

**Benton County Planning Board**

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**Benton County Development Department**

**Planning Division**

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Bentonville, AR 72712  
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**SITE PLAN REVIEW PLANNER'S PUBLIC HEARING REPORT**  
9949 E Hwy 72 Bentonville, AR 72712

**EXECUTIVE SUMMARY**

The agent, Dave Montgomery, for the applicant, NWA R.B.I. Baseball Academy, proposes to utilize the existing 7,500 sq. ft. building to operate a public baseball training complex. The subject property is addressed 9949 E Hwy 72, Bentonville AR 72712. The baseball academy will consist of four (4) indoor batting cages and one (1) baseball diamond in the northeast quadrant of the property. The baseball diamond will be used for base running and fielding drills only, the open space will not be improved (ie. no dirt infield). Primary vehicular access is provided via an existing paved drive extending eastward from the public ROW (E. Hwy. 72) circling to the north and south ends of the existing building. The project proposal does not include any structural improvements to the subject property, though additional parking surfaces will be installed. The proposal is classified as 'Other Commercial & Retail' per §6.5 Site Plan Design Standards of the Benton County Planning and Development Regulations. 'Other Commercial & Retail' land uses require 5 standard parking spaces per 1000 sq. ft. of GFA, and when applied to this project, equates to a total of 38 standard parking spaces plus 2 ADA compliant spaces (sites requiring 26-50 standard spaces). The applicant is proposing 20 standard parking spaces plus 2 ADA van accessible parking spaces for a total of 22 parking spaces as shown on the site plan provided March 5, 2015, and revised March 17<sup>th</sup>, 2015. The applicant has provided an official variance request from the required parking regulations. The applicant is intending to install SB-2 surfaced parking areas for the proposed parking on the north side of the building. The business operation will consist of 2-3 coaches on staff during the regular business hours 3:00pm – 8:00pm.

The applicant has stated that sessions for the baseball training will generally last one (1) hour and consist of a maximum of fifteen (15) participants. The applicant expects a maximum of three (3) sessions per day. The outdoor usage of the site for base running and fielding drills will be conducted only during daylight hours, no outdoor lighting is proposed. The applicant's agent submitted an updated site plan at the TAC meeting fulfilling all site plan revisions outlined at the meeting.

**To date, the following items are outstanding:**

1. The applicant shall schedule a follow up site visit with the Benton County Building Official to confirm compliance with the AFPC – 2012 standards, prior to issuance of decision letter.

## **PROJECT INFORMATION**

**Applicant:** NWA R.B.I. Baseball Academy (Ron, Brandt, and Tracy Barnes)

**Property Owner:** BBI Hwy 72 Inc.

**Agent:** Dave Montgomery

**Address of subject property:** 9949 E. Hwy. 72, Bentonville AR 72712

**Parcel ID:** 18-07376-002

**Parcel Size:** 5.00 acres (overall site)

**Current Land Use:** 7500 sq. ft. building (tenant currently operating institutional club/association)

**Proposed Land Use:** Other Commercial (baseball academy)

**Variance Requests:** Applicant is requesting 20 standard parking spaces in lieu of the required 38 standard parking spaces for the 7500 sq. ft. 'Other Commercial' classified facility.

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

1. Location Map
  2. Proposed Site Plan
- 

## **PLANNING ANALYSIS**

### **Description of Property and Surrounding Area:**

The 5.00 acre subject property is located on the east side of E. Hwy. 72, north of the City Limits of Bentonville. The property is currently improved with an existing 7500 sq. ft. building. Primary vehicular access is provided via an existing circular paved drive from E. Hwy. 72 that extends to the north and south ends of the existing building. Sewerage and water service to the site is provided by private septic and public water, respectively. The site has an array of mature trees on its western border. The property is completely flat in topographical relief. The property is bordered by agriculture on the northern and western property boundaries, with medium-density residential on the southern, eastern, and western property boundaries. The property is not located within the FEMA 100-yr. floodplain, or in a County designated MS4 area.

