



CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **May 23, 2023**
Project: **Pam Transportation LSD - Waiver**
Planner: Kevin M. Gambrill, Garver

PLANNING COMMISSION AGENDA ITEM

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PAM TRUCKING – WAIVER REQUEST

297 W. Henri de Tonti Blvd. (Hwy. 412)
- at western terminus of W. Washington Ave. -
Parcel #: 830-37528-000; 830-37526-000; 830-37521-000

SUMMARY:

Applicant is requesting a waiver from the City Drainage Manual to waive the requirement to install overflow weirs on flat side slopes of detention facilities with pond depths of 3' or less. This waiver is in association with a previously submitted LSD to construct a 56,000 sf.+/- parking lot expansion on the 4.26-acre site.

CURRENT ZONING: C2 – General Commercial (use is permitted by right).

CITY WARD: 3 – Mike Washkowiak, Tim Burress

FLOODPLAIN: No

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

Water: Tontitown Water - existing 8" waterline

Electric: Carroll Electric

Sewer/Septic: Tontitown Sewer - existing 8" sanitary line

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

School District: Springdale

PROJECT SYNOPSIS:

Applicant is requesting a waiver from the City Drainage Manual in association with a previously submitted LSD to construct a 56,000 sf.+/- parking lot expansion on the 4.26-acre site. The parking lot is being proposed to support the existing business operations for the property owners (Pam Transportation). The parking lot would be constructed at the rear of an existing parking lot and would be accessed from two locations; that being the western terminus of West Washington Ave., as well as from an existing ingress/egress point along the western side of the business's frontage with Hwy. 412. Since initial plan review and approval by the Planning Commission, City Engineering has found that the proposed stormwater plans will require a Waiver from the City's adopted Drainage Manual. Specifically, the applicant is requesting a waiver from the Drainage Manual, to waive the requirement to install overflow weirs on flat side slopes of detention facilities with pond depths of 3' or less.

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.

(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.*

Applicant's Letter: There are two detention ponds, proposed onsite. The slopes on the detention ponds are 8:1, which is really flat. Most detention ponds are 3:1 slopes. The ponds are located uphill of the impervious areas (over-detention being used) and the outlet structures discharge to paved parking areas.

Staff's Response: A pond overflow weir is not necessary in this case because existing drainage patterns would convey overflow runoff in the same direction as intended by the primary outlet structure, in the event of primary outlet clogging.

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

Applicant's Letter: Installing overflow weirs on flat side slopes with pond depths of 3' or less is not necessary in this case.

Staff's Response: The intent of the applicant's design appears to be to reduce the visibility of the pond. An overflow weir could impact this design intent.

(b) *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.*

Applicant's Letter: Installing overflow weirs on flat side slopes with pond depths of 3' or less is not necessary in this case.

Staff's Response: The City Engineer has expressed that the stormwater flow should drain towards the parking lot and Washington Avenue in the event those flows overtop, and in those instances, the primary outlet structure would drain toward those same areas. Therefore, this waiver should not be detrimental to the public health, safety, welfare, or injurious to other property in the area.

(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.

Applicant's Letter: As stated above, the ponds, are built shallow with very flat side slopes. The ponds were designed to be more like a depression, so they blend in with the surrounding lawns and are easily maintained.

Staff's Response: Granting this waiver will not prevent the orderly subdivision or development of other land in the area. Overflow weirs exist in case the primary outlet structure becomes clogged to direct the flow of the runoff. As the runoff will overflow in the intended direction, this weir is not critical.

STAFF RECOMMENDATION:

Staff recommends approval to waive the requirement to install overflow weirs on flat side slopes of detention facilities with pond depths of 3' or less.

STAFF RECOMMENDATION:

Approval of the requested Waiver with conditions.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. All remaining comments from the City Engineer shall be addressed prior to Construction Plan approval.
2. The SWPPP shall be completed and posted on site prior to construction.

PROCESS NOTES:

1. The applicant shall apply for all required permits prior to construction.
2. All required fees and invoices shall be paid.

Site location:

