



CITY OF TONTITOWN PLANNING OFFICE

201 E. Henri de Tonti Blvd.
479-361-2700
planning@tontitownar.gov

Meeting: **August 25, 2020**
Project: **Taco Bell**
Planner: Courtney McNair, Garver

AGENDA ITEM

B

WAIVER REQUEST & PRELIMINARY LARGE-SCALE DEVELOPMENT PLAN APPROVAL REQUEST

1119 East Henri de Tonti Blvd (Vacant Lot East of McDonald's)
Parcel # 830-38674-000

SUMMARY: Taco Bell is requesting to place one (1) commercial restaurant building and ancillary parking/dumpster on 0.95 acres.

CURRENT ZONING: C-2 General Commercial

CITY WARD: 1- Gene McCartney, Amber Ibarra

FLOODPLAIN: No

INFRASTRUCTURE SERVICE AREAS (not a guarantee of service availability):

Water: Tontitown Water
Electric: Ozarks Electric
Sewer/Septic: Tontitown Sewer
Phone: AT&T/CenturyTel
Natural Gas: Black Hills Energy
Cable: Cox Communications
School District: Springdale

PROJECT SYNOPSIS:

Taco Bell is requesting to add a 2,274 SF building and ancillary parking lot and dumpster. This property is owned by First Security Real Estate, and the engineer is Weihe Engineers.

The property is Lot 2 of the original Venezia Piazza Addition platted in 2008.

The original Lot 5 of Venezia Piazza was replatted, and there is an existing commercial plaza on the southernmost end of "Lot 9A". Another commercial plaza was preliminarily approved for the Lots 6, 7 and Lot 1, but has not been constructed yet. Lot 3 is the McDonald's location and Lot 4 is the Casey's location.

TECHNICAL INFORMATION:

Utilities:

Water: Tontitown Water-According to the Water System information, there is an existing water line along E. Henri de Tonti Blvd.
Electric: Ozarks Electric-No comments were received from OECC.
Sewer/Septic: Sewer- this project proposes to connect to the City of Tontitown sewer system. The connection must be approved prior to construction.
Phone: AT&T/CenturyTel- No comments were received from ATT or CenturyTel.

Natural Gas: Black Hills Energy- No comments were received from BHE.

Cable: Cox Communications- No comments were received from Cox.

It is the applicant's responsibility to coordinate any additional utility easements or connections as needed to service their property.

School District: Springdale school district was notified of this project, but submitted no comments.

Stormwater Pollution Prevention Plan (SWPPP):

The applicant has provided a grading a drainage plan. A SWPPP must be completed and posted on site prior to construction.

Police:

No comments were received.

Fire:

There is an existing hydrant at the south end of this site, across the private drive to the east. The existing fire flow is approximately 1450 gpm. The Fire Marshal has not requested any additional hydrants for this project.

The Fire Marshal has required a striped fire lane to be added near the hydrant. All interior drives must meet the required compaction rating to support emergency vehicles.

A knox box is required to be placed.

Roads:

This project has access on E. Henri de Tonti, which is an Arkansas State Highway (AR Hwy. 412) via a private access easement. The entrance drive is very near the connection from the access drive onto E. Henri de Tonti.

Additional access at the south end of the lot is available to S. Maestri Road, AR Hwy. 112, is also available via a private access easement.

As stated above, all interior drives must meet the required compaction rating to support emergency vehicles.

Planning:

There are a few remaining checklist items that must be corrected:

- Add all required signature blocks for Preliminary plans. Chapter 152.116
- Provide additional information on the signage. A separate sign permit will be required and shall conform to Chapter 153.180.
- Update the parking note. There appear to be 22 regular spaces and 2 ADA spaces for a total of 24 spaces.
- Per discussion with the City, it is preferred that the sidewalk match the adjacent property and not be expanded for the trail section at this time. No waiver is required for this as it is a request by the city.
- Highway 412 is mislabeled as Highway 421 on the plans.

There is a large fiber optic line located on the west side of the property. In order to avoid this, the landscaping has been shifted to the east. The lighting plan is adequate.

The architectural plans were submitted and meet the façade and design requirements.

Drainage:

The Project Engineer submitted a Drainage Report which the City Engineer has reviewed and provided comments for required corrections.

The development is proposing to increase runoff to the north and impact drainage systems in the ARDOT right-of-way. The City Engineer has stated that the Project Engineer must show that the downstream pipe system has the capacity for this additional flow or provide detention facilities. Additionally, an ARDOT permit is required and ARDOT is likely to require similar analysis.

The development is also proposing to increase runoff to the south, into a private detention system owned by the owner of the Venezia Piazza Development. According to the drainage report from Venezia Piazza Phase 2, the existing detention area to the south is going to be used for the proposed build out of that project but did not account for the additional proposed impervious area from Taco Bell project. The city cannot allow additional runoff to flow to a private detention system without having information that the detention system has capacity, and the owner of the detention pond gives consent to allow the increase.

The City Engineer would like to note that it is allowable to increase flow as long as there is data to show that the capacity is available, and if detention is required, there are options other than above-ground detention. The City Engineer recognizes that this is a small site and is open to other types of detention should it be found that detention is warranted.

*Updated plans showing proposed underground detention were submitted on Friday, 8/21/20, but no additional information has been provided with this plan. A revised Drainage Report will be required.

