

CITY OF SILOAM SPRINGS PLANNING COMMISSION

Tuesday, January 12, 2016 at 4:00 p.m.
City Administration Building
400 N. Broadway

AGENDA

I. Planning Commission

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes of the Regular Meeting of December 08, 2015
- D. Elections
- E. Development Permit Approval
 - 1. Significant Development Permit, SD15-13
2500 Hwy 412 East
Owner: Quad SS, LLC/ Tim Clower
Agent: Blew and Associates, PA. – Jorge Du Quesne, PE
To the Board of Directors on **February 2, 2016**
- F. Adjourn the Planning Commission

MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION OF THE
CITY OF SILOAM SPRINGS, BENTON COUNTY,
ARKANSAS, HELD DECEMBER 8, 2015

The Planning Commission of the City of Siloam Springs, Benton County, Arkansas, met in regular session at the City Administration Building, Tuesday, December 8, 2015.

The meeting was called to order by Chairman Mounger.

Roll Call:

Colvin, Stewart, Blakely, Brown, Mounger, Williams, Smith – Present.

Acting City Clerk, Judy Toler; Senior Planner, Ben Rhoads; City Engineer, Justin Bland; City Attorney, Jay Williams; all present.

A copy of the November 10, 2015, regular minutes had previously been given to each Commissioner. A motion was made by Williams and seconded by Colvin to accept the minutes. Mounger called for a voice vote.

All Ayes. No Nays. Motion passed.

The first item on the agenda was a Significant Development Permit, SD15-11, 1100 Block of E. Ashely Street on behalf of Simmons Foods, remanded back to P&Z by the Board of Directors. Ben Rhoads, Senior Planner, gave an overview of the item, and explained why the Board of Directors remanded this item back to Planning and Zoning. Blakely stated he will be abstaining from discussion and voting due to the work Simmons bring in at the Adult Development Center. Ron Homeyer, Civil Engineering, explained the design team was changed mid-stream, and that is the reason for the revisions. Mounger asked if the design team is okay with the staff recommendations. Homeyer stated yes, they are. A Motion to approve with conditional staff recommendations was made by Williams and seconded by Stewart.

Roll Call:

Stewart, Brown, Mounger, Williams, Smith, Colvin – Aye.

Blakely – Abstained.

6 Ayes. 1 Nay. Motion passed.

Mounger stated this item will go to the Board of Directors meeting on December 15, 2015.

The next item on the agenda was Lot Split Request, LS15-06, 19836 Shinn Springs Road, Steve Butler, Ron Homeyer, PE – Civil Engineering, Inc. Ben Rhoads, Senior Planner, gave an overview of the item. Brenda Huss, 713 West University, asked if there is a plan for development on the 24 acres. Ron Homeyer, Civil Engineering, stated it is to keep it as farm land such as it is now. A Motion to approve with conditional staff recommendations was made by Blakely and seconded by Brown.

Roll Call:

Blakely, Brown, Mounger, Williams, Smith, Colvin, Stewart – Aye.

7 Ayes. No Nays. Motion passed.

The next item on the agenda was Lot Split Request, LS15-07, 21153 AR Highway 16, Ozark Management, LLC – Jonathan Barnett, Ron Homeyer, PE – Civil Engineering, Inc. Ben Rhoads, Senior Planner, gave an overview of the item. Ron Homeyer, Civil Engineering, stated the county planning staff will be fully involved with this project, including issuing the permit. Mounger expressed his feelings towards putting large buildings on this highway. Blakely stated

this property is outside of the City limits, so we don't have much say on what goes out there. A Motion to approve with conditional staff recommendations was made by Colvin and seconded by Blakely.

Roll Call:

Brown, Mounger, Williams, Smith, Colvin, Stewart, Blakely – Aye.

7 Ayes. No Nays. Motion passed.

The next item on the agenda was Lot Split Request, LS15-08, 25,000 Block of Bruce Rutherford Road; Geraldine McReynolds, owner; Ward Jones – Ward Jones Realtors. Ben Rhoads, Senior Planner, gave an overview of the item. Williams asked if there are any current development plans for this property. Ward Jones said he wasn't sure. A Motion to approve, with conditional staff recommendations, was made by Colvin and seconded by Brown.

Roll Call:

Mounger, Williams, Smith, Colvin, Stewart, Blakely, Brown – Aye.

