



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

December 19, 2012

6:00 PM

Benton County Administration Building
215 East Central Avenue

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:00 PM by Planning Board Chair Mark Curtis.

Roll Call: Chair Mark Curtis, Jim Cole, Starr Leyva, Ken Knight, John Pate, Ashley Tucker, and Rick Williams were present.

Persons present in addition to the Board: Benton County Administrator of General Services Elizabeth Bowen, Director of Planning and Environmental Services Christopher Ryan, Planning Division Manager Rinkey Singh, and Planning Coordinator M.J. McGetrick. Over 15 members of the public were present, as well as press representative Tom Sissom.

Disposition of Minutes: Mr. Knight moved, seconded by Mr. Cole, to approve the November 21, 2012 and December 5, 2012 Planning Board meeting minutes as written. Motion carried 7-0.

General Public Comment: None

Old Business: GT Land Management LLC (USA Metal) – LSD #12-219, 13670 Old Highway 59, Gentry, AR
Represented by: Mr. Tom Smith, Chief Operating Office and owner
Joey Stevens, Red Line Construction, Springdale, AR

Staff Comments: Staff gave a project overview, including updates since the December 5, 2012 Public Hearing. Applicant has provided proof of service for all utilities; the City of Gentry has granted a temporary extension on water service, for office use only, with a number of stipulations. The site plan has been updated to show increased screening, but screening of the rear yard activity area may not be sufficient. The revised site plan also shows that the access driveway will be paved. The Benton County Fire Marshal has approved the fire hydrant location on the revised site plan, but needs to know the flow capacity. However the Gentry Fire Department has commented that the fire hydrant may be better suited at the far side of the driveway to better serve the property and any future development on site. A proposed Stormwater Pollution Protection Plan (SWPPP) was submitted to ADEQ on November 30, 2012. Staff has significant concerns about the applicability and accuracy of this plan. The applicant should provide written confirmation of compliance with environmental regulations from all applicable agencies. There remain significant concerns from nearby property owners, which include health and safety concerns, depreciation of property value, as well as incompatible land use.

Key outstanding issues include the following:

1. Incompatibility: Applicant disagrees with staff assessment of significant incompatibility.
2. Screening and Buffering: Applicant indicated revisions to site plan regarding buffering and screening which differ from staff recommendations. Staff notes that this may meet minimum requirements but likely not address any nuisance factors.

3. Hours of Operation: Applicant proposes modified hours of operation more extensive than that recommended by staff. Staff recommendation sought as a means to mitigate the potential impacts of a heavy industrial use in a largely residential area. As such, the applicant should expect that restrictions on hours of operation is a reasonable consideration given the circumstances.
4. Environmental Report: Not submitted as yet. Staff still recommends that the Board should consider retaining an independent environmental consultant to review the provisions and recommendations of both the SWPPP and EIR. Additional changes to plan as well as additional stipulations may result from these reviews.
5. Building Permit/Inspection: Applicant obtained a permit. No way to verify if electrical components installed correctly after the fact. The applicant does not indicate where the proposed bathroom for handicapped access will be situated. Design of handicapped bathroom is deficient and shall be revised.
 - a. Handicapped Accessible Bathroom: Plans for handicapped accessible bathroom was reviewed by the Chief Building Inspector who noted two deficiencies:
 1. Proposed door must open outward, not inward as designed.
 2. Bathroom must provide at least 60" x 60" turning area which is not provided.
6. Traffic Analysis: Applicant made request to AHTD for an analysis. Specific stipulations may result from this analysis.
7. Roofing Over Envirorack: Applicant requests this be waived in favor of a tarp as needed. This sounds reasonable to staff provided applicant notes how the tarp will specifically prevent fluids from leaking. The SWPPP does not seem to refer to the Envirorack specifically.
8. Revised SWPPP: Staff has concerns over accuracy and applicability of SWPPP as written and recommends an independent review.