There are also a few corrections that need to be addressed as well per the last comments from the City Engineer. All remaining comments from the City Engineer must be addressed prior to Construction Plan approval. **(see attached)**.

WAIVER REQUEST:

The developers are requesting a waiver from the drainage requirements.

The waiver request states: "Taco Bell is proposing a new store located at 1119 E. Henri De Tonti Boulevard in Tontitown located next to the existing McDonald's. We are requesting a waiver to release 2,000 square feet of hard surface area to the existing roadway and drain into the existing storm system. With our site not part of Phase 2 master planning and pond design we ask for relief to discharge due to elevation from rear to front. The property line is to the Centerline of the road and no R/W is provided, except a 25' access easement to the back of the curb. With the roadway crowned, road runoff would occur if the site drained directly into the Taco Bell site taking on much more stormwater runoff then releasing into the existing system as proposed." **(the full Waiver request is attached to this report).**

Per the Code of Ordinances:

"152.026 WAIVERS.

(A) General.

(1) When, by the strict interpretation of these regulations, an applicant incurs undue restrictions on the physical property to be subdivided, a waiver for such requirements may be granted by the Planning Commission.

(2) Under no circumstance should a waiver be granted because of a personal hardship or for personal or emotional reasons. Waivers shall not be granted based strictly on financial hardship.

(3) A waiver is determined by the strict interpretation and enforcement of the rules and regulations upon a given piece of property to be subdivided.

(B) Procedures.

(1) No waiver shall be granted except upon written petition by the applicant when the application is filed. The petition shall state fully the grounds for the waiver and all the facts upon which the petition is made.

(2) In granting the waiver, the Planning Commission shall prescribe any conditions that it deems necessary to or desirable in the public interest.

(3) In considering the petition for a waiver, the Planning Commission shall take into account the nature of the proposed use of land involved, existing uses of land in the area, proximity to public utilities, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such waiver upon traffic conditions and upon the public health, safety and general welfare in the vicinity.

(4) The findings of the Planning Commission, together with the specific facts upon which findings are based, shall be incorporated into the official minutes of the Planning Commission meetings at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of these regulations.

(5) No waiver shall be granted unless the **Planning Commission finds all of the following:**

(a) ***That there are special circumstances or conditions affecting the land involved such that the strict application of the provision of these regulations would deprive the applicant of the reasonable use of this land.***

Staff's Response: Having access to a private drive is not a unique or special circumstance or condition affecting only this site.

(b) ***That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant.***

Staff's Response: The applicant has not submitted engineering information to determine if the downstream pipe system and private detention system have the capacity needed for the proposed increase. It is unknown if detention is needed onsite because of the lack of submittal by the project engineer. If detention is needed, there are options other than above-ground detention that can be considered.

(c) ***That the granting of the waiver will not be detrimental to the public health, safety and welfare or injurious to other property in the area.***

Staff's Response: It is unknown if the waiver will be detrimental to the public health, safety, and welfare or injurious to other property in the area as the engineering information has not been presented.

(d) ***That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accord with the provision of these regulations."***

Staff's Response: To allow runoff to increase to a private detention system that may or may not have the capacity to handle the additional runoff, and to allow an increase of runoff without determining if the downstream pipe system has capacity in an area where there are known flooding issues, has the potential to impact future development patterns.

STAFF RECOMMENDATION: WAIVER

Staff recommends denial of the waiver. It is possible that with more engineering information, a waiver will not be needed. More information is needed to ensure that the neighboring properties are not negatively impacted.

STAFF RECOMMENDATION: PRELIMINARY LARGE-SCALE DEVELOPMENT

While there is unknown information that may impact the drainage design, staff is recommending approval of the Preliminary Large-Scale Development for the Taco Bell project. It is recommended that the project be approved with the following conditions:

CONDITIONS RECOMMENDED FOR APPROVAL:

1. It is the applicant's responsibility to coordinate any additional utility easements or connections as needed to service their property.
2. The SWPPP shall be completed and posted on site prior to construction.
3. A striped fire lane is required to be added near the hydrant.
4. All interior drives shall meet the required compaction rating to support emergency vehicles.
5. A knox box is required to be placed.
6. Correct all remaining items on the "Plat Requirement Worksheet" prior to Construction Plan approval.
 - a. Add all required signature blocks for Preliminary plans. Chapter 152.116
 - b. Provide additional information on the signage. A separate sign permit will be required and shall conform to Chapter 153.180.
 - c. Update the parking note. There appear to be 22 regular spaces and 2 ADA spaces for a total of 24 spaces.
 - d. Per discussion with the City, it is preferred that the sidewalk match the adjacent property and not be expanded for the trail section at this time. No waiver is required for this as it is a request by the city.
 - e. Highway 412 is mislabeled as Highway 421 on the plans.
7. Show that the downstream pipe system has the capacity for additional flow or the developer shall be responsible for providing detention facilities onsite.
8. An ARDOT permit is required. Provide copies of information submitted to ARDOT to the city for information purposes.
9. Information shall be required to determine if the private detention system to the south has adequate capacity for additional flow, or the developer shall be responsible for providing detention facilities onsite.
10. If there is adequate capacity in the private detention system, the owner of the detention system must consent to allow any proposed increase in flow, or the developer shall be responsible for providing detention facilities onsite.
11. Updated plans showing proposed underground detention were submitted on Friday, 8/21/20, but no additional information has been provided with this plan. A revised Drainage Report shall be required.
12. All remaining comments from the City Engineer shall be addressed prior to Construction Plan approval.
13. The applicant shall apply for all required permits prior to construction.
14. All signs shall be permitted separately.



