

**MINUTES
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS
Dec 08, 2016**

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

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

LAND DEVELOPMENT HEARINGS

County

a: Wayne Bryant Minor Subdivision & Private Road Development

Approved

CONDITIONAL USE PERMIT HEARINGS

County

b: Freitag Event Venue CUP

Approved

County

c: Meadows at River Mist CUP

Tabled

(To be tabled at the request of the applicant)

1. ROLL CALL:

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

2. APPROVAL OF MINUTES: *Cheryl West made a motion to approve the minutes of Nov 10, 2016. Kenley Haley seconded. All board members were in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA: *Daryl Yerton made a motion to approve the agenda. Cheryl West seconded. All board members were in favor of approving. Motion passed.*

4. NEW BUSINESS

LAND DEVELOPMENT HEARINGS

County

a. Wayne Brvant Minor Subdivision & Private Road Development

Preliminary and Final Minor Subdivision & Private Road Development Approval Request

Location: Section 20, Township 17 North, Range 30 West

Owners: Kenneth and Judy Bryant

Surveyor: Blew & Associates

Location Address: 5680 Greathouse Springs Rd

Approximately 5.77 acres/ 2 lots. Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.13784733, Longitude: -94.20042227

Project #: 2016-400 Planner: Nathan Crouch email: NCrouch@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision Approval of Wayne Bryant Minor Subdivision & Private Road Development. The request is to split a 5.74 acre

parcel into two tracts of 3.19 & 2.58 acres respectively.

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

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

QUORUM COURT DISTRICT: District 1, Tom Lundstrum.

FIRE SERVICE AREA: Johnson Rural- no comments were received from Johnson Rural Fire Department, and Dennis Ledbetter, Washington County Fire Marshal does not review Minor Subdivisions (4 lots or less).

SCHOOL DISTRICT: Fayetteville

INFRASTRUCTURE: **Water**– Springdale Water **Electric**- Ozarks Electric **Cable**- Cox
Natural Gas– Black Hills Corp **Telephone**- AT&T

BACKGROUND/ PROJECT SYNOPSIS:

The property owners are Kenneth and Judy Bryant. The surveyor/applicant is Heath Meyers of Blew & Associates. The applicant is requesting to divide a 5.74 acre parcel into two tracts. There is an existing house, detached garage, and two existing shed/shop buildings on the property at this time. (See attachments A-5 – A-7)

Parent Tract: 001-16610-000, 5.77 acres, 1 existing house with detached garage and two small shed/shop buildings.

Proposed Replat:

- Tract 1: 3.19 acres; two existing accessory (shed) buildings
- Tract 2: 2.58 acres; one existing house with detached garage

As this proposed split involves creating two parcels that are each less than 5 acres, it must process as a Minor Subdivision. Additionally, since Tract 1 does not have public road frontage, and accesses the public road via 30' access easement, it must process as a Private Road Development.

TECHNICAL CONCERNS:

Sewer/Septic

The two tracts will utilize individual septic systems. Tract 2 has an existing septic system. Approved soil work must be submitted for Tract 1, and an existing septic system check must be conducted on Tract 2. Heath Meyers of Blew & Associates, the project manager for this development, informed Planning Staff the soil work and existing septic system check will be submitted soon.

Melissa Wonnacott-Center of the Arkansas Department of Health had no additional comments on this property division's septic.

Ozarks Electric (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

Ozarks Electric (Additional Comments)

1. Ozarks will need 30ft. U.E. along overhead line.
-Shown on current Plat

Phone/Gas

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

Springdale Water

Springdale Water stated there are two water meters on this property: one residential, and one "seasonal". To provide water to the new tract the seasonal meter must be relinquished and replaced with a residential meter.

Addressing

There is currently one 911 address assigned to this property: 5680 Greathouse Springs Road. The address for the proposed lot (Tract 1) will be assigned once the home location is known.

Environmental

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

Road

Tract 1 will access Greathouse Springs Road via 30ft access easement across Tract 2 (to be dedicated with this plat). If approved, the Private Road Development requirements will apply.

Any work done in the County road right of way requires a permit from the road department. Any tile that may be installed must be sized by the road department.

SITE VISIT:

A site visit to this location was conducted on 11-17-2016. Planning Staff noted that the sight distance from the driveway seemed questionable.

The surveyor must reconfigure the property division in a way that meets the sight distance requirement, or in a way that gives Tract 1 the required 75ft of frontage to eliminate the sight distance requirement.

NEIGHBOR COMMENTS:

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

One neighbor comment have been received, in-favor of the project. Staff will update the Planning Board at the meeting if any additional comments are received.