### **Background information:**

The subject property was approved July 16, 2014 by the Benton County Planning Board for the manufacturing of sustainable plastics products (Bing Bing Investments LLC). The manufacturing proposal entailed utilizing the 7500 sq. ft. building for manufacturing with 10 employees per shift. The approved 7500 sq. ft. facility was not developed or improved for approved manufacturing use; the 7500 sq. ft. building is currently leased to a private tenant who is utilizing the facility for off-season baseball practice. The current tenants are now are interested in a year-round public baseball academy.

NWA R.B.I. Baseball Academy represented by Ron, Brandt, and Tracy Barnes are proposing to operate the 7500 sq. ft. facility as an indoor batting cage where coaches and players can practice pitching and hitting. The northeast quadrant of the parcel will be used as an outdoor baseball diamond for practicing fielding and base running drills.

On March 3, 2015, the applicant's agent, Dave Montgomery, met with Staff to review the project and application requirements. On March 5, 2015, the applicant's agent consulted with planning staff and submitted the application for official Site Plan Review. On March 9, 2015, an inter-departmental review form was sent to the following agencies: Planning Division, Health Dept., Road Dept., Arkansas Highway and Transportation Dept. (AHTD), Building Safety Div., Fire Marshal, Administrator of General Services, and Benton County 911 Administration. NOTE 3/17/2015 Site Plan Submittal showing revisions.

The applicant, Tracy Brandt, and the applicant's agent Mr. Dave Montgomery attended the Technical Advisory Committee meeting on March 18, 2015. During the TAC meeting, the applicant supplied a revised drainage report from the Registered Professional engineer who prepared the 2014 drainage report for the prior submitted, stating the subject property can sufficiently handle the site runoff without adversely affecting surrounding property owners. The applicant also submitted an updated site plan where correct parking requirement table, variance request, and property owner information were revised to Staff recommendations. The applicant's agent Dave Montgomery submitted photographs and USPS receipts of the required public hearing notification certified letters and property signage, satisfying the requirement.

### **TECHNICAL REVIEW OF SITE PLAN**

#### **Parcel Information:**

Site inspection and research against State assessment records, the property is improved with one existing 7500 sq. ft. structure. The proposed project area includes the existing 7500 sq. ft. structure; the addition of base running path in the northeast corner of the property; and the installation of required parking.

#### **Noticing Requirements:**

The applicant submitted USPS certified mail receipts showing that written notice was sent to surrounding property owners regarding the April 1, 2015 public hearing, as well as photograph(s) verifying that the required public hearing notice signage along the property's frontage with E. Hwy. 72 had been conspicuously posted on site.

#### **Standard Building Setbacks:**

Required: Sixty-five (65) 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; A side and rear yard, building to property line setback of ten (10) feet is required.

Comments: Site plan graphically shows the building setbacks for the subject property and there are no improvements existing or proposed within the required building setbacks. The site plan shows an illuminated business sign outside the 80 ft. AHTD ROW. AHTD provided the following statement concerning this project; "Any construction within the State ROW must be permitted." The current site plan does not show any activity in the State ROW. The applicant's agent provided feedback on the 'sign with light' detailed on the site plan, stating the applicant will utilize the existing sign for advertising the business to the public.

**Parking Requirements:**

Required: Parking calculations shall be based upon the ‘Other Commercial or Retail’ Land Use as outlined in Table 6.3 of the Benton County Planning and Development Regulations. For the subject property and proposal, parking calculations shall be based upon ‘Other Commercial or Retail’ uses which require 5 spaces per 1000 sq. ft. of GFA. Adequate loading areas shall be provided with ‘Other Commercial or Retail’ land uses. Note: Sites requiring 26-50 standard spaces require minimum 2 ADA accessible spaces in addition to the required number of standard spaces.

Comment: Site plan shows 20 standard parking spaces and 2 ADA van accessible parking spaces. The applicant has applied for a variance to allow 20 standard spaces in lieu of the required 38 standard spaces. The site shows 2 ADA van accessible spaces as is required for sites requiring 26-50 required standard spaces.