Staff Conclusion: Staff concludes that the proposed project represents a shift in the nature and scale of the intended use from Commercial to Heavy Industrial, in an area with an existing development pattern comprised of predominantly residential or agricultural uses. Staff recommends that an alternative location should be explored by the applicant. Benton County uses Planning Regulations to ensure compatibility between existing uses and new proposed industrial or commercial use. Considerations of the Planning Regulations include Clustering and Right to Farm. However, if the Planning Board should approve the project, Staff recommends that all outstanding issues noted above should be resolved before the Board makes a decision on this project. The following stipulations should specifically be considered as part of the decision:

1. Standard Conditions
2. Fire Department Requirements
3. Stormwater Management Permit Plan Requirements
4. Permitting
5. Established appropriate screening and buffering measures
6. Established appropriate hours of operation, including neighbor concerns
7. Groundwater monitoring
8. Regular site Inspections

Applicant Response: Mr. Smith stated that he has added a 30' x 60' metal building for vehicle fluid removal and storage, with an Enviro Rack inside. Because the fluid removal will be done inside, there is no need for a tarp. The crusher has a catch pan, and the crusher concrete pad will catch any other fluid drips. The hours of operation have been adjusted in consideration of neighbors. Mr. Smith stated he intended to adequately screen the operation, in accordance with the Junkyard Ordinance. He believed a 2' berm and 12' fence will comply with the Junkyard Ordinance. The recommended berm will be located on the south side of the property, to have water outfall in one location rather than across the southern portion of the property. The exterior lighting, which has been the source of complaints, will be relocated to the south side of the property. Mr. Smith stated that he disagreed that this project is not compatible with surrounding land uses. The former property owner used this property as trucking terminal for Rockwell Transportation, which is heavy industrial. The applicant believes the property owner has rights, too, and would like to use this property for something.

Board Questions:

- Mr. Knight asked what Joey Stevens' engineering background consisted of. He has no engineering degree, and works for GT Management. He is present in order to represent the project engineer, Randy Ritchey, with Steadfast Engineering.
- Mr. Knight asked about the evidence of storage of wrecked cars and vehicle crushing on site in recent years, which indicates the site has been used for more than waste storage. Is this the case?
 - The applicant has owned the site since 2004, and has used it for trash cans, wrecked trucks, and vehicle storage. The site has been used to store cars the applicant has collected, but there was parts theft at the site. The applicant decided to crush the stored cars. There never was a plan to use the site as a scrap metal operation, or a junk yard.
- Ms. Leyva asked which building will house the Enviro Rack?
 - It's on the west side, the 30' x 60' building. It will have a 20' sidewall with a 12' pitch. A picture of the proposed building has been sent to staff.
- Mr. Pate asked for the status of the Environmental Impact Statement.
 - It will be done in the next two weeks. Site studies and sound measurements are underway.
- Mr. Pate asked about the is the status of the SWPPP
 - The original was submitted to ADEQ, and a revised copy forwarded to Staff on December 14, 2012. The applicant is not aware of the Staff concerns on this plan.
- Mr. Tucker asked if a hydro flow test been performed on the fire hydrant?
 - The applicant received an e-mail from the Gentry Fire Department, and it was forwarded to Staff.(Staff confirmed receipt of the e-mail, and gave an update to the Board. Relocating the hydrant to the east side is recommended, and the installation requirements and flow capacity are still outstanding issues.)
- Mr Williams stated that it was directed at the last meeting that all required information be submitted prior to this meeting. He asked the applicant why this had not occurred.
 - The applicant indicated that all the information he has, has been submitted. The applicant requested clarification on any outstanding issues. Mr. Ryan stated that he had eviewed the open items, and specifically addressed the restroom ADA requirements. As designed, the door opens inward, and there needs to be a 60x60 turnaround area. Randy Ritchey has been informed.

Public Comment: None

Mr. Knight moved that, based on Staff's final report the key outstanding issues, the time involved and the applicant's history on other issues, that the Planning Board deny the application for this permit. Mr. Williams seconded the motion.