CHECKLIST:

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

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

STAFF RECOMMENDATION:

If the Surveyor reconfigures the property division in such a way to meet the sight distance requirement, or in such a way to eliminate the sight distance requirement by giving Tract 1 75ft of road frontage, Staff will recommend Preliminary and Final Minor Subdivision and Private Road Development approval of Wayne Bryant Minor Subdivision and Private Road Development with the following conditions:

Planning Conditions:

1. All items from the Minor Subdivision checklist must be addressed.
2. Dedicate 15' utility easement where the water lines are.
3. Show existing septic system/field on Tract 2.
4. Provide approved soil work for Tract 1, and an existing septic system check for Tract 2.

Road Conditions:

1. If a driveway tile is needed, it must be sized and its placement must be approved by the Washington County Road Department.

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).

Springdale Water Conditions:

1. To provide water service to Tract 1, the existing "seasonal" water meter must be relinquished and replaced with a residential meter.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$20.65) within 30 days of project hearing. Any extension must be approved by the Planning Office (invoice was emailed to the applicant on 12/2/16).
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.

Standard Conditions (Continued):

1. All general plat checklist items must be corrected.
2. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
3. 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 with updates for the board members.

No Public comments.

Public Comments Closed.

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

CONDITIONAL USE PERMIT HEARING

County

b. Freitag Event Venue CUP

Conditional Use Permit Request

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

Owners: Jeffrey and Sara Freitag

Location Address: South of 18494 McCord Road

Approximately 20 acres Proposed Land Use: Event Venue

Coordinates: Latitude: 35.94429670, Longitude: -94.02940807

Project #: 2016-394 Planner: Courtney McNair email: cmcnair@co.washington.ar.us

REQUEST: Conditional Use Permit approval to allow a wedding/event center on a parcel of land that is approximately 20 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 solely within Washington County’s jurisdiction.

QUORUM COURT DISTRICT: District 15, Butch Pond **FIRE SERVICE AREA:** Elkins & Whitehouse VFD **SCHOOL DISTRICT:** Elkins

INFRASTRUCTURE: Water- Mt. Olive Water **Electric-** Ozarks Electric **Natural Gas-** Black Hills **Telephone-** Windstream **Cable-** N/A

BACKGROUND/ PROJECT SYNOPSIS:

The owners/applicants of this property are Jeffrey and Sara Freitag. The property is located south of Elkins off McCord Road WC #40.

This CUP request is to allow an event center on a property that is approximately 20 acres in size, and currently zoned for Agricultural and Single Family Residential uses. All site elements are within the one-acre, large scale development review will not be required.

The applicant is proposing to construct a barn-type structure for events with associated parking, driveway,

and septic system. They plan to have an average of two events per month, but could have approximately 48 events per year as peak months may attract more events. Additionally, the applicant plans to allow a few (average of approximately 4 per year) not for profit/community events for people needing a space for a fundraiser or benefit type event. The applicant is proposing weekend event hours to be from 8:00am to 12:00am (midnight), with an 11:00pm cut off for music. If any events are held during the week, the applicant is proposing hours of operation from 8:00am to 10:00pm. The applicant has stated that the occupancy will be limited to 100 people per event. Additionally, outdoor amplified music is restricted to music played for the wedding ceremony only, and no fireworks are allowed. Please see the applicant's letter for more information.

TECHNICAL CONCERNS:

Water/Plumbing:

Mt. Olive Water services the property. There is water available in this area for potable water purposes, but not fire-fighting purposes.

Fire Issues:

J.D. Demotte, Elkins Fire Chief stated that tanker support is available for firefighting purposes, and finds the proposed site layout adequate for fire trucks to respond to the site, with some conditions. The Washington County Fire Marshal, Dennis Ledbetter, also reviewed the plans and found them adequate with some conditions.

The existing driveway must be upgraded to meet Arkansas State Fire Code. The grade must not exceed 10%, it must be compacted to hold 75,000 lbs in all weather conditions, and must meet the width requirement depending on the final length. If the drive is over 500 feet long, it must be at least 26 feet wide. If it is less than 500 feet long, it must be a minimum of 20 feet wide. The applicant has agreed to follow these standards.

The drive must have an approved turn around, with a minimum turn radius of 28 feet, and the applicant was required to show the Fire Lane and ADA parking spaces on the plans. "No Parking" signs will be required for the fire lane.

Architect plans are required. The Fire Marshal shall review and approve all plans before the plans are accepted, and before ANY construction can begin. As the architect will be creating an interior plan/layout that determines adherence to health/safety issues, fire code, and ADA accessibility, the design by the Architect, with respect to these issues, must be adhered to.

Fire extinguishers, panic hardware, and emergency lighting are required. The building must meet all AR state fire code and ADA requirements.

The Fire Marshal will inspect the site and building prior to operation of the business.