**Site Features- Loading area:**

Current loading space on site plan is shown as having dimensions of 30 ft. in width and 40 ft. in depth, meeting the 10 ft. by 25 ft. minimum requirement.

**Site Features – Lighting:**

Applicant has not indicated any additional outdoor lighting on the site plan or application.

Comment: The site plan details six (6) existing outdoor lighting fixtures. Three (3) on the north end of the building and three (3) on the south end of the building. The site plan provides the following note regarding lighting “All current and future exterior lights to be full cutoff.” There is no proposed outdoor lighting for the baseball diamond in the northeast corner of the subject property.

**Parking / Landscape Buffer:**

Required: Adjoining incompatible uses should be screened with landscaping, walls, berms, or similar treatments. Section 4.6.16.c states that all required vegetative screening must have a minimum height of five (5) feet. All trees should be wire basket, B & B, or container grown. Smaller flowering trees and ornamentals will be centered at four (4’) feet maximum. Coniferous trees will be centered at four (4’) feet to five (5’) feet depending on desired effect. All shrubs are to be planted in continuous planting beds. Planting beds will be mulched to a minimum depth of three (3”) inches and will be maintained weed free. Plantings consisting of trees and shrubs will be a minimum of 50% coniferous plantings.

Comment: Land Use Compatibility analysis, per sec. 6.7, shows that the proposed use is classified as ‘General Commercial’, and is immediately adjacent to single-family residential (medium density) land uses to the south, east, and west; agriculture to the north. This places the proposed use as being ‘questionably compatible’, and as such, will require mitigation efforts in order to buffer the proposed baseball academy from surrounding land uses. Specifically, table 6.6 (Compatibility Levels and Criteria) requires 10 ft.-15 ft. increased setbacks and may require 2-3 tier plantings 15 ft.-25 ft. in depth.

The site plan shows seven (7) 15 gallon Bradford Pear trees spaced 15 ft. apart along the southern property line. The site plan also shows the existing foliage along the property’s frontage on E Hwy 72. The applicant has provided a service letter confirmation for grounds maintenance dated July 10, 2015. Service letter confirmation was established from the previous proposal (manufacturing facility) and landscape maintenance will continue with Ingram’s Lawncare.

**Access Driveways:**

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

Comment: The site fronts along an AHTD maintained roadway. There is one (1) existing paved access drive from E Hwy 72 that branches to north and south ends of the existing building. The AHTD representative provided comment on this project stating any work within the State ROW must be permitted. Site plan does not show any development within the State ROW.

**Site Services - Drainage/ Stormwater Management Plan:**

Required: 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.

Comment: The subject property is not located in an MS4 area. The applicant provided a drainage letter dated July 2, 2014 prepared by a registered Professional Engineer in Arkansas confirming the adequacy of Stormwater management on-site. Applicant submitted a statement from the Professional Engineer who prepared the July 2014 drainage report that the report is still valid with the addition of parking areas on current site plan.

**Site Services - Solid Waste Disposal:**

Service confirmation letter from Waste Management confirming solid waste removal was received from the applicant on July 10, 2014.

Comment: Current site plans does not show a dumpster on site. Applicant confirmed that no dumpster is required for the site and any waste generated on site will be disposed of properly. Service letter confirmation was established from the previous proposal (manufacturing facility) and solid waste disposal will continue with Waste Management.

**Site Services - Electrical Power Supply:**

Service confirmation from Carroll Electric Cooperative for electrical service was received from the applicant on June 12, 2014. Service letter confirmation was established from the previous proposal (manufacturing facility) and electrical service will continue with Carroll Electric.

**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 (ADH) in accordance with Act 402 of 1977 as amended.

Comment: This project will be on a private septic system. The septic system for the subject property was properly permitted through the ADH. The applicant submitted a letter dated March 26, 2015 from Arkansas Department of Health stating the agency has no objection to the utilization of the exiting septic system for the newly proposed baseball academy with the following stipulations:

1. If water usage ever begins to exceed 250 gallons per day or the septic system shows signs of any malfunction or surfacing, the system must be upgraded and a Permit for Alteration must be obtained at that time.
2. The area of the septic tank and lateral lines must remain protected from any development, parking or traffic.

