

**MINUTES  
WASHINGTON COUNTY PLANNING BOARD  
&  
ZONING BOARD OF ADJUSTMENTS**

**Oct 06, 2016**

5:00 pm, Quorum Court Room, New Court House  
280 N. College Ave.  
Fayetteville, Arkansas 72701

DEVELOPMENTS REVIEWED:

*ACTION TAKEN:*

**LAND DEVELOPMENT HEARINGS**

Goshen Planning Area

**a: Rose Minor Subdivision**

**Approved**

County

**b: Replat Pt Lot 113 Wedington Woods (Unit 1) SD**

**(To be tabled at the request of the applicant)**

**Tabled**

**CONDITIONAL USE PERMIT HEARINGS**

County

**c: White River Landing CUP**

**Tabled**

Fayetteville

**d: Huntsville Road Storage CUP**

**(To be tabled at the request of the applicant)**

**Tabled**

**LAND DEVELOPMENT HEARINGS**

Fayetteville

**e: Huntsville Road Storage LSD**

**(To be tabled at the request of the applicant)**

**Tabled**

**CONDITIONAL USE PERMIT HEARINGS**

County

**f. Meadows at River Mist CUP**

**(To be tabled at the applicant's request)**

**Tabled**

**LAND DEVELOPMENT HEARINGS**

County

**g. Meadows at River Mist Subdivision**

**(To be tabled at the applicant's request)**

**Tabled**

**1. ROLL CALL:**

*Roll call was taken. Members present include Robert Daugherty, Daryl Yerton, Randy Laney, Chuck Browning, and Kenley Haley. Cheryl West and Walter Jennings were not present.*

**2. APPROVAL OF MINUTES:** *Daryl Yerton made a motion to approve the minutes of Sept 08, 2016.*

*Kenley Haley seconded. All board members were in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA: *Chuck Browning made a motion to approve the agenda. Kenley Haley seconded. All board members were in favor of approving. Motion passed.*

4. NEW BUSINESS

**LAND DEVELOPMENT HEARINGS**

**County**

**a. Rose Minor Subdivision**

***Preliminary Subdivision Approval Request***

Location: Section 26, Township 16 North, Range 32 West

Owners: Tom Sims, Trade Mark Homes, LLC

Surveyor: Satterfield Land Surveyors

Location Address: Rose Cemetery Road

Approximately 6.54 acres/4 lots. Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.03983023, Longitude: -94.34855196

**Project #: 2016-279 Planner: Nathan Crouch email: [NCrouch@co.washington.ar.us](mailto:NCrouch@co.washington.ar.us)**

**REQUEST:** The applicant is requesting Preliminary and Final Minor Subdivision approval of Rose Subdivision to create a subdivision with 4 single family residential lots on a parcel approximately 6.54 acres in size.

**CURRENT ZONING:** Project lies within Washington County's Zoned area (Agricultural/Single-Family Residential 1 unit per acre). All residential lots are at least one acre in size and this proposal is in compliance with Washington County Zoning, so no Conditional Use Permit is required.

**PLANNING AREA:** This project is not located within a Planning Area; it is located solely within the County's jurisdiction.

**QUORUM COURT DISTRICT:** District 7, Rick Cochran.

**FIRE SERVICE AREA:** **Prairie Grove Rural-** no comments were received from Prairie Grove Fire Department.

**SCHOOL DISTRICT:** Prairie Grove School District

**INFRASTRUCTURE:** **Water-** Washington Water Authority **Electric-** Ozarks Electric  
**Natural Gas-** N/A **Telephone-** Prairie Grove Telephone **Cable-** N/A

**BACKGROUND/ PROJECT SYNOPSIS:**

The applicant for this project is Tom Sims, of Trademark Homes. The surveyor is Satterfield Land Surveyors.

This Minor Subdivision proposal is to create a minor subdivision with 4 residential lots, totaling 6.54 acres in size (**See Vicinity Map, Site Map, and Plat attachments, pages A-6 – A-8**). The subject property is located west of Farmington, off Rose Cemetery Road, WC-615.

**The project proposal includes parcel 001-12967-004. It is currently an empty lot with no existing structures.**

## **TECHNICAL CONCERNS:**

### **Septic**

According to a Designated Representative of the Arkansas Health Department, "the soil is suitable for any Standard Septic system. All lots are sized for 3-Bedroom House."

### **Utilities**

This property is serviced by Ozarks Electric, Prairie Grove Telephone, and Washington Water Authority. Generally any damage or relocation of utilities will be at cost to the developer.