August 19 2020

Ms. Renee Biby
City of Tontitown
235 East Henri De Tonti Blvd.
Springdale, AR 72762

RE: **Waiver for drainage ordinance requirement**

Dear Renee,

Taco Bell, TMG and staff of Weihe Engineers would like to present you with a letter for the waiver request for the stormwater discharge onto the rear private drive.

Taco Bell is proposing a new store located at 1119 E Henri De Tonti Boulevard in Tontitown located next to the existing McDonald's. We are requesting a waiver to release 2,000 square feet of hard surface area to the existing roadway and drain into the existing storm system. With our site not part of Phase II master planning and pond design we ask for relief to discharge due to elevation from rear to front. The property line is to the Centerline of the road and no R/W is provided, except a 25' access easement to the back of the curb. With the roadway crowned, road runoff would occur if the site drained directly into the Taco Bell site taking on much more stormwater runoff then releasing into the existing system as proposed

. § 152.117 WAIVER.

The applicant may request the Planning Commission waive any of the foregoing requirements. The Planning Commission may do this when, in their discretion, any such requirement is not necessary due to the nature of the proposed subdivision or large scale development. Such request for waiver must be documented in writing and sent to the Planning Commission. A pre-application conference can be arranged and is encouraged to review the proposed project requirements.

Please let Weihe Engineers if there is anything else needed to allow this Waiver to be granted.

Sincerely,

Bill Terry
Senior Project Manager, Commercial Development

City Engineer Comments 8.17.20

Taco Bell - Tontitown, AR

HYDROLOGY & HYDRAULIC ANALYSIS AND REPORT

PROFESSIONAL CERTIFICATION



8/13/2020

James K. Shinneman, P.E.
AR Registration No. 15760

**Modify paragraph
to meet
requirement**

The following report and accompanying computations have been
under my direct supervision.

— 25 ADD THE FOLLOWING PARAGRAPH TO THE DRAINAGE LETTER.

"I, _____, Registered Professional Engineer No. _____ in the State of Arkansas, hereby certify that the drainage studies, reports, calculations, designs, and specifications contained in this report have been prepared in accordance with the requirements of the City of Tontitown. Further, I hereby acknowledge that the review of the drainage studies, reports, calculations, designs, and specifications by the City of Tontitown, its consultants, or its representatives cannot and does not relieve me from any professional responsibility or liability."

Signed & Sealed by Professional Engineer

This is a privately owned storm system and not City owned. Please provide written permission from owner of system that increasing flow to this system is acceptable and provide analysis that downstream pipes and detention pond have capacity for this additional flow. Drainage report for this downstream development was previously provided. Or alternatively, provide detention to reduce flow to pre-development levels before being discharged into system.

Stormwater Technical Report
Prepared For:
TMG Construction Management
Taco Bell - Tontitown, AR
Project #W200128STL

TMG Construction Management is proposing to build a Taco Bell restaurant on a 0.95 acre parcel located near the intersection of Kevin Ln. and E Henri De Tonti Blvd / US Highway 412 in Tontitown, AR. The Taco Bell development will include the restaurant building, paved parking areas and access drives. The proposed construction is on a site at a Latitude of N 36° 10' 32" and Longitude W 94° 12' 60" in Washington County, Arkansas.

Stormwater Design:

The subject parcel is currently vacant with mostly grass cover. Under the existing conditions, nearly all of the site stormwater runoff sheet-drains to the north entering into the right-of-way of US 412 where it enters the ARDOT storm system through an 18" RCP at the northwest corner of the site.

The proposed site has been divided into 3 sub-basins based on the proposed grading. The North-East sub-basin will drain into a curb inlet that is part of the ARDOT storm system. The North-West sub-basins will drain into the ARDOT storm system through an 18" RCP. The South sub-basin will drain south of the property and enter the city's storm system through a curb inlet. Please refer to **Figure 1**.

Include 25 and 50 year events in analysis.

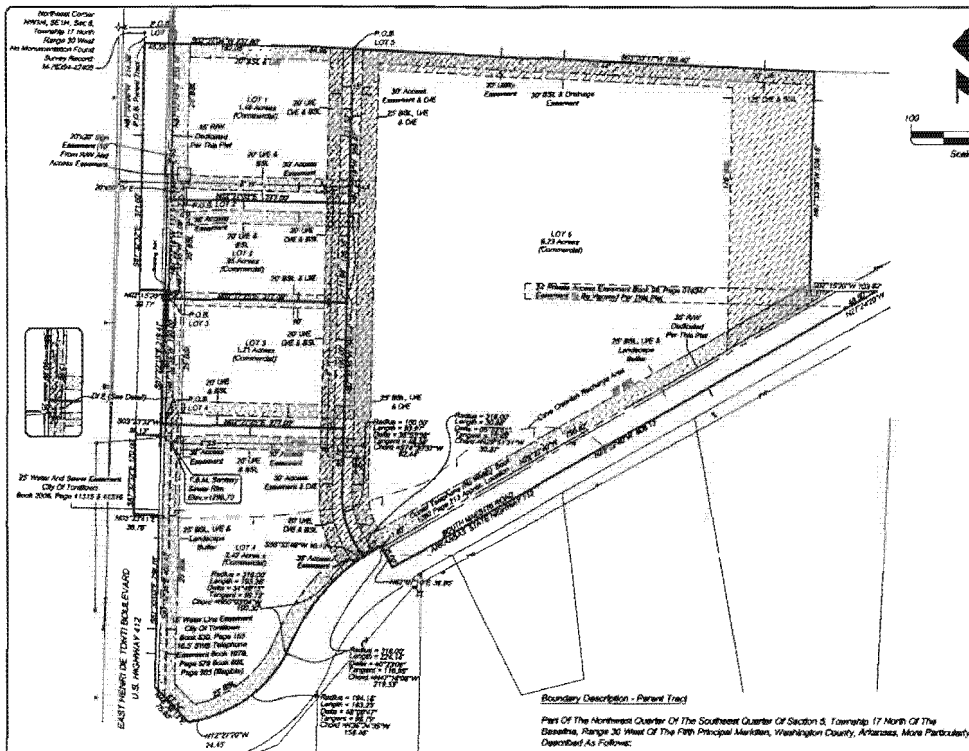
Storm water runoff from the existing site and rainwater runoff from the proposed development shall be calculated using the rational method calculation sheet has been included with this report and is summarized below.