In discussion, Mr. Knight commented that the Planning Staff has done a very thorough and admirable job, as has the Gentry Planning Commission, which after a courtesy review of the proposed project felt that the project was not compatible with existing uses in the area. Chairman Curtis commented that the proposed project is a very incompatible use, and would be a detriment for the future of the City of Gentry. The applicant's Fayetteville facility is in an industrial area, and is a well-cared for operation, but a similar facility does not fit the Gentry neighborhood of homes and small businesses.

The motion to deny the permit passed 7-0.

Chairman Curtis polled each Board member to document the reason for their vote to deny the application, as follows;

- Ms. Leyva: Heavy industrial uses are incompatibility with the surrounding residential and farm land
- Mr. Knight: The list of Staff conclusions which illustrate the negative consequences
- Mr. Pate: Inadequate environmental impact statement and engineering information from the applicant
- Mr. Cole: Proposed project is in compatibility and Staff comment. The City of Gentry attorney presented the concerns of the City of Gentry. These concerns centered on the fact that t this is not a compatible use. The proximal map shows all surrounding property to be either residential or agricultural.
- Mr. Tucker: Three factors: (1) Compatibility with residential and City of Gentry, (2) completeness of application – there are still outstanding requirements; especially the environmental impact statement, and (3) specific knowledge of the Fayetteville operation, which is compatible with the area in which it is located. A similar operation would not be compatible on the proposed site.
- Mr. Williams: Incompatibility with the established uses of the surrounding areas, lack of required information, and previous track record
- Mr. Curtis added that his concerns were environmental impact, specifically groundwater and well contamination; and incompatibility of the use through noise, dust, and vehicle traffic.

The Board asked about the next steps, to ensure that the property owner maintains the property well, and that the environment is protected. Staff responded that any other use would go through the large scale permit process, since the application has given up any grandfathering of the 2004 agreement. The Board inquired about whether any site cleanup is required. Staff has observed a diesel fuel spill and its effects. ADEQ may need to do a site inspection.

New Business: Area Lake Boat and Mini Storage Phase II, LSD#12-222, 15055 E. Highway 12, Rogers, AR
Represented by David Morris, Rogers, AR

Staff Comments: Staff reviewed updates received since the December 5, 2012, TAC meeting. The Benton County Road Department recommends that the Pollock Drive access be extended to 30' wide to allow for boat trailer traffic. The Health Department has provided project approval for the septic system. If the Board should approve this application, Staff recommended these stipulations: (1) Standard Conditions apply, (2) Driveway permit approval from the Benton County Planning Department, (3) Site plan update, including widening the Pollock Road entrance to 30 feet and labeling the turning radius, parking stall length and driveway aisle for the surface storage lot, (4) Meet all Fire Marshal requirements, including a Knox switch for an electric gate or a Knox box for a manual gate, a fire alarm for the office and apartment if the apartment is located over the office, and emergency lighting for the office.

Applicant Response: Parking spaces will be 10'x20'. On site trailer parking can be accommodated, because there is ample land area for this. The 30' Pollock Road driveway access will not be a problem. The applicant will take care of security lighting, and ensure that it is not a nuisance.

Board Comments: The Board suggested increasing the radius instead of drive width for the Pollock Road access. This would give a wider apron, without increasing the full driveway width. The Board expressed a concern about traffic, with trailers pulling in to the office area. The applicant responded that other properties have trailer access/parking nearby, and there is no traffic issue. The Board agreed that this area of Highway 12 provides a passing zone and good visibility. The applicant will determine the trailer turning radius requirements, and decide on the final number of parking stalls. These updates shall be indicated on an updated site plan.

Public Comment: None

Mr. Tucker moved, seconded by Mr. Williams, to approve the project with Staff stipulations. The motion passed 7-0.