7 Ayes. No Nays. Motion passed.

The next item on the agenda was a Significant Development Permit, SD15-12, 1240 Block of Valley Drive, John Brown University, Ron Homeyer, PE – Civil Engineering, Inc. Ben Rhoads, Senior Planner, gave an overview of the item. Williams stated he is glad to see additional parking. Mounger stated he would like to see more visitor parking spots. A Motion to approve was made by Colvin and seconded by Stewart.

Roll Call:

Williams, Smith, Colvin, Stewart, Blakely, Brown, Mounger– Aye.

7 Ayes. No Nays. Motion passed.

Mounger stated this item will go to the Board of Directors meeting on January 5, 2016.

Mounger asked if this would be the last meeting of the year. Ben Rhoads, Senior Planner, answered yes, this is will be the last Planning meeting in its current form; election will start next year. Mounger asked if the Board of Adjustments meeting has been cancelled. Rhoads answered yes, due to the holidays. He then stated there will be a Special Called Board of Adjustment meeting on January 12, and the regular Planning and Zoning meeting that same day. Mounger then thanked Stewart and Brown for serving as a commissioner.

A motion to adjourn the meeting was made by Stewart and seconded by Colvin.

There being no further business, Mounger adjourned the meeting.

{Seal}

APPROVED:

ATTEST:

Karl Mounger, Chairman

Renea Ellis, City Clerk



STAFF REPORT

TO: Planning Commission
FROM: Ben Rhoads, AICP, Senior Planner *BR*
Cc: Don Clark, Community Services Director
DATE: December 15, 2015
RE: Significant Development Permit, SD15-13/ Significant Development/ 2400 Hwy 412 East

Recommendation: Approval of SD15-13 (Significant Development Permit), subject to the following conditions:

- 1.) The applicant must have received approval for all related variances associated with this request.
- 2.) The applicant must obtain a 10 ft. access easement burdening the abutting property to the east located, prior to building permit issuance.

Background:

APPLICATION REVIEW DATES

Planning Commission review: January 12, 2016

Board of Directors review: February 2, 2016

APPLICANT AND AGENT

Applicant/Owner: Quad SS, LLC – Tim Clower, managing member.

Agent: Blew & Associates, PA – Jorge DuQuesne, PE

SUBJECT PROPERTY ADDRESS

2500 Hwy. 412 E.

PROJECT INTENT

The applicant requests to construct a 2,856.45 sq. ft. Burger King restaurant.

INTERNET MAP INFORMATION

Planning staff has created a map made with Google My Maps.

Attribution: Map data ©2015 Google Imagery ©2015, Arkansas GIS, DigitalGlobe, Landsat, State of Arkansas, USDA Farm Service Agency Washington County.

Please click on the following link to access. This link will only operate if reading this report digitally.

<https://www.google.com/maps/d/edit?mid=zHgGzzL4Wl4o.kK-zFe19ZM1U&usp=sharing>

REFERENCE APPLICATIONS

The following application is related to this request:
BOA15-10 (Variance Development Permit).

EXISTING LAND USES AND ZONING

EXISTING LAND USE	EXISTING ZONING
Retail / Portable Storage Building Sales	C-2 District (Roadway Commercial)
SURROUNDING LAND USE	SURROUNDING ZONING
North: Retail	North: C-2 District (Roadway Commercial)
South: Residential, multi-family	South: C-2 District (Roadway Commercial)
East: Retail	East: C-2 District (Roadway Commercial)
West: Retail – Shopping Center	West: C-1 District (General Commercial)

ZONING USE UNIT CONSISTENCY

The subject proposal is consistent with the medium impact commercial uses associated with Use Unit 15, which is permitted in C-2 District.

LOT STANDARDS CONSISTENCY

The minimum C-2 zones standards are compared with the subject property’s tracts below.

MINIMUM (C-2) ZONING REQUIREMENTS*	SUBJECT PROPERTY PROPOSAL
Lot Area: 8,000 sq. ft.	1.02 acres
Lot Width: 80 ft.	225 ft. (approx.)
Maximum Lot Coverage: 85 %	72.0 % (approx.)
Maximum Floor to Area Ratio: .60 (60%)	0.06 or 6%

*New zoning standards approved by the Board of Directors in Ord. 15-24 became effective on December 3, 2015 and therefore are used for this development review.

PARKING STANDARDS CONSISTENCY

According to Municipal Code Sec. 102-75(1)(a)(8), parking is calculated by the square footage of the proposed restaurant. The formula is 1 space for every 100 feet of floor area.