13. DESIGN STORM DESIGNATED BY Q 2-, 10-, 25-, 50-, and/or 100-year and design flow rate for each culvert, inlet design, open channel, or other drainage structures. Design storm designations shall be summarized by tables.

Summary - Change in Runoff from Existing to Proposed

	2yr (CFS)	10yr (CFS)	100yr (CFS)
North East Basin - ARDOT R/W Curb Inlet	+0.95	+1.31	+1.90
pNorth West Basin - ARDOT R/W 18" RCP	+0.12	+0.17	+0.25
Southern Basin - City R/W	+0.43	+0.60	+0.87

Show downstream pipe system has the capacity for this additional flow or provide detention facilities. Note: an ARDOT permit is required and ARDOT is likely to require similar analysis



Legal Description - Lot 1

Part of the Northwest Quarter of the Southwest Quarter of Section 5, Township 17 North, Range 30 West, Washington County, Arkansas. Being more particularly described as follows:

Commencing at the Northwest Corner of said Southwest Quarter of the Southwest Quarter; Thence North 87°32'00" West, 214.58 feet; Thence South 02°27'04" West, 45.55 feet to the Point of Beginning; Thence continuing South 02°27'04" West, 192.05 feet; Thence South 03°31'17" West, 84.98 feet; Thence North 87°32'18" West, 231.52 feet; Thence North 02°27'03" East, 277.00 feet; Thence South 87°32'18" East, 233.18 feet to the Point of Beginning, containing 56,515 square feet, or 1.48 acres, more or less.

Legal Description - Lot 2

Part of the Northwest Quarter of the Southwest Quarter of Section 5, Township 17 North, Range 30 West, Washington County, Arkansas. Being more particularly described as follows:

Commencing at the Northwest Corner of said Southwest Quarter of the Southwest Quarter; Thence North 87°32'00" West, 214.58 feet; Thence South 02°27'04" West, 45.55 feet; Thence North 87°32'18" West, 233.18 feet to the Point of Beginning; Thence South 02°27'03" West, 277.00 feet; Thence North 87°32'18" West, 136.35 feet; Thence North 87°32'35" West, 11.68 feet; Thence North 02°27'25" East, 277.00 feet; Thence South 87°32'35" East, 12.09 feet; Thence South 87°32'18" East, 127.81 feet to the Point of Beginning, containing 41,534 square feet, or 0.95 acres, more or less.

Legal Description - Lot 3

Part of the Northwest Quarter of the Southwest Quarter of Section 5, Township 17 North, Range 30 West, Washington County, Arkansas. Being more particularly described as follows:

Commencing at the Northwest Corner of said Southwest Quarter of the Southwest Quarter; Thence North 87°32'00" West, 214.58 feet; Thence South 02°27'04" West, 45.55 feet; Thence North 87°32'18" West, 233.18 feet to the Point of Beginning; Thence South 02°27'03" West, 277.00 feet; Thence North 87°32'35" West, 12.09 feet to the Point of Beginning; Thence South 02°27'25" West, 277.00 feet; Thence North 87°32'35" West, 100.00 feet; Thence North 02°27'25" East, 277.00 feet; Thence South 87°32'35" East, 12.09 feet to the Point of Beginning, containing 50,830 square feet, or 1.21 acres, more or less.

Legal Description - Lot 4

Part of the Northwest Quarter of the Southwest Quarter of Section 5, Township 17 North, Range 30 West, Washington County, Arkansas. Being more particularly described as follows:

Commencing at the Northwest Corner of said Southwest Quarter of the Southwest Quarter; Thence North 87°32'00" West, 214.58 feet; Thence South 02°27'04" West, 45.55 feet; Thence North 87°32'18" West, 233.18 feet to the Point of Beginning; Thence South 02°27'03" West, 277.00 feet; Thence North 87°32'35" West, 96.78 feet; Thence South 02°27'25" West, 277.00 feet; Thence North 87°32'35" West, 12.09 feet to the Point of Beginning; Thence South 02°27'25" West, 277.00 feet; Thence North 87°32'35" West, 100.00 feet; Thence North 02°27'25" East, 277.00 feet; Thence South 87°32'35" East, 12.09 feet to the Point of Beginning, containing 50,830 square feet, or 1.21 acres, more or less.