Service letter agreement for maintenance of the OSSDS was provided by the applicant on July 10, 2014. Service letter confirmation was established from the previous proposal (manufacturing facility) and septic pumping service will continue with BBB Septic Service.

**Site Services - Water Service:**

Water service is provided by City of Pea Ridge. Applicant provided the service confirmation from the City dated June 12, 2014. Service letter confirmation was established from the previous proposal (manufacturing facility) and water service will continue with the City of Pea Ridge.

**Site Services - Fire & EMS:**

Benton County E-911 Administration verified the existing structure as 9949 E Hwy 72.

Applicant submitted service confirmation letter from the City of Pea Ridge Fire Department stating the subject property is under the protection of the City of Pea Ridge.

Comment: Benton County Fire Marshall provided the following comments; 1.) Emergency lighting and exit lighting will be required; 2.) ABC fire extinguishers will be required (the # as required by AFPC-2012). On March 12, 2015 Building Official – Glenn Tracy and Planning Manager – Taylor Reamer conducted a site visit to inspect for proper illuminated emergency exit lighting and current ABC fire extinguishers on site. During the inspection, Building Official Glenn Tracy informed the tenant that illuminated emergency exit lighting must be installed and the existing fire extinguishers must be inspected and/or updated to current standards. Applicant shall schedule a follow up site visit with Benton County Building Official to confirm compliance with AFPC – 2012 prior to issuance of a decision letter.

**OUTSTANDING ITEMS:**

1. The applicant shall schedule a follow up site visit with the Benton County Building Official to confirm compliance with the AFPC – 2012 standards, prior to issuance of decision letter.

**CONCLUSION:**

The proposed utilization of the existing 7500 sq. ft. facility and property grounds for a baseball academy was reviewed by planning staff to ensure compliance with the Planning and Development Regulations of Benton County. The applicant is to schedule a site visit with Benton County Building Official or Benton County Fire Marshal to confirm facility compliance with AFPC prior to the issuance of a decision letter.