### **Ozarks Electric General Comments:**

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed the subdivision will be at full cost to the developer.
2. All lot corners must be marked with stakes clearly identifying the lot number and all utility easement widths and road crossing requirements will be defined on the plat before Ozarks will begin construction.
3. All off site easements that are needed for Ozarks to extend electrical service to the subdivision property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. All conduits placed for the road crossings will be installed by the developer and must be 4 inch schedule 40 conduits at 48 inch in depth at final grade and marked with a post to identify the end of conduits. Conduits must extend past the edge of any obstructions so that they are accessible during construction. The number of conduits at the crossing will be determined by each utility provider that will be using the conduits at the road crossing. (Bare minimum of 4 Pipes Designated to Ozark Electric)
5. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat. All conduits for road crossings and specific widths of U.E. must be shown on final plat before Ozarks Electric will sign the final plat.
6. Subdivisions will be built using Ozarks Electric Policy 45 (Developer is responsible for a percentage of the total cost of construction which is determined at the time the engineering design for electrical service) There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
7. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
8. Please contact Ozarks Electric when construction begins on subdivision and again when construction is within three months of completion.  
Wes Mahaffey At (479)263-2167 Or [wmahaffey@ozarksecc.com](mailto:wmahaffey@ozarksecc.com)

### **Ozarks Electric – Additional Comments:**

Ozarks will need a 30ft. U.E. along overhead line, or start work order to pay to move line.

### **-U.E. now shown on plat.**

### **Washington Water Authority**

1. The existing water main is only a 4" water line. The existing water main will not provide fire flow requirements.
2. Four lots can be serviced adequately for the Rose Minor Subdivision without water main extension or upgrade requirements.
3. 911 addresses need to be put on the final plat.
4. A copy of the final plat with addresses must be given to WWA in hard copy and pdf file. For use for customer service issues.
5. Final plats that need WWA signatures must be dropped off at the office and WWA will sign them as available, and then will contact the engineer/surveyor when they are ready to be picked up. Signatures could take a few days to complete depending on work load.
6. No hydrants will be set on the existing water main.
7. However many water taps are allowed by WWA, they will all have to be paid by the developer at one time and installed at one time.

**Fire**

The Washington County Fire Marshal’s office does not typically review Minor Subdivision requests. However, the County Fire Marshal commented that Tanker support will be utilized. Responding fire departments are Prairie Grove, Lincoln, and Farmington.

**Addressing**

A note must be added that lots over one-half acre will be addressed when the home location is known.

**Environmental**

No stormwater permit is required by Washington County at this time; however, applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality. [www.adeq.state.ar.us](http://www.adeq.state.ar.us)

**Road Department**

A site visit conducted by Planning Staff and Brad Phillips, County Road Dept Asst Superintendent. No issues were noted at that time.

**Drainage**

The County Contract Engineer doesn’t typically review Minor Subdivision proposals. However, as this proposal was changed from Preliminary Subdivision to Preliminary & Final Minor Subdivision after the Engineer reviewed the proposal, it should be noted that the engineer commented that “if driveway culverts are needed the roadside ditches may need to be regraded to allow positive drainage.”

**NEIGHBOR COMMENTS:**

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project.

At the time of this report, staff has received no comments. **Staff will update the Planning Board at the meeting if any comments are received.**

**CHECKLIST:**

\*Please note that if an item is marked inadequate, staff will usually recommend tabling or denial of a project.

<b>Important Information Checklist</b>			
	Inadequate	Acceptable	Complete
City/Planning Area Issues			✓
Planning Issues/Engineering Issues			✓
Road Issues			✓
Fire Code Issues			✓
Utility Issues			✓
Health Department Issues			✓
Other Important Issues			✓
<b>General Plat Checklist</b>			
	Inadequate	Acceptable	Complete
General Information			✓
Existing Conditions			✓
Proposed Improvements			✓
Info to supplement plat			✓

**STAFF RECOMMENDATION:**

**Staff recommends approval of Rose Subdivision Preliminary Plat with the following conditions:**

**Utility Conditions:**

1. Generally any damage or relocation of utilities will be at cost to the developer.

**Ozarks Electric:**

**General:**

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed the subdivision will be at full cost to the developer.
2. All lot corners must be marked with lot numbers clearly written on the stakes before construction will begin.
3. All off site easements that are needed for Ozarks to extend electrical service to the subdivision property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. All conduits placed at road crossings will be installed by the developer and must be 4 inch schedule 40 conduits at 48 inch in depth at final grade and marked with a post to identify the end of conduits. Conduits must extend past the edge of any obstructions so that they are accessible during construction. The number of conduits at the crossing will be determined by each utility provider that will be using the conduits at the road crossing.
5. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat. All conduits for road crossings and specific widths of U.E. must be shown on final plat before Ozarks Electric will sign the final plat.
6. Subdivisions will be built using Ozarks Electric Policy 45 (Developer is responsible for a percentage of the total cost of construction which is determined at the time the engineering design for electrical service). There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
7. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
8. Please contact Ozarks Electric when construction begins on subdivision and again when construction is within three months of completion.