Legal Description - Lot 5

Part of the Northwest Quarter of the Southwest Quarter of Section 5, Township 17 North, Range 30 West, Washington County, Arkansas. Being more particularly described as follows:

Commencing at the Northwest Corner of said Southwest Quarter of the Southwest Quarter; Thence North 87°32'00" West, 214.58 feet; Thence South 02°27'04" West, 45.55 feet; Thence North 87°32'18" West, 233.18 feet to the Point of Beginning; Thence South 02°27'03" West, 277.00 feet; Thence North 87°32'35" West, 96.78 feet; Thence South 02°27'25" West, 277.00 feet; Thence North 87°32'35" West, 12.09 feet to the Point of Beginning; Thence South 02°27'25" West, 277.00 feet; Thence North 87°32'35" West, 100.00 feet; Thence North 02°27'25" East, 277.00 feet; Thence South 87°32'35" East, 12.09 feet to the Point of Beginning, containing 50,830 square feet, or 1.21 acres, more or less.

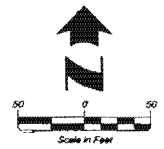
Final Plat

VENEZIA PIAZZA ADDITION

JANUARY 23, 2008

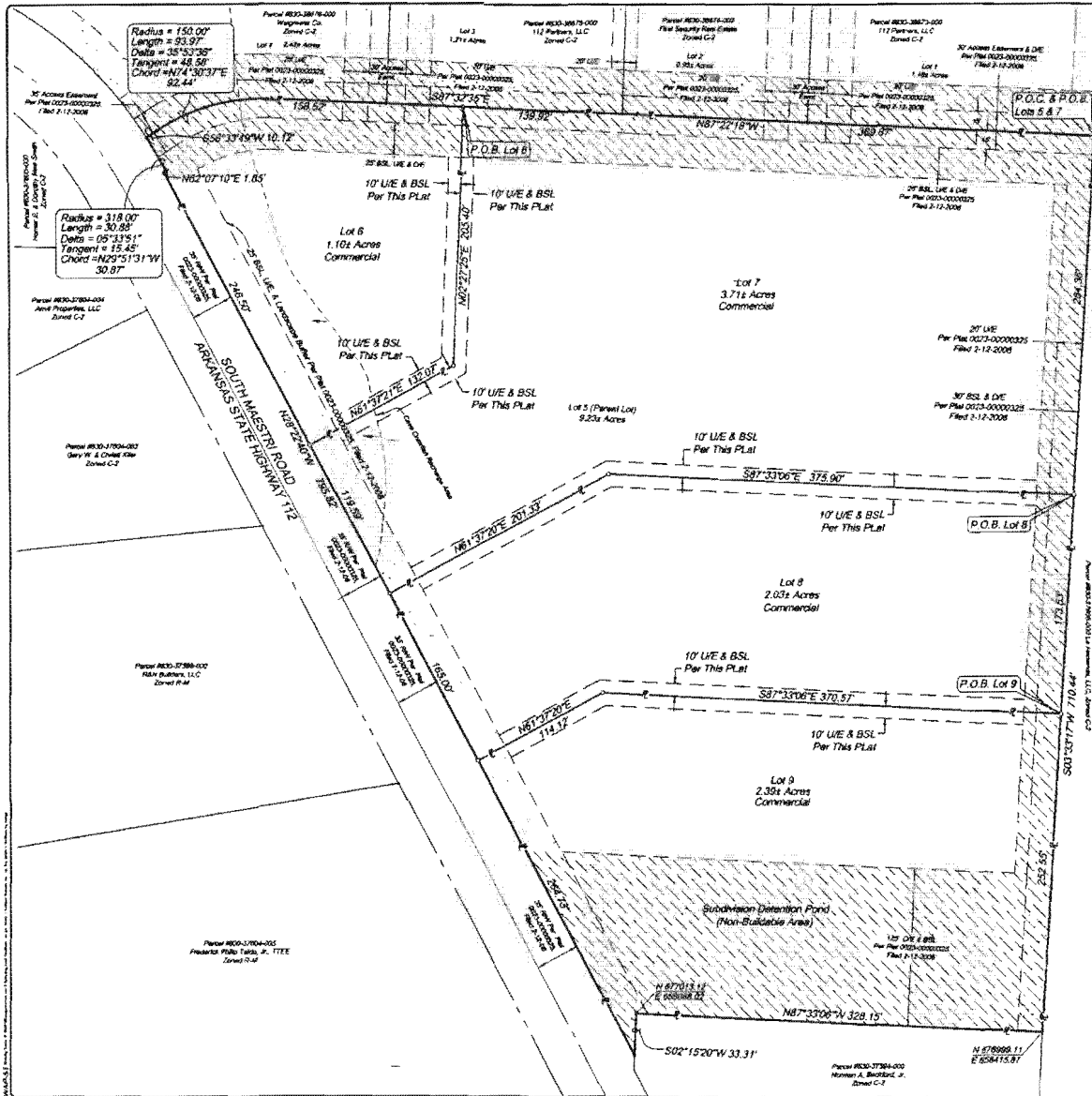
SHEET 2 of 2

136400-R

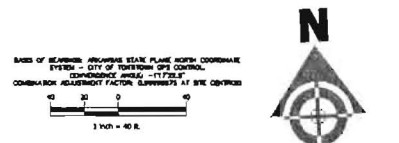
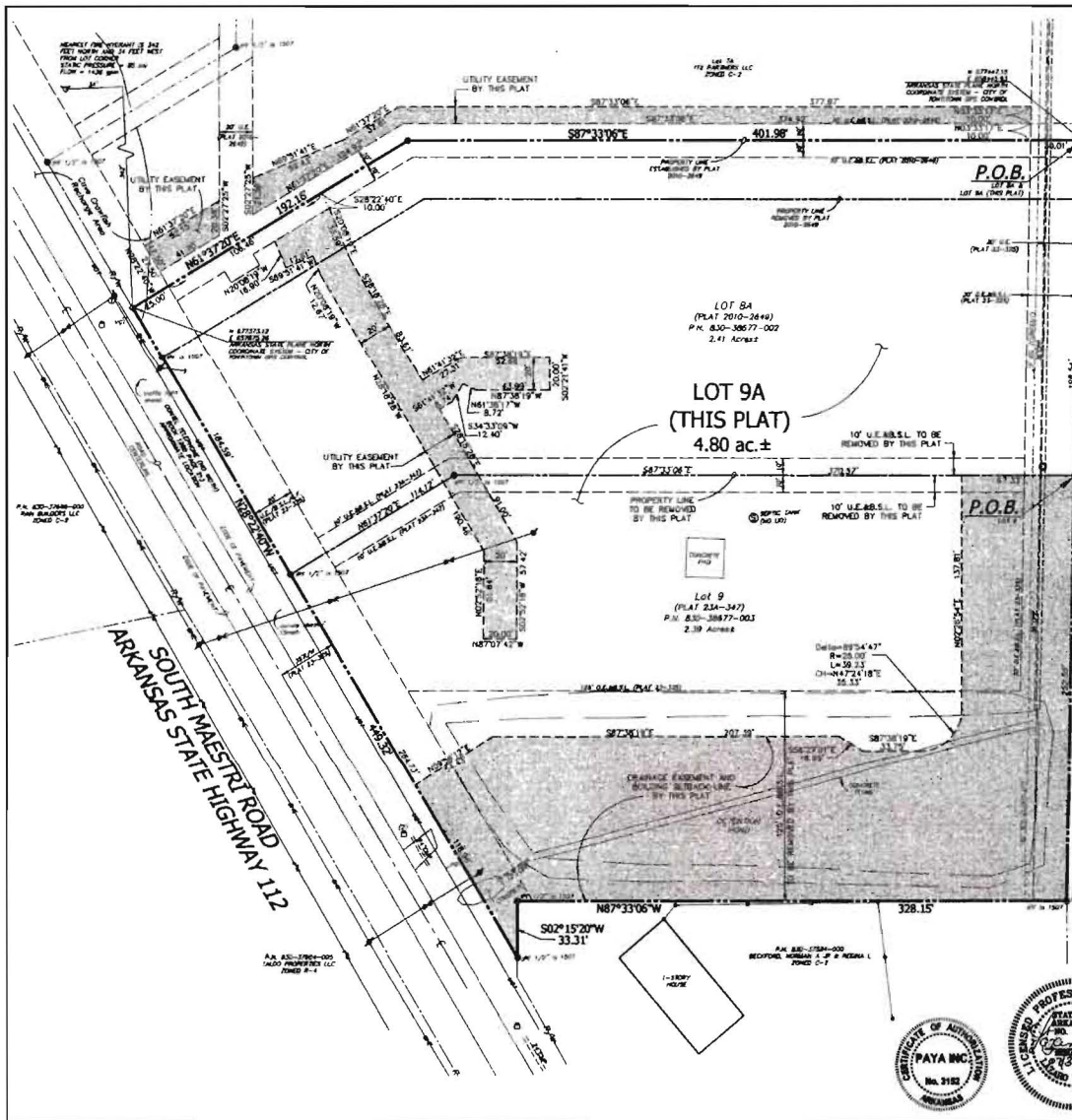


LEGEND	
	Property Line
	Easement
	Right-of-Way
	Found Pacer
	Survey Point
	Utility Easement
	Drainage Easement
	Proposed Utility Easement & Building Setback Line

EASEMENTS	
	Utility Easement
	Drainage Easement
	Access Easement



LOT SPLIT OF LOT 5	
VENEZIA PIAZZA ADDITION, LOTS 6-9	
July 23, 2008	Sheet 2 of 2



LEGEND:

- IRON PIN FOUND
- IRON PIN SET 1/2" PLS 1380
- BOUNDARY LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- BUILDING SETBACK LINE
- WATER LINE
- OVERHEAD ELECTRIC
- UNDERGROUND TELEPHONE
- CHAIN LINK FENCE
- WIRE METAL FENCE
- UTILITY POST
- SERVICE POLE
- GUY WIRE
- FIRE HYDRANT
- WATER VALVE
- WATER METER
- SEPTIC TANK LID
- MAIL BOX
- SIGN
- DRAINAGE HATCH/STRUCTURE

ABBREVIATIONS:

