

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

May 04, 2017

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

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

VARIANCE HEARINGS

County

a: Variance for Cullers Subdivision CUP

Denied

CONDITIONAL USE PERMIT HEARINGS

County

b: Cullers Subdivision CUP

Not Heard

County

c: Meadows at River Mist CUP

Tabled

County

d: Baldwin Cell Tower CUP

Approved

LAND DEVELOPMENT HEARINGS

County

e: May Minor Subdivision

Approved

County

f: Meadows at River Mist Subdivision

Tabled

County

g: Rid-A-Pest Final LSD

Approved

County

h: Huntsville Rd Storage CUP and LSD Amendment

Approved

1. ROLL CALL:

Roll call was taken. Members present include Robert Daugherty, Daryl Yerton, Joel Kelsey, and Kenley Haley, Randy Laney, Walter Jennings, and Philip Humbard.

2. APPROVAL OF MINUTES: *Daryl Yerton made a motion to approve the minutes of April 6, 2017 with correction to page 10 where it says Chuck Browning it should have been Walter Jennings. 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. Joel Kelsey seconded. All board members were in favor of approving. Motion passed.*

4. NEW BUSINESS

VARIANCE HEARING

County

a. **Variance for Cullers Subdivision CUP**

Variance Approval Request

Location: Section 31, Township 17 North, Range 30 West

Owner: Windell Cullers

Location Address: 3022 N Hughmount Rd.

Approximately 21.52 acres / 74 Lots, Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.10478620, Longitude: -94.22270734

Project #: 2017-159

Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

REQUEST:

- A. **Variance to allow lot sizes smaller than Washington County's 10,000 sq. ft. minimum, and to allow lot frontages shorter than Washington County's 75 ft. minimum.** (see attachment AB-7)
- B. **Conditional Use Permit approval to allow a 75 lot subdivision on 3 parcels of land totaling 21.5 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 Fayetteville's planning area.

QUORUM COURT DISTRICT: District 7, Alicia Deavens **FIRE SERVICE AREA:** Wheeler Rural VFD

SCHOOL DISTRICT: Fayetteville

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

BACKGROUND/ PROJECT SYNOPSIS:

The owners of this property are Windell & Linda Cullers. The applicant is Justin Cullers. The Engineer is Jorgensen & Associates.

This property is located off Hughmount Rd (WC- 706), adjacent to the Fayetteville city limits, in the west side of town. (see attachments AB-8-11).

This CUP request is to allow the development of a 75 lot subdivision (74 residential lots, 1 detention lot) on 21.5 acres. The lots are proposed to be between 7,200 – 11,800 sq. ft., with frontages ranging from 52' – 95'. Washington County's standard minimum lot size is 10,000 sq. ft., with a standard lot frontage of 75'. (Please see applicant's letter, AB-12-13).

This proposal must process as a Conditional Use Permit due to the proposed lot sizes being smaller than the zoning requirement of 1 unit per acre.

The applicant has requested a connection to Fayetteville's municipal water and sewer systems. The Fayetteville Water & Sewer Committee voted 3-1 to allow the connection.

The main issues with this project are the small lot sizes, small lot frontages, and the uncertainty of whether Fayetteville City Council will approve the applicant's request to annex the property into Fayetteville's city limits.

TECHNICAL CONCERNS:

Water/Fire Issues:

Fayetteville Water has an existing water line running down Hughmount Rd. The details of the connection to Fayetteville Water will be submitted at Preliminary Subdivision.

Fire hydrants are shown on the Concept Plan, and appear to be adequately spaced. All turning radii inside the development must be a minimum of 38 ft.

The Washington County Fire Marshal had no additional comments for the CUP phase of this request.

Septic:

The applicant made a request to the City of Fayetteville to connect to their municipal water and sewer systems. The Fayetteville Sewer & Water Committee approved the request.

Electric/Gas/Cable/Phone:

Generally, any damage or relocation of utilities will be at the expense of the owner/applicant.

Ozarks Electric commented that they will require several utility easements and crossings, and provided a diagram to illustrate the locations and details of the easements and crossings. These are all shown on the concept plan.

Roads/Sight Visibility/Ingress-Egress/Parking:

This CUP accesses off Hughmount Rd (WC-706), and proposes two connections. A permit will be required to connect the entrances to the county road. A traffic statement has been provided by the applicant's engineer (see Traffic Statement attachment B-14).

The Road Dept requests a 60 ft. Right-of-Way.