Wes Mahaffey at (479) 263-2167, or [wmahaffey@ozarksecc.com](mailto:wmahaffey@ozarksecc.com)

**Additional:**

1. Ozarks will need a 30ft U.E. along the overhead line. Or start a work order to pay to move line.  
**-UE now shown on plat.**

**Washington Water Authority:**

1. The existing water main is only a 4" water line. The existing water main will not provide fire flow requirements.
2. Four lots can be serviced adequately for the Rose Minor Subdivision without water main extension or upgrade requirements.
3. 911 addresses need to be put on the final plat.
4. A copy of the final plat with addresses must be given to WWA in hard copy and pdf file. For use for customer service issues.
5. Final plats that need WWA signatures must be dropped off at the office and WWA will sign them as available, and then will contact the engineer/surveyor when they are ready to be picked up. Signatures could take a few days to complete depending on work load.
6. No hydrants will be set on the existing water main.
7. However many water taps are allowed by WWA, they will all have to be paid by the developer at one time and installed at one time.

**Washington County Road Department Conditions:**

- 1. 30ft of Right-of-Way must be dedicated on your side of the road.  
-Shown on current plat.

**Standard Conditions:**

- 1. Pay neighbor notification mailing fees (\$27.44) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 9/28/16).
- 2. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
- 3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
- 4. Lots that are over one-half acre in size will need to be addressed after the home location is known.
- 5. All general plat checklist items must be corrected.
- 6. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
- 7. Have all signature blocks signed on 11 Final Plats - 2 for filing in the Circuit Clerk's office, 7 for the County Planning office, remainder for the developer. *The Circuit Clerk is not accepting plats over 18" x 24" in size.*

*Washington County Planner, Nathan Crouch, presented the staff report for the board members.*

*No Public comments.*

*Public Comments Closed.*

*Daryl Yerton made a motion to approve the **Rose Minor Subdivision** subject to staff recommendations. Chuck Browning seconded. Cheryl West and Walter Jennings were not present. Board Members Daryl Yerton, Robert Daugherty, Chuck Browning, Randy Laney, and Kenley Haley were in favor of approving. Motion passed.*

**County**

**b. Replat PT Lot 113 Wedington Woods (Unit 1) SD** *(To be Tabled at the Request of the Applicant)*

***Preliminary and Final Minor Subdivision Replat Approval Request***

Location: Section 08, Township 16 North, Range 31 West

Owners: Jonathan Green

Surveyor: Blew & Associates

Location Address: 13735/13741 Redbud Drive

Approximately 22.70 acres/ 2 lots. Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.08666014, Longitude: -94.29352910

**Project #: 2016-324 Planner: Nathan Crouch email: [NCrouch@co.washington.ar.us](mailto:NCrouch@co.washington.ar.us)**

*Chuck Browning made a motion to approve the agenda. Kenley Haley seconded. All board members were in favor of approving. Motion passed.*

**CONDITIONAL USE PERMIT HEARING**

**County**

**c. White River Landing CUP**

***Conditional Use Permit Request***

Location: Section 09, Township 15 North, Range 30 West  
Owner: Terry Presley  
Applicant: Terry Presley  
Location Address: 5241 Shaeffer Rd  
Approximately 7.24 acres Proposed Land Use: Wedding Barn/ Event Center  
Coordinates: Latitude: 35.98965276, Longitude: -94.16338163  
Project #: 2016-277 Planner: Nathan Crouch email: [NCrouch@co.washington.ar.us](mailto:NCrouch@co.washington.ar.us)

**REQUEST:** Conditional Use Permit approval to allow a wedding/event center on a parcel of land that is 8.0 acres in size.

**CURRENT ZONING:** Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre).

**PLANNING AREA:** This project is located within Greenland's planning area. Staff has not received any comments from Greenland to date.

**QUORUM COURT DISTRICT:** District 14, Ann Harbison Fork Rural      **FIRE SERVICE AREA:** West  
**SCHOOL DISTRICT:** Greenland

**INFRASTRUCTURE:** **Water-** Fayetteville Water      **Electric-** SWEPCO      **Natural Gas-** Black Hills      **Telephone-** AT&T      **Cable-** Cox

**BACKGROUND/ PROJECT SYNOPSIS:**

The owner/applicant of this property is Terry Presley. The property is located east of Greenland off Shaeffer Road WC # 69 (see Vicinity map, page C-6, and Site map, page C-7).

This CUP request is to allow a wedding/event center on a property that is approximately 8.0 acres in size, and currently zoned for Agricultural and Single Family Residential uses. This project does not require formal approval by the City of Greenland as the applicants are not proposing a split, but the County will receive the City's comments and consider possible conditions via the CUP process.

Any alcoholic beverages will be catered by persons using the facilities, not by the owner.

Please see the applicant's detailed letter of explanation (See attached Letter of Explanation, page C-10).