- B/L BUILDING SETBACK LINE
- E/L EASEMENT
- R/L RIGHT OF WAY

SURVEY DESCRIPTION LOT 9A (THIS PLAT):
 ALL OF LOT 9A AS SHOWN ON A LOT LINE ADJUSTMENT OF VENEZIA PIAZZA ADDITION LOT 7 & 8 RECORDED IN PLAT BOOK 2610 AT PAGE 2649 AND ALL OF LOT 9 AS SHOWN ON A RE-PLAT OF VENEZIA PIAZZA ADDITION LOT 5 RECORDED IN PLAT BOOK 23A AT PAGE 347 ALL IN THE CITY OF TONTOWN, WASHINGTON COUNTY, ARKANSAS ALSO DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NE CORNER OF SAID LOT 8A THENCE S67°32'17"W 46.09 FEET TO AN IRON PIN FOUND THENCE N67°20'07"W 32.15 FEET TO AN IRON PIN FOUND THENCE S67°32'17"W 32.15 FEET TO AN IRON PIN FOUND ON THE EAST RIGHT-OF-WAY LINE OF SOUTH MAESTRI ROAD THENCE ALONG SAID EAST RIGHT-OF-WAY LINE N0°12'47"W 44.15 FEET THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE N67°32'17"W 46.09 FEET THENCE S67°32'17"W 46.09 FEET TO THE POINT OF BEGINNING, CONTAINING 4.80 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

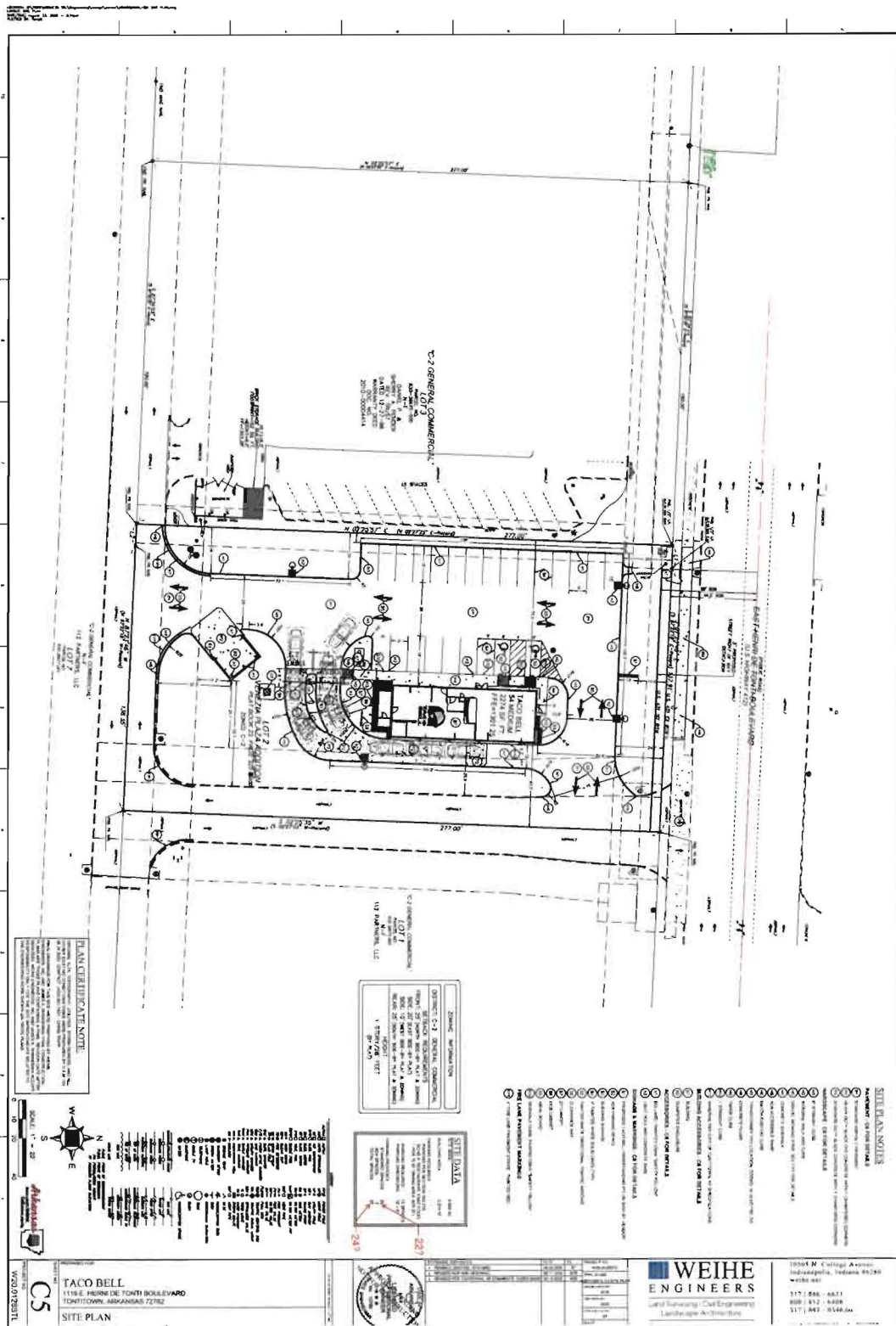
REVISION	DATE	DESCRIPTION
R1	06/19/2017	CITY OF TONTOWN COMMENTS

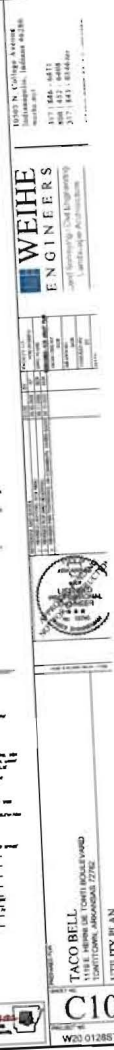
PAYA INC.
 (478) 696-9138
 info@paya-inc.com
 225 BRIGHT ROAD - GAYLE SPRING, AR - 72718