Drainage:

Per City of Fayetteville Ordinance 166.05 A.1, on and off-site improvements and subdivision regulations for development outside the city limits and within one mile of the city are the same as for those developments within the city limits.

Environmental Concerns:

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

Signage/Lighting/Screening Concerns:

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.

City of Fayetteville Concerns:

The City of Fayetteville provided no comments.

COMPATIBILITY CONCERNS:

Surrounding Density/Uses:

The surrounding uses are single family residential and agricultural. This CUP proposal is requesting a density of 1 unit per 3.44 acres.

The adjoining subdivision densities are 1 unit per 2.3 acres (Hughmount Village SD), 1 unit per 3.27 acres (Lierly Lane SD), and 1 unit per 3.6 acres (Clabber Creek SD, Phase V). (see density map, AB-10)

Staff feels that the applicant's request is compatible with the surrounding subdivision densities.

County's Land Use Plan (written document):

According to the County's Land Use Plan,

SECTION III. PHYSICAL DEVELOPMENT

A. LAND USE CONSIDERATIONS

1. RESIDENTIAL

Several goals surfaced as paramount in the PARA Task Force meetings and in a meeting held by the Quorum Court. These include:

- a. Provision of a safe living environment that offers quiet, privacy, and a rural flavor and atmosphere;
- b. Provision of quality residential development of good design, developed in a manner accessible by an adequate street system to avoid costly infrastructure extensions;
- c. Protection of residential areas from incompatible adjacent land uses;
- d. Protection of property values; and
- e. Provision of safe and adequate access to residential areas, installed in a manner to accommodate emergency and other services.

To achieve these objectives, it is essential to:

- a. To provide for development of residential areas at appropriate densities. **Staff feels this proposed development is compatible with surrounding densities.**
- b. Update, administer and enforce subdivision regulations; and develop, adopt, and enforce zoning and related regulations and codes;
- c. Require development to be connected to utilities and utilize zoning as a means to guide the progression of development; **adequate connections can be made to Fayetteville Water. And the Fayetteville Sewer & Water committee voted to allow the proposed development to connect to municipal sewer.**
- d. Protect the character and integrity, and property values, of single-family, residential areas; **Staff feels that a 74 lot subdivision can be made compatible with the surrounding uses and densities with the proper conditions of approval.**
- e. Protect residential neighborhoods from inappropriate non-residential influences through the use of regulatory controls;
- f. Ensure land use and development patterns which provide for the most efficient and effective use of available utilities and services, including fire protection; and, **this proposed subdivision development will bridge the gap between several existing subdivisions: Hughmount Village, Clabber Creek, and Lierly Lane. Fire protection will be adequate through the use of fire hydrants and mutual aid tanker support.**
- g. Maintain an adequate county road plan and standards to guide and accommodate traffic movement; to develop differing categories of roads; and to protect rights-of-ways for planned, future roads. **The applicant must receive permits from the county road dept. to connect the proposed development to the county road.**

Future Land Use Plan

Residential (Compatible to Surrounding Densities)

Staff feels that, as this proposed development will be bridging the gap between multiple existing subdivisions, and the density will be generally the same, the proposal will be compatible to surrounding densities.

SITE VISIT:

A site visit was conducted by planning staff on April 25, 2017. Sight distance appeared adequate. No issues were noted at that time.

NEIGHBOR COMMENTS/CONCERNS:

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

One neighbor called with concerns regarding the density of the proposal, and its proximity to surrounding agricultural properties.

Staff encouraged the caller to complete the public comment form and return it to the Planning office.

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

STAFF RECOMMENDATION (A. Variance): Staff recommends approval of the proposed Cullers Variance with the following conditions:

Planning Conditions:

1. This Variance, if approved, is contingent upon annexation by the City of Fayetteville.
2. If the property is not annexed by the City of Fayetteville, the minimum lot size of 10,000 sq. ft., and the minimum lot frontage of 75 ft. will be required.

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

Joel Kelsey, Planning Board Member inquired about the distance between the proposed lot lines in feet.

Nathan Crouch replied, "It would be 20, 10 from the lot lines."

Daryl Yerton, Planning Board Member, added, "But that's in conflict with the city of Fayetteville? Is this going to get annexed into the City of Fayetteville?"

Nathan Crouch responded, "If it is then it won't process through Washington County."

Daryl Yerton asked, "Alright, so are we getting ahead of ourselves?"