**The main issue with this project is compatibility with surrounding uses.**

**TECHNICAL CONCERNS:**

**Water/Plumbing:**

Fayetteville Water services the property. A water easement was established in 2005, providing access for the service line from the house to the water main (see water easement attachment, page C-11 – C-12). Corey Granderson, of Fayetteville Water, commented that "water use demand and meter sizing should be coordinated with City of Fayetteville Water Department to ensure serviceability.

**Fire Issues:**

The entry to the development onto Shaeffer Rd is 65ft north of the existing residential driveway, and 26ft wide. The fire lane (see Site Plan attachment, page C-13) must be 24ft wide at minimum and constructed with gravel compacted to support 75,000 lbs in all weather conditions.

The fire lane loops around the portion of the property east of the existing shop building, with 51 parking spaces, and an additional 3 handicapped parking spaces at the front of the building. The fire lane must be kept clear of parked cars, etc., and all turning radii must be no less than 38ft. to accommodate the larger tankers that would respond should a fire emergency take place. If overflow parking is needed, it will be located between the fire lane entry and the residential driveway, just to the east of the pond.

The proposed floorplan includes a covered patio area on the south and west sides of the building. No tables or chairs may be used in this space. No cooking, or grilling, may take place anywhere within 20' of the roof line. A separate covered grilling area is proposed to the south of the southwest corner of the building, and a smoking area just to the west of that.

The nearest fire hydrant is approximately 1.5 miles to the south, in the Homestead Addition subdivision. The hydrant has a fire flow of 1,272 gpm, considered adequate by the fire marshal, in regard to use as a fill hydrant for tanker support.

Based on the floor plan provided by the applicant (see Floor Plan attachment, page C-14), the bldg. will be approx. 5,970 sq ft after the renovations, with 4,069 sq ft. enclosed, and 1900 sq ft open sided (covered patio). The fire marshal has classified the bldg., including the proposed improvements, an A2, which does not require a fire suppression (fire sprinkler) system, and has a maximum occupancy load of 100 people. The maximum occupancy must be posted inside the bldg. All fire exits must be marked with signs, lights, and fire extinguishers must be placed according to state fire code.

Architect's plans are required at Preliminary Large Scale Development if the CUP is approved. The architect may have additional requirements.

**Septic:**

The existing home utilizes an existing individual septic system. Its condition is unknown, as the DR did not check the system. The existing home will not be used as part of the proposed Commercial use. The building associated with the CUP proposes to utilize an individual septic system as well. The system has been designed, and the permit was approved by the Arkansas Department of Health on 8/31/2016. It appears adequate for the proposed use.

**Electric/Gas/Cable/Phone:**

Ozarks Electric provided general comments.

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. Please contact Ozarks Electric if you have any questions.  
Wes Mahaffey at (479)263-2167 or [wmahaffey@ozarksecc.com](mailto:wmahaffey@ozarksecc.com)

Black Hills Gas, Cox Communications, and AT&T provided no comments.

**Roads/Sight Visibility/Ingress-Egress/Parking:**

This CUP proposal site takes access off Shaeffer Road, WC-69.

Adequate sight distance at the proposed driveway was initially of concern to staff. The posted speed limit on Shaeffer Rd is 25mph, which has a 280ft requirement of clear, unobstructed sight distance. The survey provided by Cagle & Associates (see Survey attachment, page C-15) shows 291ft of sight distance to the north, and in excess of 475ft to the south. Staff feels the sight distance was achieved due to the applicant clearing some vegetation from the northeast corner of the property. An ongoing condition of approval will



be to keep that portion of the property clear of sight obstructing vegetation in the future, especially during commercial operation, if approved. (This was also evaluated in the Traffic Study and found to be adequate.)

Additionally, Matt Mihalevich, the City of Fayetteville's Trail Coordinator, submitted the Northwest Arkansas Bike & Pedestrian Plan, adopted by the Regional Planning Commission in Dec. 2015 (see Walk Bike NWA attachment, page C-16). It shows Shaeffer Road as a Proposed Shared Roadway on the paved portion, and a Gravel Grinding Route on the gravel portion, extending north to Lake Wilson.

At last month's meeting, it was stated that Planning Staff, the County Road Superintendent, Charles Ward, the County Road Assistant Superintendent, Brad Phillips, and the County Contract Engineer, Dylan Cobb, all expressed concerns about Shaeffer Road's ability to carry the volume of traffic the proposal calls for. Concerns were in regard to drainage, subgrade, width, ability of the road to support the increase in traffic, private utilities in ditches, relocation of utilities, lack of right-of-way, safety, sight distance, and whether the road should be widened or paved up to the project site. Based on these concerns Planning Staff required the applicant to provide a full traffic study.

The Traffic Study was received Sep. 23<sup>rd</sup>. It was reviewed by Planning, Roads, and County Contract Engineer.