USE	REQUIRED PARKING	EXISTING PARKING	NET PROPOSED PARKING**	PARKING SURPLUS/ DEFICIT
Restaurant	28.56	21*	53	+24

*Accessible parking spaces at the current storage building sales business

**Includes ADA accessible spaces

STAFF DISCUSSION

The applicant is requesting the construction of a 2,856 sq. ft. Burger King fast food restaurant, south of the Casey’s General Store and west of Kenny’s Auto Services. The facility is proposed on a lot presently being used as a sales center for self-storage buildings and sheds. The existing retail use will likely be relocated elsewhere on Hwy. 412.

The lot presently contains two driveways located off of Hwy. 412, there is also a planned third drive at the rear of the facility, abutting the southern property line. Because the two drives accessing Hwy. 412 are existing and not proposed, they are considered legal non-conforming with the driveway spacing requirements and do not require a variance. This, however, is not the case with the proposed rear driveway because it is being proposed. The issue with the rear drive is that it is planned too close to the rear property line driveway setback. The drive will utilize an existing access easement that burdens the lot for Kenny's Auto Service, east of the subject property. The location of this drive cannot be moved on account of this existing access easement. The south drive is needed as an alternative way westbound traffic may egress the site. It is marked as a one-way (exit only) drive. Traffic wishing to travel westbound on Hwy. 412 is encouraged use this drive and then make the left at the signalized intersection at Hwy. 412 and Hwy. 16. This proposed drive aligns with the existing drive for Arvest Bank, so traffic movement should not be an issue. In order to avoid an existing power pole and to better align with the Arvest Bank driveway, the one-way drive is proposed to shift slightly to the north by a few feet. In order to accommodate this shift, an additional 10 feet of access easement is needed from Kenny's Auto Service. A staff suggested condition has been added to this request to ensure this easement is granted prior to building permit issuance.

A second variance is needed for a driveway setback encroachment of an internal drive and parking lane to the right-of-way of Hwy. 412. The internal drive, which serves to connect the drive thru-lane to the main restaurant's parking area and drive, is essential to allow westbound vehicles to depart the site without forcing a U-turn at the Hwy. 16 and Hwy. 412 intersection—for safety reasons, left turn movements will not be permitted from the northeastern (drive-thru) drive. The drive is designed to prevent left turns. The location of the proposed connecting drive will not pose traffic stacking issues, as it is approximately 50 feet from the paved surface of Hwy. 412.

The merits and reasoning for both of these driveway variances are set to be reviewed and approved separately by the Board of Adjustment (BoA), the BoA is the final authority on variances. The BoA is scheduled to review these variances at a special-called meeting on January 12, 2016. A condition is added to ensure that these variances are approved prior to the approval of this proposal.

The proposal is providing a sidewalk fronting on Hwy. 412 and sidewalks to connect to the restaurant to fully accommodate foot traffic. The proposal meets all requirements for parking lot development and is offering a surplus of 24 spaces. The applicant is reluctant to reduce parking due to the foreseen demand for the facility. Staff can attest that this was the case for Wendy's and The Panda Express restaurants. The parking lot will contain ample interior islands with trees and will be lit at night. Street fees are not applicable due to the impact occurring on two state maintained highways, Hwy. 412 and Hwy. 16. Drainage flow runs off site and will not be negatively impacted by the proposal because the existing site is already nearly 100 percent paved; in fact due to landscaping, off site drainage flows are projected to decrease.

The traffic study was ordered; however, by the time of the writing this report, it has not come back for review. Staff anticipates that the proposal will cause minimal traffic impacts to the area, however staff believes that the exit drive from the drive through window will need to be right out only in order to avoid issues with the main Hwy. 412 drive. Should any issues be raised in the traffic study, staff will verbally present these at the Planning Commission, along with any additional suggested conditions.

With the exception of the aforementioned variances, the proposal meets or exceeds all City standards and all technical comments have been addressed by the applicant.

LEGAL NOTICE

Staff received no information that:

- the proposal interferes with the reasonable peace or enjoyment of the neighboring properties;
 - the property values will be substantially damaged;
 - the proposal is not adequately supported by infrastructure.
-
- Site posted: December 02, 2015.
 - Newspaper legal notification: December 27, 2015 (Herald-Leader).
 - Letter legal notification: December 22-26, 2015.
 - Staff received no phone calls and one e-mail correspondence on the request. The e-mail correspondence was from a local realtor on behalf of a surrounding property owner. The property owner has concerns over the use of the rear access easement and drainage. Staff referred the realtor to the project engineer to discuss these concerns, and gave the realtor access to the drainage report. Staff also suggested that the concerned party attend the Planning Commission meeting to voice their concerns to the Commission.