Nathan Crouch answered, "The applicant feels that if he were to receive the CUP approval he would stand better chance with the Fayetteville City Council, as far as getting annexed into the city limits and so that is why we are processing it alone rather than CUP and preliminary plat at this time."

John Humphries, Neighbor off Hughmount Road, inquired, "I came mostly first to listen to the variance, what the request actually was and I am not sure if I heard it right but the county said 10,000 sq.ft. is that correct? And some of the lots are 3,500 sq.ft.?"

Nathan Crouch answered, "No sir, the variance is for 7,500 sq.ft. the county typical minimum is 10,000 sq.ft."

John Humphries continued, "10,000 sq.ft., Alright thank you, it looks really small to me there's a couple of things that I think just need to be looked at real close one is the drainage coming off south and I think Mrs. Ezell who is here will speak to that. My land right there about 20 years ago, Nottenkamper Tree & Trench, put a red rock pit in there and they dug it all out and you can come out of my bedroom and walk 25 feet and drop 30 ft. down into this deal. when it went in I didn't think anything about it I talked to Eugene before he died he said yeah you know its America and just whatever but if you would just be just a little respectful of the property line and then for the next 15 years 6 o'clock on Saturday morning whahahah you can hear everybody backing up and I wished I had come down and said something, so this year I thought I'd come down and say something. I think the lots are too little the Hughmount Village that just went in across the road and down I think they all sit in the variance and I think it's a real nice development. These appear to me on paper to be a lot smaller than that and a lot more crowded and I am

just concerned about the drainage and the fact there just used to be a big hole right there, that something could happen. Of course I understand everybody's trying to make a living and I don't begrudge anybody that but I am just trying to protect my lifestyle and my life too and so everybody's got to kind of watch out for themselves and I have a tendency not to do that just kind of stay to the side and let it happen and man it just keeps happening. And so I would just like to voice my concern over the size of the lots I think it would reduce our property values. The drainage and making sure you have got a good solid footing on the top of that hill."

Randy Laney, Planning Board Chairman, explained "Mr. Humphries just to give you some reference if you are not used to it, this is showing us the Lierly Lane Subdivision it's 3.27 per acre and this is 3.44 and then Clabber Creek is 3.6. So Clabber Creek is a little tighter, Lierly is a little less tight then this one there kind of on each one of what this is, so just to give you a mental picture of what it will look like."

John Humphries answered, "Yeah well that is pretty crowded for being out there and so that is really all I had to say."

Betty Ezell, Neighbor off of Hughmount Road, stated, "Their land does about ours and we have been their neighbors for 32 years and they are good people. The density of this development we think would be appropriate in the Fayetteville City center but not in the rural setting. Although my husband isn't with me he is with me on everything that is here. We believe that any greater density requirements will decrease our property's value. Our lot size I must say is 16 acres. We believe that any greater density requirements will again, decrease our property's value. I don't even know what the range of house sizes that they are wishing to build. Our house is pretty close to their fence and our house is over 2,300 sq.ft. and (my husband said that I should add this) approx. 600 sq.ft. attached wooden deck and the garage is oversized and separate. We feel that at least 20% of the houses in the development should be at least as large as ours. Of course this would help to protect the property that we love and have been on for a long, long time. Our home is situated again, quite close to the property line on which they would like to build. We believe that current density requirements are the minimal restrictions on an area transitioning from rural to suburban. We believe that denser development will impact our quality of life and safety after construction and during construction because of greatly increased traffic. We are worried about the impact of denser development on the quality of our ground water as chemicals used in construction and afterward leech into the soil. They impact on the quality of our groundwater, which is becoming a more and more precious resource, and will negatively impact the value of our property. We do have a well which we drink from, so that is one of our really big concerns. We are concerned about the environmental effect that denser development and necessary land-clearing will have on the wild life of our property whose residents and visitors include bald eagles, painted buntings, indigo buntings, blue birds and deer. Because of all these reasons we firmly oppose the proposed development, we do not feel good about it at all. The main issues being the drainage and the density, both of these."

Kenley Haley, Planning Board Member, asked about the density of the vegetation.

Betty Ezell responded, "In one area, up towards the road, near the road. My husband has really enjoyed planting trees and this is apparent. Well let me see there have been four generations of Ezell family members who have lived on the original family farm and we live on the north end of that original family farm and we are concerned."