### **TRAFFIC STUDY:**

The Traffic Study was conducted by Peters & Associates Engineers, Inc. An excerpt from the conclusion of the study reads as follows: "With the very low existing and projected traffic volume on Shaeffer road at the site, from a service volume standpoint, the existing roadway in its current condition is adequate to accommodate existing and projected event traffic volumes. From a service volume standpoint, the existing Shaeffer Road is expected to adequately accommodate the expected continued low number of vehicles with the site developed as proposed." (See attached Traffic Study, pages C-17 – C-22)

Upon review of the Traffic Study, the County Contract Engineer, Dylan Cobb, commented: "Based on the conclusions within the traffic report, it would appear that the development will increase traffic during events but will not exceed the capacity of the road. Even with this development in place and if they have as many events as expected, the volume of traffic would still be considered low. There is still a potential safety issue at the location where a short section of the roadway is narrow. (The Contract Engineer will look again at this portion of the road prior to the meeting and update staff as to whether any concerns remain.) I would assume most events would occur after the school buses have finished their routes. I would also assume that the increase in traffic would be mostly detrimental to the road during or after a rain event. "When asked about for his determination whether GeoTech work should be completed to determine the structural integrity of the road and its ability to handle traffic, and about his thoughts on striping the portion of the road at the Hwy 71/Wallen Mtn/Shaeffer Rd intersection, Mr. Cobb commented further: "Due to the low traffic volume indicated in the report, I would not recommend performing geotech work on the road. We would probably need several borings along the road up to where the hard surface begins to get a good idea of the overall structural integrity. The majority of the traffic generated from this development will be from cars and light trucks. Typically, heavier vehicles including buses and trucks will do more damage to the road." "I do like the idea of striping the intersection at Highway 71. I think this would be a low cost alternative to help delineate the two roads and decrease the chance of making a wrong turn on to Schaefer Road or Wallin Mountain Road. The applicant must complete proposed striping at Wallen Mtn/Shaeffer Rd intersection – Cost Share w/ County (Share Amounts TBD). This work must be permitted through ADTD. The Road Superintendents did not have further comments or concerns.

### **Drainage:**

It is well known to the road department Superintendent, Charles Ward, and Assistant Superintendent, Brad Phillips, that Shaeffer road has drainage issues in front of this property, as the road department has attempted to repair it several times. The applicant, Terry Presley, Mr. Ward, and Mr. Phillips all met on-site to discuss the drainage issue and new ways to mitigate the flooding. They all agreed upon the solution to pipe the stormwater south, down the east side of

the road, then cross under the road near the residential driveway on Mr. Presley's property, ultimately piping the water to the pond. In addition, there are other flooding and drainage issues existing on Shaeffer Rd. due to its proximity to the West Fork of the White River and the lack of Right-of-Way and drainage easements (See attached Drainage Statement, page C-23). A full drainage study will be required at Preliminary Large Scale Development.

**Environmental Concerns:**

At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

ADEQ has visited the site in regard to stormwater concerns on 8-16-2016, and sent a formal letter to the property owner on 9-1-2016.

On 9-21-2016, ADEQ emailed Planning Staff stating, "Mr. Presley has provided all the information that I've requested, and is now covered under the Construction Stormwater Permit (ARR150000). I am sending him an adequate response letter today, indicating that he is in compliance with ADEQ's requirements at this time." (See ADEQ Compliance attachment, Page C-24)

**Signage/Lighting/Screening Concerns:**

The applicant has stated they wish to have a sign. Planning Staff responded that the proposed sign will have to be approved, and it must be no larger than 24 sq. ft. in size.

All outdoor lighting, including the sign, must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately (see attached lighting diagram for examples, page C-25).

**City of Greenland Concerns:**

No comments have been received from the City of Greenland to date.

**COMPATIBILITY CONCERNS:**

**Surrounding Uses/Density:**

The surrounding uses are single family residential and agricultural. The site contains one permanent residence and one metal shop building. The parcels within proximity to this project site range from 1 house per 3 acres to 1 house per 86 acres. (see attached Surrounding Use map, page C-26)

Staff feels that the applicant's request is compatible with the surrounding density. However, based on the county's land use plan (see below), the future land use plan (see attached Future Land Use diagram, page C-27), and the neighbor comments staff has received, compatibility with the surrounding **uses** is questionable.

The applicant has edited the availability of the venue, to limit the number of events to a maximum of 3 events per week.