The Public Hearing was closed at 7:07 PM.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 7:08 PM

Old Business: None

New Business: H&H Classic – LSD #12-226, 12325 Highway 72 W., Bentonville, AR

Represented by Tray Smith and Herman Smith (applicants), Richard McKeehan (project engineer)

The applicant described his business and proposed project, which will add an additional 8400 square feet of warehouse, office and showroom space.

Staff Comments: Staff reviewed the project details and the site plan. The applicant is requesting an amendment for a previously approved application, which was done in 2003. The proposed land use remains the same. The applicant has applied to the AHTD for an additional road access.

Staff summarized the outstanding issues as the following:

1. AHTD approval of the access drive
2. Lighting and noise nuisance abatement
3. Site plan update of the access islands and surface area of the customer parking lot
4. Letter of Compliance from the local Fire Department
5. Additional public utility service agreements
6. Health Department septic system approval

Applicant responded that the Health Department permit has been received. The Gravette Fire Department has confirmed extension of service.

Board questions and comments included the following:

- Mr. Pate asked the applicant where parts were acquired? (Applicant: All parts are purchased new; there is no salvage operation)
- Mr. Knight asked if the buildings needed a sprinkler system. (Mr. McKeenan responded that, since the occupancy is low, there should be no sprinkler requirement)
- Mr. Knight what is the wall height? (Applicant: 16')
- Mr. Knight requested that the applicant consider not using wall packs, but rather confine the light to the property itself, not surrounding property or Highway 72. Mr. Knight stated that the applicant may wish to consider a light pole in back, for security. (Applicant response: Existing and proposed lighting is mercury vapor lighting)
- Mr. Williams asked about the classification of the construction type for new and existing buildings. (Applicant response: The building will be a red iron steel frame, with wood partitioning for office. There are steel racks for storage)
- Mr. Tucker asked if deliveries on box trucks or semi-tractor. (Applicant response: Both; 80% is by UPS or FedEx Package). Mr. Tucker asked if a semi turn around? (Applicant response: Yes).
- Mr. Tucker asked if additional employees would be added. (Applicant response: not at this time, but possibly in the future)
- Mr. Tucker asked if anyone lives on site? Have you had complaints from the neighbors? (Applicant response: Herman Smith does. Applicant response: None yet. The neighbors were sent a notice this week.)
- Mr. Tucker recommended that the applicant adhere to their unlimited building area, stating that the applicant should not exceed 20,000 sq. ft. of building area. The applicant should also address the lighting concerns previously mentioned.
- Ms. Leyva asked if the existing showroom/office will move to the new building? (Applicant: Yes) Will the old building be used for storage? (Applicant: Two offices will stay in the east building, which will have a restroom). What happens to current parking? (Applicant: These will be for employee parking only). Staff noted that all parking areas must be indicated on the site plan.
- Ms. Leyva asked if company does any restoration. (Applicant: We sell parts only; 60% through mail order, 30% at events, and 10% by walk-in customers.)
- Mr. Curtis asked if merchandise was shipped from site. (Applicant: Yes)
- Mr. Knight asked for the applicant's web site. (Applicant: www.HHClassic.com)
- Ms. Leyva asked what the demographics of H and H Classic customers consist of. (Applicant: We're trying to undo the "graying" of the industry by taking on newer models, to attract newer and younger customers.)

The applicant asked if Highway Department approval is needed before the Public Hearing, and Staff responded that it is not. Staff also noted that no additional documentation is needed on public utility agreements. Mr. McKeenan reported that the SWPPP will be obtained by the contractor.

Board Discussion: There is concern that the current and proposed drives are close together; AHTD approval will be covered in the stipulations.

The Board agreed to move this project to a Public Hearing set for January 2, 2013.

Other Topics: Staff reported that January 16, 2013 is the next meeting of the Legislative Committee. Chapters 1-4 of the Planning Regulations will be reviewed. Please let Staff know of any comments or concerns.

The meeting adjourned at 7:39 PM.