Yolanda Field, Neighbor off of Hughmount Road, stated, "I am not going to restate all of the concerns that everybody else has already stated. I am just going to point out a couple that I thought you should be aware of and maybe you already are. The added traffic to the flow going out especially during the rush hours are really going to jam up the 2 access points that currently exist for everyone piling out of there in the morning and coming back home that would be Howard Nickel Road and HWY 112 and then of course

Hughmount Road accessing Mt. Comfort so that's really going to back those up, but you may already be aware of that. Specifically my concerns are that the north exit of that project is specifically parallel to my exit. So I am right there the northeast area there on the property. You can't really tell because the front is just a lot of trees. My exit will basically be parallel with their exit so that would be two side by side exits trying to get out at the same time. I am sure that there will be lots of folks trying to get to work; I will be trying to get to work. I don't know what can be done about that. The other thing is the south part of my property and that back corner as you can tell there is a lot of trees there so that takes care of that. You were talking about the density of vegetation there is a lot there. Where my house is specifically there isn't that much and the proposal is at least three lots I think are there. The backyard of those lots will be at my front door. So I would think at least consideration of me as a neighbor, I have lived out there for 25 years, would be some type of privacy fence that the project would put up. That basically is it quality of life, I love it out there. It is a great place to live, I love the county and I think this would very much detract from my home."

Richard Stuffacher, Neighbor off of Hughmount Road, stated, "I don't question Cullers right to develop their property, I have known for a long time that they were planning to do that with that property that pasture. I would hope that they would show as much consideration as possible for quality of life issues for people inside and outside the development as they plan for it. My main concern with regard to this and this concern is compounded by greater density in this subdivision and that is the access from the east side of it. There are power lines running on the border up north and south on the east edge of the proposed development. There is no access between the eastern edge of the development as shown on the plat and the western edge of the property that is across the powerlines from it. There are 3 street stubs proposed all 3 of the street stubs are pointed at my house. I don't find that very comforting or pleasing or anything else positive. I believe street stubs do in fact have significance because they set where the streets and the buildings are going to go. Once the street stubs are actually physically made, as that one to the east there that butts up against the power lines then they control where buildings go and everything else they are in fact very significant and very permanent. I don't plan to move and I don't plan to willingly surrender any of my property for a street connecting east west between this subdivision and the subdivisions that are now to the east of it. So like Yolanda said there is going to be a gush of traffic going in and out every morning and night. Especially if there's a lot of houses in there and at some point down the road I hope that the city is not going to decide well there is not safe provision made for emergency vehicles for general traffic we need to put a road connecting the subdivision with the streets to the east of it. And guess where the road is going to end up being? My property, there is a stub lined up with it you can see from that map, my house and my buildings are smack in the crosshairs of that plan, right of way or street, easement, whatever that is developing in there. That house has been there for 90 years people have been living in it. I frankly very much resent that somebody behind a desk somewhere would decide that that is a great place to put a street. So in principal I have no objection to any of this it is going to vastly reduce my quality of life there but that's life. I have a place to live I can't begrudge other people wanting to have a place to live too. Fine, I just want people to respect my place to live. I don't want provisions to be shoddily put together plans shoddily made insufficiently made so that down the road a little bit after this property is part of the city annex and all that it suddenly becomes apparent that there is a new access road needed so I think it is beholden to the planners and everybody involved in this to make sure that there is adequate access there. Since there are already houses all along to the east of this property if a street is to be put through there one of those new houses is going have to be condemned to put a street or a connection of any kind through there I would like to see that done rather than to condemn my property to put a street in there. Thank you. That is my concern."

Liz Lester, Neighbor off of Hughmount Road, approached, "I am concerned about density I think it is too many houses even though we have subdivisions on either side we also have we also have small acreages with single houses on them and this is an old agricultural area so I am concerned about the density of houses. I am also with Mr. Stuffacher very concerned about these stub outs and the potential of where

these streets could be sometime in the future. I have no idea whether that can be forced on us to put streets through or not but I am very concerned about it. The one that stubs out going to the north that would go straight through his house pretty much ends up being my driveway going out to Hughmount Road I have concerns about where the roads might be in the future I have no intention of moving or selling either, also drainage. Also our place you can see if this is annexed into the city already the Lierly Subdivision is annexed into the city. So our little square here I am assuming will be annexed in I mean would they piecemeal do this. We don't care to be annexed into the city it's one of the reasons we are out there is that we want to be in the country so I am concerned about all of these things. Thank you very much."