**County's Land Use Plan (written document):**

According to the County's Land Use Plan,

**SECTION III. PHYSICAL DEVELOPMENT**

## A. LAND USE CONSIDERATIONS

### 2. LIGHT COMMERCIAL

Continuing with the primary goal of retaining the rural characteristics of Washington County, light commercial uses should be allowed if:

- a. Not incompatible with adjacent residential and agricultural uses; or by conditions placed on such to mitigate its impact. Together with community facilities and compatible residential uses, this use typically serves as a buffer between general commercial and strictly residential uses. **This property and its associated structures exhibit a rural character, not unlike the surrounding properties. The A-frame home is of an endemic (native/local) style, and the metal building is constructed of the materials commonly found in typical agricultural settings in the area. According to the applicants the proposed improvements to the existing metal building will appear rustic in nature. While the structures are proposed to exhibit a rural character, the proximity of the event center and associated parking area is very close to the neighboring property line to the north (separated by a small vegetative buffer along the fenceline). The configuration of the property and the applicant's desire to utilize the existing metal building onsite do not allow for the use to have any large separation from the surrounding properties to the north and east. Planning Staff iterated to the applicant that there was a potential for the close proximity of the proposal to neighboring properties to cause an issue with compatibility, and has urged the applicant to try and mitigate the compatibility concerns. The applicant has seeded the cleared area with grass seed, and has stated that the grass has begun to grow.**

**The applicant has reached out to neighbors, but there are neighbors in opposition to this project. (See Neighbor Comments packet, *updated*, posted on the Planning Dept's website). Based on those concerns, staff has asked the applicant to propose additional site plan additions or alterations to help mitigate the impact on surrounding neighbors.**

#### **Future Land Use Plan**

The Future Land Use designation for this area is Agricultural, shown in green, and Residential (Compatible with Surrounding Densities), shown in yellow (see attached Future Land Use diagram, page C-27). The surrounding residential densities range from 1 unit/ 2.3 acres, to 1 unit/ 79.9 acres.

There is an RV park (Cowpatty RV park and Campground) approx. 1.4 miles to the south on Wallin Mountain Rd.

#### **SITE VISIT:**

A site visit was conducted by planning staff on August 12, 2016. During the site visit, Staff noticed a substantial amount of clearing had taken place behind the existing shop building. Some of the clearing had taken place in the floodplain, and none of ADEQ's BMPs had been employed at that time. Staff contacted the applicant to request they halt clearing and construction activities (which they complied). And Staff reported to ADEQ the clearing activities were partially taking place in a regulatory floodzone. ADEQ followed up with an inspection and discussed the regulations, requirements, and BMPs with the applicant.

#### **NEIGHBOR COMMENTS/CONCERNS:**

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project.

Several neighbors have responded, 15 opposed, 15 in favor, and 1 neutral. (See attached neighbor comment map, page C-28)

The applicant also wrote and distributed their own neighbor notification letter. (See attached neighbor letter, page C-29)

Additionally, the applicant submitted a Noise Statement. (See attached noise statement, page C-

30)

Neighbor/Public comments in opposition to the proposal were based on (but not limited to) traffic volume, condition of Shaeffer Road and its ability to support the additional traffic, noise pollution, drinking and driving, wildlife habitat, proximity to neighboring properties, property value, and compatibility.

Neighbor/Public comments in favor of the proposal were based on (but not limited to) convenient location, tax revenue, stimulate local economy, affordability, design, and that the property had been vacant for quite some time.

Staff will update the Planning Board at the meeting if any additional comments are received.

**STAFF RECOMMENDATION:** Staff has discussed compatibility with the applicant numerous times, and the applicant has addressed compatibility by limiting the operation to three events per week, stating that most of their outdoor activities would be behind the building at a lower elevation than that of the neighbors, the enclosed addition on the north side of the building and remodeling of the building to include insulating the walls would also act as a sound buffer to the neighbors.

However, Staff feels that in some ways an event center is similar to a church or community center (which are both generally considered to be compatible to agricultural and residential uses.) But this request is proposing a number of outdoor activities and programmatic elements that would potentially impact neighbors more than a traditional church or community use, or other neighborhood assembly area. Also the programmatic elements are for party gatherings, and potentially activities that would create a noisier environment both during daytime and night time hours than traditional light commercial or community uses.

Staff has discussed with the applicant and suggested including vegetative buffers, or any other types of buffers, but hasn't received a proposal outlining such.

The applicant's current proposal includes adding on to the existing building approximately 1,900 sq ft. of outdoor covered patio space, outdoor volleyball area, outdoor cooking and smoking areas, and paths leading across the property to the river's edge. Staff feels there could be additional proposals by the applicant to help mitigate the impact of these areas on surrounding properties such as vegetative buffering, limiting hours of outdoor operations, etc.

The lack of addressing so many of the items the opposed neighbors have commented on regarding compatibility leads staff to the following recommendation:

**Staff recommends tabling of the proposed White River Landing Conditional Use Permit until compatibility issues are more adequately addressed by the applicant, however if the Planning Board wishes to approve this CUP as presented, below are some recommended conditions:**

**Water/Plumbing**

1. Water use demand and meter sizing should be coordinated with City of Fayetteville Water Department to ensure serviceability.