Septic:

Soil work has been completed, and a septic design was approved by the Arkansas Department of Health (ADH) for this proposed event center. If the septic design must be altered in any way to accommodate the fire lane, a revised permit must be approved by the Health Department. Once the system is installed, it must be inspected by ADH prior to operation of the business.

No parking (including overflow parking) is allowed on any portion of the septic system including the alternate area.

Physical barriers must be placed around the entire septic area to prevent damage from vehicles or other disturbance. The barriers must be placed such that driving between them is not possible.

Electric/Gas/Cable/Phone:

Ozark Electric commented that any damage or relocation of existing facilities will be at owner's expense. 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.

Black Hills Energy and Windstream provided no comments. Generally, any damage or relocation of existing facilities will be at the owner's expense.

Roads/Sight Visibility/Ingress-Egress/Parking:

This proposed project takes access from WC #40, McCord Road. It is a gravel road in good condition. There is an existing driveway, but it must be upgraded to meet AR State Fire Code. A new culvert may need to be installed in order to meet the width requirements. Any work to be completed within the County ROW requires a permit. If a new culvert is needed, it may be purchased by the applicant, and installed by Washington County. If Washington County installs the culvert, no permit is required.

The applicant has submitted a right-of-way (ROW) dedication form as required by the Road Department to give 30 feet of ROW from the center of WC #40 on their side of the road.

Planning Staff performed a site visit and has no concerns with sight distance. This is an unpaved road with no speed limit sign posted; therefore, the speed limit is 35mph per Washington County code. A minimum of 390 feet of sight distance is required. It appears that the applicant will have at least 550 feet to the southwest, and 650 feet to the northeast.

Drainage:

A preliminary drainage study was submitted. The contracted County Engineer asked for a few clarifications at Tech Review and had no comments once those items were discussed. There are no additional drainage concerns.

Environmental Concerns:

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.adeg.state.ar.us

Signage/Lighting/Screening Concerns:

A small sign, low to the ground, at the road is proposed. Staff recommends that the size of the sign be limited to a maximum of 24 sq ft total, and that it not be lit internally, but down-lighting could be used if lighting is desired. The sign design should be submitted to the Planning Office for approval prior to installation.

The applicant has stated that "Outdoor lighting of the property would be done in a way that would not disturb neighbors with one to two lights to help people in the parking lot find their way. Ground lighting could be another viable alternative for lighting the parking area. Other outdoor lights would include Christmas lights near the building for festive decorative purposes during some events". Staff feels that the lighting proposed will be minimally impactful.

No additional screening or buffering is proposed at this time. The site is wooded, and the event center is proposed to be placed in a way that will leave a majority of the existing vegetation on the site intact. The project must be generally constructed as proposed. Any significant changes could require additional permitting. The building is proposed to be more than 100 feet from the south property line and approximately 650 feet from the residence to the south.

COMPATIBILITY CONCERNS:

Surrounding Uses/Density:

The surrounding uses are single family residential (rural) and agricultural. The proposal is for one barn-type event center.

Most of the lots in this area are fairly large (more than 5 acres in size), and wooded, as is the subject property. It appears to staff that the property with the most potential impact is directly across McCord Road from the entrance drive. The potential impact would most likely come from vehicles entering and exiting the event venue, not the actual venue itself. The residence on that property is fairly close to McCord Road, but is not straight across from the entrance drive. There is also a fair amount of vegetation between the residence and McCord Road which should offer some screening. Staff does not expect the potential impact to impede the neighbor's use and enjoyment of their property. Staff has not received any communication from this neighbor.

Staff feels that this use will be compatible due to its location on the parent parcel, and the nature of the site which offers natural wooded screening. Additional conditions are also being required to reduce any potential impact to surrounding neighbors.

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.

Staff feels that with proposed conditions and limitations placed by the applicant, this project will be compatible with the rural residential nature of the area. The proposed structure will be placed so that a large amount of the wooded property will remain undisturbed. It is situated so that it will not be seen from the road, but is proposed to be constructed as a barn-type structure which will blend with the area. The applicant also plans to allow for community events to be held at this location.

Future Land Use Plan

There is no Future Land Use designated for this area.

SITE VISIT:

A site visit was conducted by planning staff on December 1, 2016. Nothing of concern was noted.