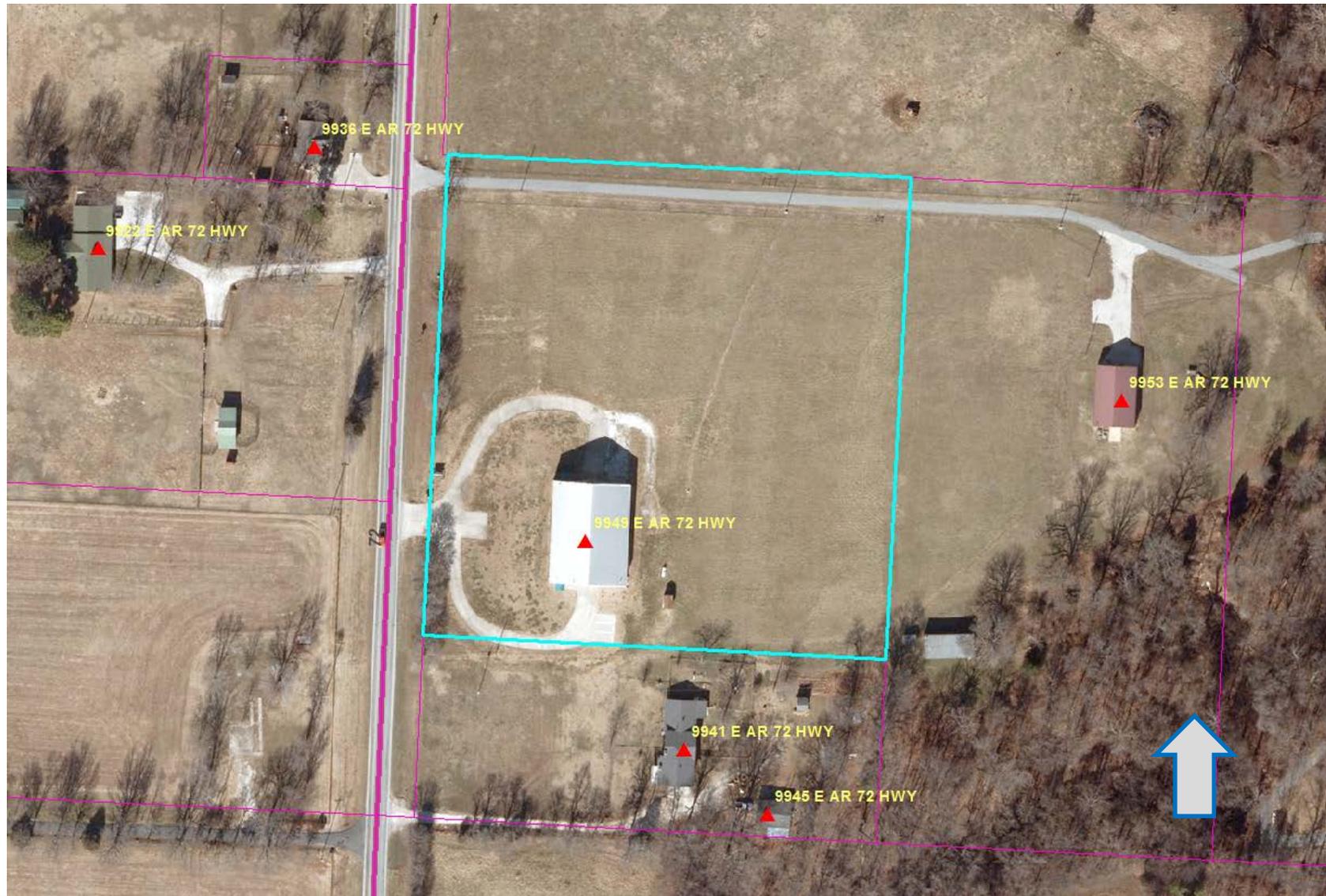
**CONSIDERATIONS FOR THE BOARD:**

1. Parking Variance Approval
  - a. Applicant is requesting 20 standard parking spaces in lieu of the required 38 standard parking spaces for the 7500 sq. ft. 'Other Commercial' classified facility

2. Site Plan Review Approval contingent upon all outstanding items being satisfied prior to the issuance of a decision letter.

**Prepared by:** Taylor Reamer, Planning Manager

**Reviewed by:** Kevin M. Gambrill, AICP, Planning Director



**LOCATION MAP**

**FLOOD CERTIFICATION**

NO PART OF THIS PROPERTY LIES IN A ZONE "A" OR "AE" FLOOD ZONE AS SHOWN ON THE FIRM/FEMA FLOOD PANEL NO 05007C0095 K, EFFECTIVE DATE JUNE 5, 2012.

**PARKING REQUIREMENTS**

- \* REQUIRED STANDARD PARKING: 'OTHER COMMERCIAL' 5 STANDARD PARKING SPACES PER 1000 SQ. FT. GFA TOTALING 38 STANDARD PARKING SPACES PER BENTON COUNTY PLANNING AND DEVELOPMENT REGULATIONS.
- \* PROPOSED STANDARD PARKING: 20 STANDARD PARKING SPACES ARE SHOWN ON SITE PLAN.
- \* REQUIRED ADA PARKING: 2 ADA COMPLIANT SPACES ARE REQUIRED FOR SITES WITH 26-50 STANDARD PARKING SPACES. SITE PLAN SHOWS TWO (2) VAN ACCESSIBLE ADA COMPLIANT SPACES.