**Fire Conditions:**

1. No tables or chairs are allowed to be used in the covered patio area on the west and south sides of the building. Any tables or chairs being used in these areas constitute a violation of this CUP.
2. No cooking, or grilling, may take place anywhere within 20' of the roof line.
3. The maximum occupancy must be posted inside the bldg.
4. All fire exits must be marked with signs and lights.
5. Fire extinguishers must be placed and marked according to state fire code.
6. All entrance drives must be 24ft wide at minimum, and fire lane must support 75,000lbs in all weather conditions.
7. The fire lane must be kept clear of parked cars, etc., and all turning radii must be no less than 38ft.

8. If overflow parking is needed, it will be located between the fire lane entry and the residential driveway, just to the east of the pond.

**-Shown on Site Plan**

**Septic Conditions:**

1. The septic system must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to operation of the business.
2. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either).

**Roads/Sight Visibility/Ingress-Egress/Parking Conditions:**

1. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work.
2. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
3. Mow/Clear vegetation in the area at the Northeast corner of the property to maintain a clear line of sight from the commercial entry to the property. This is an ongoing condition and a note must be placed on the Final Plans that vegetation must be maintained in order to have a clear line of sight.
4. Must complete proposed striping at Wallen Mtn/Shaeffer Rd intersection – Cost Share w/ County (Share Amounts TBD). This work must be permitted through AHTD.

**Drainage Conditions:**

1. The stormwater drainage issue must be addressed. The applicant and Road Dept agreed upon the solution to pipe the stormwater south, down the east side of the road, then cross under the road near the residential driveway on Mr. Presley's property, ultimately piping the water to the pond.

**Environmental Conditions:**

1. At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

**Utility Conditions:**

1. Any damage or relocation of utilities will be at the expense of the owner/applicant.

**Signage/Lighting/Screening Conditions:**

1. Signage cannot be placed in the County Right-of-Way.
2. The proposed sign will have to be approved.
3. The sign must be no larger than 24 sq. ft. in size.
4. Any outdoor lighting must be shielded from neighboring properties.
5. Any outdoor lighting must be indirect and not cause disturbance to drivers or neighbors.
6. All security lighting must be shielded appropriately. Please refer to the lighting diagram in the staff report attachments, page C-17.
7. If a dumpster is desired in the future, the location must be approved, and must be screened with opaque fencing material, including the gate. Washington County Planning will inspect the fencing.

**Additional Conditions:**

1. Events are limited to 3 events per calendar week.
2. Architect plans must be submitted with Preliminary Large Scale Development
3. Full Drainage Study must be submitted with Preliminary Large Scale Development

**Standard Conditions:**

1. Floodplain permits will be required if any work is done in the floodplain.
2. Outdoor activities must be shown on LSD plans.
3. Pay engineering fees within 30 days of project approval. Any extension must be approved by the Planning Office. **-NOT CALCULATED YET.**
4. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
5. This CUP must be ratified by the Quorum Court.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - a. This project requires additional review (Preliminary and Final Large Scale Development), and therefore, the applicant must submit for Preliminary Large Scale Development project review within 12 months of this CUP project's ratification.

*Washington County Planner, Nathan Crouch, presented the staff report for the board members.*

*Steve Zega, Washington County Attorney, went over the tabling procedures for the board members. "If there is a motion to table the project the board does not have to receive public comments under Robert's rules. You are certainly welcome to do that if you wish. The motion to table comes in three basic forms: motion to table indefinitely, motion to table to a time, or certain condition. Depending on which way you go. If you follow staff's recommendation it would determine what you would do next."*

*Robert Daugherty, Planning Board member, asked "Since the last time we heard this the applicant has completed the traffic study and done some mitigation towards addressing the compatibility issue. To sum it up staff needs additional time to make sure that this is compatible?"*

*Nathan Crouch replied, "Yes sir, we still need a planting plan to review and look at other recommendations for compatibility."*

*Daryl Yerton, Planning Board Member, asked "Will the planting plans mitigate noise pollution?"*

*Nathan Crouch replied, "Yes, it depends on the plant species."*

*Juliet Richey, Washington County Planning Director, stated, "To clarify, our concern is with the all the outdoor activities such as volleyball, outdoor cooking, etc. They said they will limit some of those activities to daytime hours only. They also have covered porches around two sides of the building. I assume this would be an outdoor gathering place for the event center. The porches are connected to the building and the building is in close proximity to the property line. Those are the things that have the most potential to cause compatibility issues to the neighbors. People want to put event centers in the county to enjoy the outdoors. We're having a tough time with this one because of the proximity to the other property lines. The ones that we have looked at in the past have relatively large amounts of acreage between the event center and surrounding properties. We're just struggling trying to figure out how to balance that compatibility."*

*Randy Laney, Planning Board Chair, stated "To summarize our options we have two different kinds of tabling or we can proceed with the hearing if we don't have a motion to table."*

*Steve Zega, added "You can entertain public comments if you want."*

*Randy Laney, stated "I would entertain a motion to table it."*

*Daryl Yerton added, "In view of the uncertainty from the staff and the questions about the mitigation*

process; In wanting to do the best thing for the community and individual landowners, I move we table this recommendation until we received the planting plans. We would have it by the next month?"