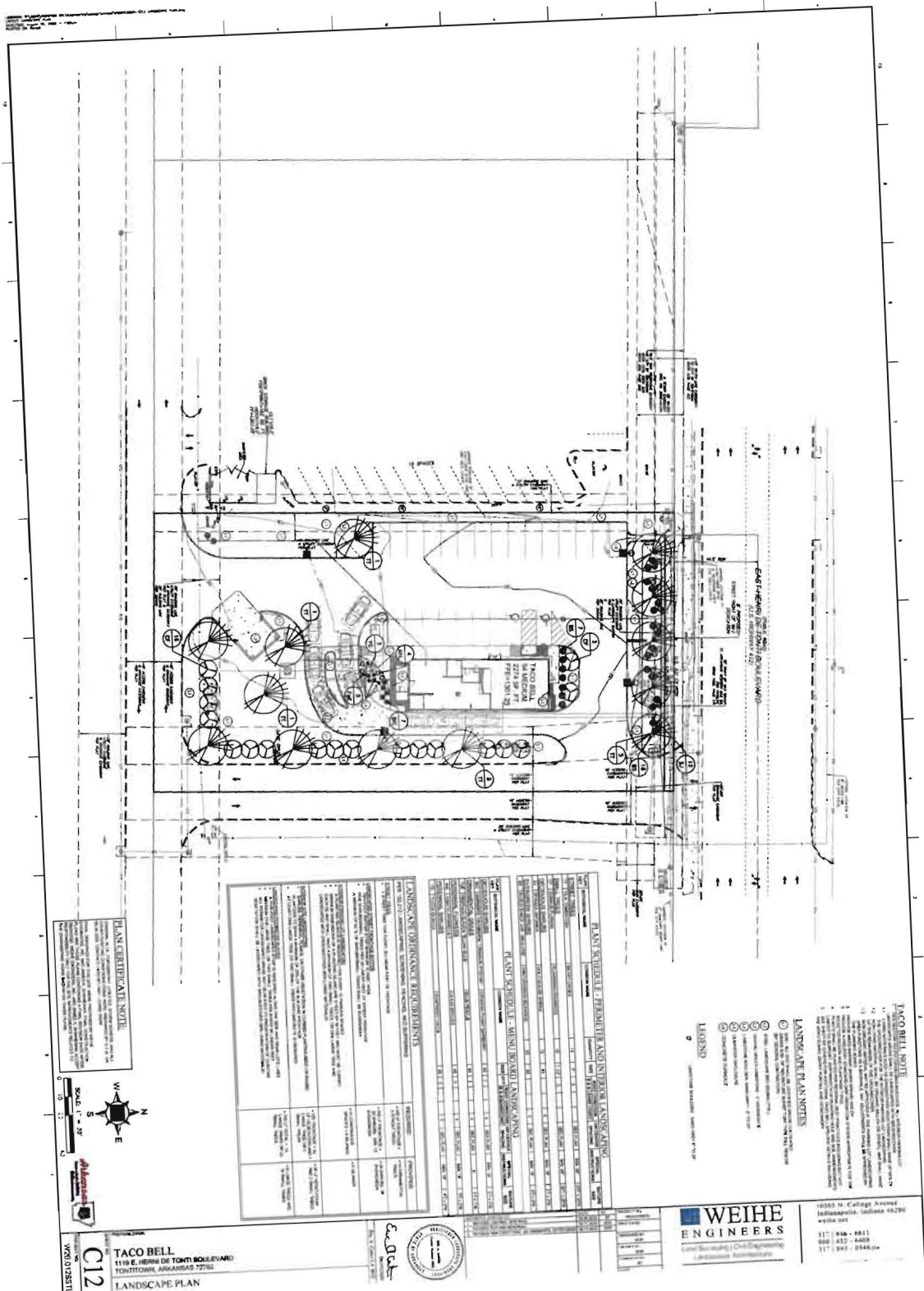
LOT 9A
VENEZIA PIAZZA ADDITION
PROPERTY LINE ADJUSTMENT
 BEING ALL OF LOT 8A AS SHOWN ON PLAT 2010-2649
 AND ALL OF LOT 9 AS SHOWN ON PLAT 23A-347
 CITY OF TONTOWN, WASHINGTON COUNTY, ARKANSAS

PREPARED FOR: 112 PARTNERS, LLC
 DRAWN BY: LP SCALE: 1" = 40' DATE: May 6, 2017
 REVISED: LP DWG: 17011_PLA SHEET: 2 OF 2











STREET ELEVATIONS - day-to-night



FRONT ELEVATION - DRIVE THRU



FRONT ELEVATION - ENTRY

drawing dept
317 Madison Rd Cincinnati Ohio 45209
513.772.8699 | www.drawingdept.com



1/18/18

REVISION	27.8.17.18
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3	
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6	
7	
8	
9	
10	

DATE	10.03
DESIGNED BY	JPM
PLANNED BY	MANCH
DATE REVISION	10.14.17
DATE REVISION	10.14.17
DATE REVISION	10.14.17

TACO BELL
11718 L. HENRIETTA DRIVE, CINCINNATI, OHIO 45241



EXTERIOR
RENDERINGS
A4.2