COMPREHENSIVE PLAN CONSISTENCY

The 2030 Land Use Map describes this area as commercial and office. The proposed use is consistent with the 2030 Land Use Map.

Fiscal Impact:

Street fees are not applicable for this project. No fiscal impact is anticipated.

Attachments:

Site Specific Proposal
General Area Map



General Notes:

- ✕ A minimum of forty eight (48) hours prior to any excavation or grading, Contractor shall contact the State One-Call system at 811 to locate all underground utilities. The Contractor shall notify the Engineer of Record immediately in the event that underground utilities are not shown on plan and / or conflict with proposed civil works.
- ✕ The Engineer of Record shall not be held responsible for survey inaccuracies, survey omissions, or for design errors or omissions resulting from an inaccurate survey.
- ✕ Construction Contractor and his Subcontractors agree that in accordance with generally accepted construction practices and OSHA safety standards, Construction Contractor and his Subcontractors will be required to assume sole and complete responsibility for job site conditions during the course of construction of the project, including safety of all persons and property; that this requirement shall be made to apply continuously and not limited to normal working hours, and construction Contractor and his Subcontractors further agree to defend, indemnify and hold Design Professional harmless from any and all liability, real or alleged, in connection with the performance of work on this project, except liability arising from the sole negligence of design professional.
- ✕ The design professional shall not be responsible for any construction or safety issues that arise through all phases of construction. Erosion and sediment control devices may only be removed upon 70% stabilization of the site as defined by the State's Department of Environmental Quality's General Permit for Construction.
- ✕ The Contractor is to be solely responsible for any damage to neighboring properties during construction of this project.
- ✕ This project was designed in accordance with currently accepted industry design standards. The Engineer of Record does not warrant any work completed on site unless direct inspection by the Engineer of Record & proper testing by a state certified qualified inspection lab occurs during all phases of construction.
- ✕ The Contractor shall review the construction documents prior to any construction, and notify the Engineer of Record immediately upon discovery of any errors or omissions. All work shall proceed in accordance with the design documents and specifications unless otherwise stated.
- ✕ The Contractor shall be responsible for disposal of construction waste materials including but not limited to demolition materials, debris, contaminated soils / materials, etc. in a lawful manner, at state and federally accepted disposal sites.
- ✕ The Contractor is responsible for obtaining and constructing in accordance with the strictest of these construction documents and any associated details & specifications and all municipalities / governing agencies' standards and specifications for construction.
- ✕ This drawing set and associated site, grading, utility, etc. plans are representations of the construction design and shall not be scaled to determine dimensions.

Survey Description

PARCEL ID: 03-00111-000

A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 17 NORTH, RANGE 33 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: COMMENCING AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT, THENCE S02°10'17"W 360.00' S89°50'17"W 215.00' TO THE TRUE POINT OF BEGINNING SAID POINT BEING A FOUND PIPE AND RUNNING THENCE S89°50'17"W 224.89' TO A SET IRON PIN, THENCE N02°11'30"E 198.49' TO A FOUND PIPE ON THE SOUTH RIGHT-OF-WAY OF HIGHWAY 412, THENCE ALONG SAID SOUTH RIGHT-OF-WAY S89°58'02"E 25.22' TO A FOUND PIPE, THENCE LEAVING SAID SOUTH RIGHT-OF-WAY S02°17'45"W 197.68' TO THE POINT OF BEGINNING, CONTAINING 1.02 ACRES MORE OR LESS.

ABOVE DESCRIPTION DESCRIBES THE SAME TRACT THAT IS LISTED IN THE TITLE COMMITMENT BY FIRST AMERICAN TITLE INSURANCE COMPANY IN FILE NUMBER BEN10469514, WITH AN EFFECTIVE DATE OF OCTOBER 20, 2014.

Burger King of Siloam Springs

US-412

Siloam Springs, Arkansas

Contact Information:

DEVELOPER:
Terry Clark, L.W. Clark, Inc.
1509 Wesley Boulevard
Springdale, AR 72764

CIVIL ENGINEER:
Blew & Associates, PA
524 West Stearns St, Suite 4
Fayetteville, AR 72703
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LAND SURVEYOR:
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524 West Stearns St, Suite 4
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Pn: (479) 443-4506
Fax: (479) 582-1883