Nathan Crouch replied "I would assume so. We're just waiting on the designer."

Randy Laney stated, "We're (proposing) tabling it until we receive the report by next month."

No Public comments.

Public Comments Closed.

Daryl Yerton made a motion to **table** the **White River Landing Cup**. Robert Daugherty seconded. Cheryl West and Walter Jennings were not present. Board Members Daryl Yerton, Robert Daugherty, Chuck Browning, Randy Laney, and Kenley Haley were in favor of approving. Motion passed.

### Fayetteville

#### **d. Huntsville Road Storage CUP**

*(To be Tabled at the Request of the Applicant)*

##### **Conditional Use Permit Request**

Location: Section 32, Township 16 North, Range 33 West

Owners: Shirley Combs

Surveyor: Blew & Associates

Location Address: E Huntsville Rd

Approximately 4.22 acres. Proposed Land Use: Commercial Storage

Coordinates: Latitude: 36.05711039, Longitude: -94.11114966

**Project #: 2016-325 Planner: Courtney McNair email: [CMcNair@co.washington.ar.us](mailto:CMcNair@co.washington.ar.us)**

Chuck Browning made a motion to approve the agenda. Kenley Haley seconded. All board members were in favor of approving. Motion passed.

### LAND DEVELOPMENT HEARING

### Fayetteville

#### **e. Huntsville Road Storage LSD**

*(To be Tabled at the Request of the Applicant)*

##### **Preliminary Large Scale Development Request**

Location: Section 32, Township 16 North, Range 33 West

Owners: Shirley Combs

Surveyor: Blew & Associates

Location Address: E Huntsville Rd

Approximately 4.22 acres. Proposed Land Use: Commercial Storage

Coordinates: Latitude: 36.05711039, Longitude: -94.11114966

**Project #: 2016-326 Planner: Courtney McNair email: [CMcNair@co.washington.ar.us](mailto:CMcNair@co.washington.ar.us)**

Chuck Browning made a motion to approve the agenda. Kenley Haley seconded. All board members were in favor of approving. Motion passed.

### CONDITIONAL USE PERMIT HEARING

### County

#### **f. Meadows at River Mist CUP**

*(Tabled at the Request of the Applicant)*

##### **Conditional Use Permit Request**

Location: Section 06, Township 17 North, Range 28 West

Owners: Bank of Fayetteville

Applicant: Jamal Parker, Parker Enterprises & Memphis Synder, FH&G Properties, LLC

Engineer: Charles Presley

Location Address: Intersection of E Hwy 412 and WC 386

Approximately +/- 65.35 acres/155 lots Proposed Land Use: Residential Subdivision  
Coordinates: Latitude: 36.17437745, Longitude: -94.01026113  
**Project #: 2016-249 Planner: Juliet Richey email: [JRichey@co.washington.ar.us](mailto:JRichey@co.washington.ar.us)**

*Chuck Browning made a motion to approve the agenda. Kenley Haley seconded. All board members were in favor of approving. Motion passed.*

## **LAND DEVELOPMENT HEARING**

### **County**

#### **g. Meadows at River Mist Subdivision**

*(To be Tabled at the Request of the Applicant)*

#### **Preliminary Subdivision Approval Request**

Location: Section 06, Township 17 North, Range 28 West

Owners: Bank of Fayetteville

Applicant: Jamal Parker, Parker Enterprises & Memphis Synder, FH&G Properties, LLC

Engineer: Charles Presley

Location Address: Intersection of E Hwy 412 and WC 386

Approximately +/- 65.35 acres/155 lots Proposed Land Use: Residential Subdivision

Coordinates: Latitude: 36.17437745, Longitude: -94.01026113

**Project #: 2016-246 Planner: Juliet Richey email: [JRichey@co.washington.ar.us](mailto:JRichey@co.washington.ar.us)**

*Chuck Browning made a motion to approve the agenda. Kenley Haley seconded. All board members were in favor of approving. Motion passed.*

### **5. Other Business**

- Discussion of Current Development and Planning Department Activities.
- Reminder of upcoming Planning Board meetings for this year:
  - ~~November 3~~ **November 10** *(date changed to avoid general election early voting in the QC Room)*
  - December 2
- Any other Planning Department or Planning Board business.

### **6. Old Business**

### **7. Adjourn**

*Daryl Yerton moved to adjourn. Robert Daugherty seconded. Motion passed.  
All Board members were in favor of approving.*

*Planning Board adjourned.*

Minutes submitted by: Phuong Pham

Approved by the Planning Board on:

\_\_\_\_\_ Date: \_\_\_\_\_  
Randy Laney, Planning Board Chairman