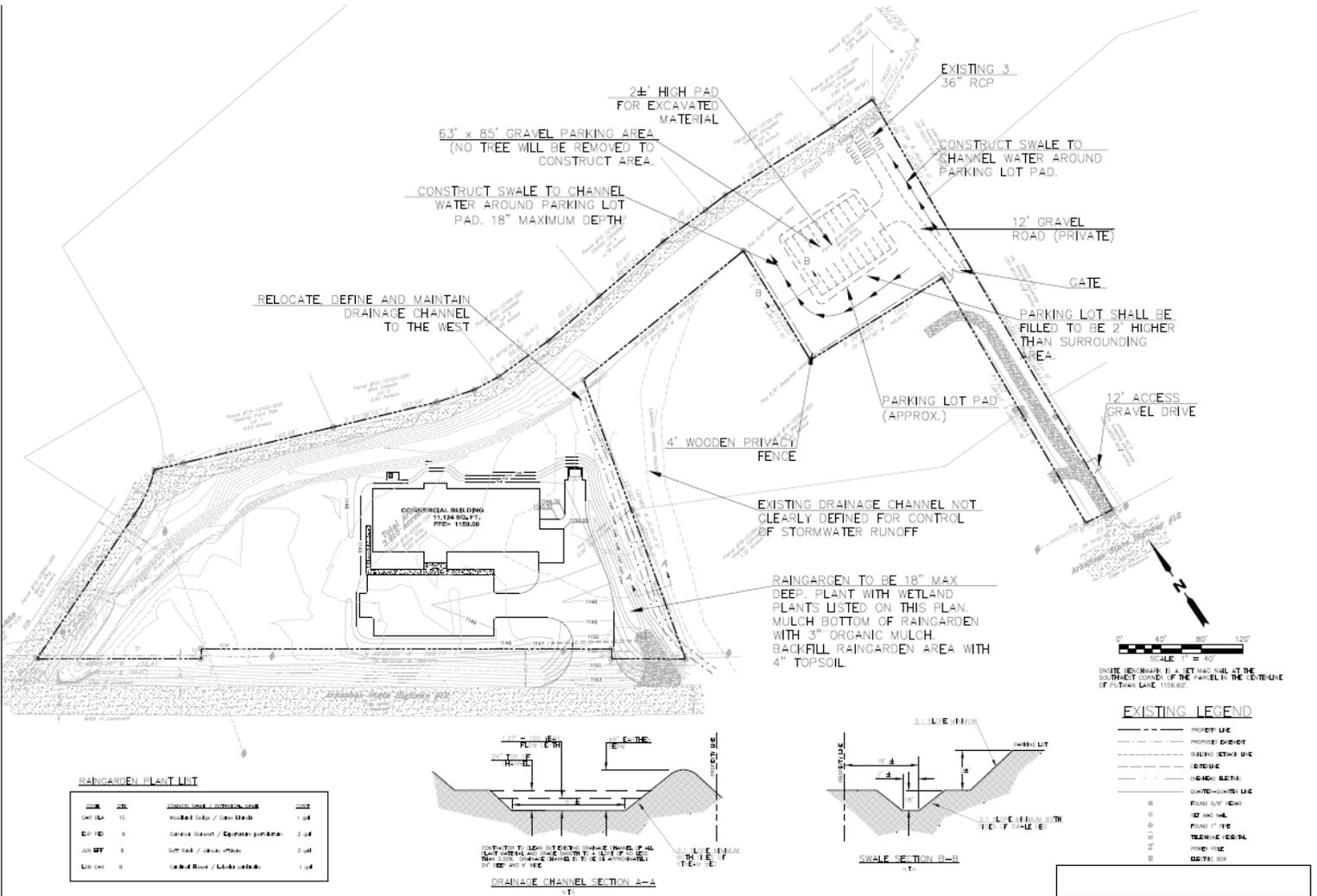
With that in mind, the Owner wishes to withdraw any proceedings related to the relocation and alteration of said drainage channel. The Owner will revert back to the original approved Large Scale Development Plan and install the bio-swale as designed.

The Owner also would seek guidance from Benton County Planning and the Planning Board as to what action may be taken to address the storage of salvage and junk on Mr. Schroeder's property to the east. The property is an eyesore and presents a potential environmental hazard to the Beaver Lake drainage basin. Please advise.

Sincerely,  
  
Gary A. Davis, PE

Cc: Mr. Bryon Anderson, TowMate LLC

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JAN 29 2014  
BENTON COUNTY  
PLANNING



**REVISED OVERALL SITE PLAN –December 12, 2013**

On January 26, 2014, the applicant further revised the proposal to withdraw revisions to the drainage channel/ raingarden along the east property line. The proposal to raise the employee parking area on the N-E corner remained.