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. No comments have been received. Staff will update the Planning Board at the meeting if any comments are received.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed Freitag Event Center Conditional Use Permit with the following conditions:

Fire Conditions:

1. The existing driveway must be upgraded to meet Arkansas State Fire Code.

2. The grade of the driveway must not exceed 10%
3. The driveway must be compacted to 75,000 lbs in all weather conditions
4. The driveway must meet the width requirement depending on the final length. If the drive is over 500 feet long, must be at least 26 feet wide. If it is less than 500 feet long, it must be a minimum of 20 feet wide.
5. The drive must have an approved turn around with a minimum turn radius of 28 feet,
6. Fire Lanes and ADA parking spaces are required.
7. "No parking" signs will be required for the fire lane.
8. Architectural drawings for the event structure, signed and stamped by a licensed architect, are required and must be submitted prior to ANY construction.
9. Architectural plans should show the proposed ingress/egress paths, exit/emergency lighting, and fire extinguishers, as well as all other information needed to meet Arkansas State Fire Code and ADA compliance.
10. The applicant must comply with any Health/Safety/Fire Code recommendations made by the architect.
11. The Fire Marshal shall review the plans, make comment, and must approve plans prior to ANY construction.
12. Fire extinguishers, panic hardware, and emergency lighting are required.
13. A "warming only" kitchen is proposed.
14. The Fire Marshal will inspect the site and building prior to operation of the business.

Septic Conditions:

1. If the septic design must be altered in any way to accommodate the fire lane, a revised permit must be approved by the Health Department.
2. Once the system is installed, it must be inspected by ADH prior to operation of the business.
3. No parking is allowed on any portion of the septic system including the alternate area. The alternate area must remain undisturbed. (No overflow parking either).
4. The septic system (primary and alternate area) must be delineated (landscaping/fencing/other barrier) to prevent anyone from parking or driving in this area.

Utility Conditions:

1. Ozark Electric
 - a. Any damage or relocation of existing facilities will be at owner's expense.
 - b. 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.
2. Please contact Ozarks Electric if you have any questions. Wes Mahaffey at 479-263-2167 or wmahaffey@ozarksecc.com.
3. Generally, and damage or relocation of existing facilities will be at the owner's expense.

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

1. There is an existing driveway, but it must be upgraded to meet AR State Fire Code.
2. Any work to be completed within the County ROW requires a permit.
3. If a new culvert is needed, it may be purchased by the applicant, and installed by Washington County. If Washington County installs the culvert, no permit is required.

Environmental Conditions:

1. 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

Signage/Lighting/Screening Conditions:

1. The sign must be constructed as described by the applicant, "a small sign, low to the

ground.”

2. The sign is limited to a maximum of 24 sq ft total.
3. If the applicant chooses to use lighting for the sign, all signage must be indirectly lit.
4. The sign must not be located within Washington County's ROW.
5. A sketch of the proposed sign must be submitted to Washington County Planning for approval prior to the sign being placed.
6. Lighting must be installed generally as stated by the applicant, “Outdoor lighting of the property would be done in a way that would not disturb neighbors with one to two lights to help people in the parking lot find their way. Ground lighting could be another viable alternative for lighting the parking area. Other outdoor lights would include Christmas lights near the building for festive decorative purposes during some events”.
7. All outdoor lighting 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.
8. No additional screening or buffering is proposed at this time. The site is wooded, and the event center is proposed to be placed in a way that will leave a majority of the existing vegetation on the site intact. The project must be generally constructed as proposed. Any significant changes could require additional permitting.

Additional Conditions:

1. Outdoor, amplified music is restricted with the exception of music related to the wedding ceremony if an outdoor wedding is desired.
2. Alcohol would not be served by the applicant, but is allowed to be brought in at the discretion of the event party.
3. No fireworks will be permitted.
4. The connection between the building and the handicapped parking spaces, as well as the restrooms, must be ADA compliant.
5. No dumpster is proposed

Standard Conditions:

1. The plan must be generally adhered to as presented.
2. Pay engineering fees within 30 days of receipt of invoice. This total will be calculated once all invoices are received. If less than one hour of review by the Contracted County Engineer, there will be no charge to the applicant.
3. Pay neighbor notification mailing fees of \$28.91 (an email with the invoice attached was sent to the applicant on 12/2/16) within 30 days of the project hearing. Any extension must be approved by the Planning Office.
4. A statement from the applicant, owner, architect or engineer must be submitted prior to the building being occupied that says the building, parking, access, and restrooms are in compliance with all ADA regulations.
5. Hours of operation must be generally as stated (8:00am-midnight on weekends, and 8:00am-10:00pm on weekdays).
6. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
7. This CUP must be ratified by the Quorum Court.
8. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
9. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - This project does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

Washington County Planner, Courtney McNair, presented the staff report with updates for the board members.

No Public comments.

Public Comments Closed.

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

County

c. Meadows at River Mist CUP

(To be 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

Daryl Yerton made a motion to approve the agenda. Cheryl West seconded. All board members were in favor of approving. Motion passed.

5. Other Business

- Discussion of Current Development and Planning Department Activities.
- Discussion of 2017 schedule.
- Reminder of upcoming Planning Board meetings:
 - January 12
 - February 2
- Any other Planning Department or Planning Board business.

6. Old Business

7. Adjourn

Daryl Yerton moved to adjourn. Cheryl West 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