CITY OF SILOAM SPRINGS:
400 N Broadway Street
Siloam Springs, AR 7201

Building Department
Randall Clark, Building Official
Pn: (479) 373-1453

Elkhart Department
John Brand, Superintendent
Pn: (479) 524-5777

Engineering Department
Jason Bial, Engineer
Pn: (479) 524-5156

Planning Department
Ben Rhoads, AICP, Senior Planner
Pn: (479) 258-0927

CITY OF SILOAM SPRINGS (Cont'd):
Water / Wastewater Department
Steve Garszewski
Pn: (479) 524-5156

Fire Department
Deputy Chief Todd Cohen, Fire Marshal
1450 Chief Whitehead
Siloam Springs, AR 72761
Pn: (479) 524-3103

Parks Department
100 Highway 412 W
Siloam Springs, AR 72761
(479) 524-4110 (non-emergencies)
Solid Waste / Street Department
Don Tomlinson
1108 E. Ashley
Siloam Springs, AR 72761
Pn: (479) 524-8512

SOURCE CANS:
Dixie Engineering
Pn: (479) 582-8631

CON:
Terry Frank
Terry.Frank@cox.com

CONTACTS:
Michael Edwards
Michael.Edwards@centurytel.com

Approval Blocks:

PLANNING COMMISSION: _____ day of _____, 2016 by the Secretary of the Siloam Springs Planning Commission on behalf of the Planning Board.

Secretary _____
BOARD OF DIRECTORS: _____ day of _____, 2016 by the City Clerk of the City of Siloam Springs on behalf of the Board of Directors.

City Clerk _____

Sheet Index

Sheet No	Title	Date
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C2	Site Plan	01/04/2016
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C3	Demolition and Erosion Control Plan Ph 1	01/04/2016
C3-1	Erosion Control Plan Ph 2	01/04/2016
C3-2	Erosion Control Details	01/04/2016
C4	Grading and Drainage Plan	01/04/2016
C5	Utility Plan	01/04/2016
C6 - C6-3	Burger King Details	01/04/2016
C6-4	Details	01/04/2016
TOPOGRAPHIC SURVEY		
1	Survey (by Blew & Associates, PA)	10/26/2015

Typical Abbreviation List:

Abbrev.	Description	Abbrev.	Description
RCP	Reinforced Concrete Pipe	TC	Top of Back of Curb (Spot Elevation)
CMP	Corrugated Metal Pipe	G	Center / Bottom of Sidewalk (Spot Elevation)
HDPE	High Density Polyethylene Pipe	TW	Top of Wall (Spot Elevation)
SLMP	Smooth Lined Metal Pipe	BW	Bottom of Wall at Grade (Spot Elevation)
PVC	Polyvinyl Chloride Pipe	HP	High Point (Spot Elevation)
DI	Ductile Iron Pipe	LP	Low Point (Spot Elevation)
J-box	Junction Box	TB	Top of Box (Spot Elevation)
FHS	Flared End Section	BC	Back of Curb
RW	Retaining Wall	FC	Face of Curb
HW	Head Wall	FH	Fire Hydrant Assembly
WW	Wing Wall	GV	Gate Valve
AE	Access Easement	MJ	Mechanical Joint
DE	Drainage Easement	N	North
TCE	Temporary Construction Easement	E	East
UE	Utility Easement	W	West
BS	Building Setback	S	South

*** Engineers Notice ***

The existence and location of any underground utility pipes or structures shown on these drawings are obtained by a search of the available records. To the best of our knowledge there are no existing utilities except as shown on these drawings and we assume no responsibility as to the accuracy of their depicted location(s) on these drawings. The Contractor is required to take due precautionary measures to protect the utility lines shown, and all other lines not of record or not shown on these drawings by verification of their location in the field prior to the initiation of the actual portion of the their work.

*** Document Ownership ***

This document, and the ideas and designs incorporated herein as and instrument of professional services, is the property of Blew & Associates, P.A. and is not to be used, in whole or part, for any other project without the written authorization of Blew & Associates, P.A.

Cover Sheet

Significant Development for:

Burger King of Siloam Springs, AR

US-412

Terry Clark; L.W. Clark, Inc.

1509 Wesley Boulevard
Springdale, AR 72764

NOT FOR CONSTRUCTION FOR REVIEW ONLY!!!

BLEW & ASSOCIATES, PA
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524 W. SYCAMORE ST, SUITE 4
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www.BLEWPA.com

Certificate of Authorization No. 1534

PROJECT NO:	2016-01104	SCALE:	As Noted
DRAWN BY:	J Du Quesne	SHEET NO.:	15-1164
DATE:	15-1164 Civil 005.dwg		

C1

GENERAL AREA MAP

Significant Development
Permit SD 15-13