**OWNERS CERTIFICATION**

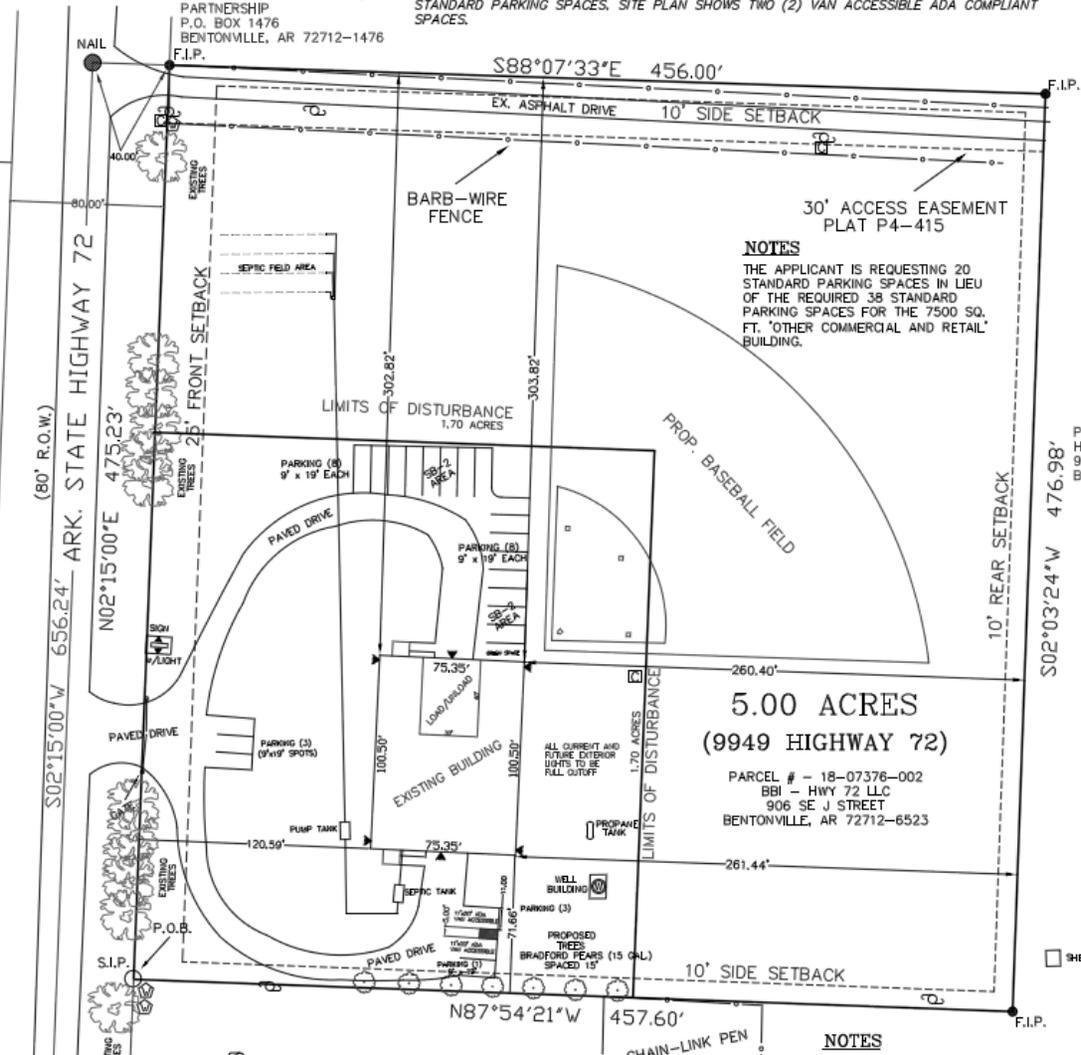
I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM THE SOLE OWNER OR THE PERSPECTIVE BUYER OF THE HEREIN PROPERTY AND I UNDERSTAND THAT MY SIGNATURE AUTHORIZES AND AFFIRMS THAT THIS PROJECT IS SUBJECT TO THE RULES AND REGULATIONS OF THE STAFF OF THE BENTON COUNTY PLANNING OFFICE.

PARCEL # - 18-07365-001  
 HALL, WILLIAM & JANIE  
 13523 GOOSEBERRY ROAD  
 BENTONVILLE, AR 72712-8847

PARCEL # - 18-07346-000  
 SHEWMAKER FAMILY LIMITED PARTNERSHIP  
 P.O. BOX 1476  
 BENTONVILLE, AR 72712-1476  
 F.I.P.

PARCEL # - 18-07368-000  
 BLACK, H.P. & DIXIE K.  
 8842 E. HIGHWAY 72  
 BENTONVILLE, AR 72712

PARCEL # - 18-07369-000  
 BLACK, E. LUCHE & ANNEVEINE  
 BENTONVILLE, AR 72712



**NOTES**  
 THE APPLICANT IS REQUESTING 20 STANDARD PARKING SPACES IN LIEU OF THE REQUIRED 38 STANDARD PARKING SPACES FOR THE 7500 SQ. FT. 'OTHER COMMERCIAL AND RETAIL' BUILDING.

STATE OF ARKANSAS )  
 COUNTY OF BENTON ) MY COMMISSION EXPIRES \_\_\_\_\_  
 SUBSCRIBED AND SWORN BEFORE ME THIS \_\_\_\_\_  
 DAY OF \_\_\_\_\_ 2015.  
 NOTARY PUBLIC \_\_\_\_\_

**LEGEND**

- Quarter Corner
- F.I.P. FOUND IRON PIN
- POWER POLE
- S.I.P. SET IRON PIN
- WELL
- WATER METER
- PROPERTY LINE
- FENCE
- SETBACK LINES
- EXISTING LIGHTING

SCALE 1"=40'  
 40 20 0 40

**PROPERTY DESCRIPTION**

PART OF THE SOUTH 1/2 OF THE NW 1/4 OF THE SE 1/4 OF SECTION 10, TOWNSHIP 20 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF THE SAID SOUTH 1/2 OF THE NW 1/4 OF THE SE 1/4; THENCE S 87°41'19" E ALONG THE SOUTH LINE OF SAID SOUTH 1/2 OF THE NW 1/4 OF THE SE 1/4, FOR 39.72 FEET TO A FENCE CORNER POST ON THE EAST RIGHT OF WAY LINE OF HIGHWAY 72; THENCE N 02°15'00" E ALONG SAID EAST RIGHT OF WAY LINE 181.14 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 02°15'00" E ALONG SAID EAST RIGHT OF WAY LINE, FOR 475.23 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTH 1/2 OF THE NW 1/4 OF THE SE 1/4; THENCE S 88°07'33" E ALONG SAID NORTH LINE FOR 456.00 FEET; THENCE S 02°03'24" W 476.98 FEET; THENCE N 87°54'21" W 457.60 FEET TO THE POINT OF BEGINNING CONTAINING 5.00 ACRES MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS OF RECORD OR OF FACT.

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE WEST LINE OF THE TRACT SPLIT SHOWN AS TRACT ONE BY COSTELLO LAND SURVEYING AND FILED FOR RECORD IN P4-415.

**5.00 ACRES**  
 (9949 HIGHWAY 72)

PARCEL # - 18-07376-001  
 HENDERSON, WILLIAM H TRUSTEE  
 9957 E HWY 72  
 BENTONVILLE, AR 72712-9596

**NOTES**

SEE FOR PROPERTY DEED FOUND AT  
 DEED FOUND AT 02.

REVISED DEVELOPMENT PLAN		REVISIONS	
BUYER:	NO.:	BY:	DATE:
NWA R.B.I. BASEBALL ACADEMY C/O DAVE MONTGOMERY RE/MAX REAL ESTATE 3103 SE NOBERLY LANE BENTONVILLE, AR 72712	#1	CHTY	08/20/14
	#2	CHTY	03/05/15
	#3	CHTY	03/17/15
223-7989 CIP 360-7989	DRAWN BY DP	DATE 06/14/13	
CONSULTING INC.	CHECKED BY 2014077	JOB NO. 2014077	
P.O. BOX 203 BENTONVILLE, AR 72712	SCALE 1"=40'	SHEET 1	

**SITE PLAN**