Dee Hastings, Neighbor off of Hughmount Road, stated, "We just moved out there a little over a year ago. We are a little surprised to find out that we moved from a subdivision to now be living next to a subdivision. We understand progress and we certainly understand someone wanting to take advantage to the economy and growth. But we are opposed to the size of the lots we feel that this is a more upscale neighborhood we are very close to Howard Nickle you have got 3 to 5,000 Sq.ft. homes up there and as you come back through every home that's being built is probably a min of 2,500 Sq.ft. you do have some older homes that are smaller. Our house is 3,700 Sq.ft. I think 74 houses on 21 acres is a tremendous amount of houses for that neighborhood which is a rural neighborhood the road infrastructure is not at all designed or set up to support that type of traffic and that additional number of just people, the volume. If you notice there is a very hard corner that kind of loops around on Hughmount in front of our property. That road, that is already a hazard we live in a rural area, we have dogs, animals and all kinds of pets that sometimes sit in the middle of that road and people come flying up to that corner slow down a little to make it and then take off. I can't imagine what that traffic would be like and the hazard that would surmount there based on the number of additional houses and people and bodies and vehicles that is proposed in this plan. I don't think there is enough green space in that plan. The additional noise in itself is very disturbing I mean one of the reasons you move to a rural area and to the country is to get away from noise and the noise has just been brought back. So the sizes of the lots are very much a concern the additional traffic, the infrastructure of the roads. Getting out in the morning that was pointed out, right now I know someone that lives on Howard Nickel and they already made a comment that right now half of Washington county drives through their road to get to work in the morning. Well the other half is about to start driving through. And right now the back up to get out to 112 where there is no light is already an issue. And if you're making a left and you got people trying to make a rights and lefts and there is no light. It's going to be the same on Mt. Comfort and that is a road that has a very hard corner so it's already a hazard because there is limited view of what's coming around the corner so I just see this not being a good situation from a traffic standpoint. Thank you."

Michael MacDonald, Neighbor off of Hughmount Road, stated, "I have been out there for a better part of 30, maybe 35 years. My one question, which I am not really clear about maybe you guys can clear me up on it. The front property there is a fence that runs through here. I was under the impression that was his sister in laws property and that she was going to develop into a horse farm and this was less than a year ago that I had heard this. I am just wondering if that is even something that he can do if it is truly her property but regardless I do not like the idea there is too many homes. We are a very nice little community out there has been for a long time. My property at one time was owned by a fella who recorded birds and like Mrs. Ezell said our bird life out there is incredible the things that we do have. We have already gotten oh I don't know to the south of me, which is now the city limits, the green that's down in that corner they are building a mass quantity of homes right now in that area. I was under the impression that this is going to be the same density but from what I am understanding this is actually more dense; I don't know if that is true or not. But I just don't understand why that property seems to be or was in somebody else's hands and if it changed hands that is fine. I really don't think our neighborhood needs that much more growth right now. The exit that I normally take is Hughmount Road going on to Mt. Comfort Road and the city I guess it was came in and corrected the curve a little bit to

where when we come in we have a little bit better merge, it really didn't make that intersection any safer. It did alleviate I am sure a blind spot which it's still there it's just not as critical the traffic has not really been paid attention to with the first subdivision and I am afraid this one is going to overload us in a bad way. If that intersection on Mt. Comfort would get fixed with a light is really the only way I would see a good fix. Then like the other fella said with the access just being on those two sides inevitably the emergency vehicles are going to have trouble getting in and out of that and it's just a confined area. I just don't think it's well thought out."

Dee Hastings added, "I didn't mention that road that is on Mt. Comfort which although it is not right within the general vicinity of this but it's still access to Wedington. I don't even know what you call that because I don't think it was ever designed with the volume of people and houses in mind that are there today. That intersection where Ruppel ends and then you have to kind of jog down to get over to Wedington and it kind of picks Ruppel up again that is a Y there so you have got people from Mt. Comfort that are going down there and you have people coming from the other direction from Ruppel and you have people coming up some of them turning this way, some of them turning this way and there is a yield sign. There have already been numerous accidents there and I am sure if you pulled the records you will find that there have been many accidents at that intersection. With all of this additional volume of people and automobiles and I can't even imagine how you would navigate that without there being an accident there monthly. And frankly I have a 16 year old that just started driving and I am already terrified of him having to take that road on a regular basis but it is our connection to Wedington and it's the only connection unless you go down and pick up the freeway."

Sara Raymond, Neighbor off of Hughmount Road, stated, "I am sorry I run late and so I am sure I missed something but who is Nathan Crouch? Okay so I sent you an email and returned the comment form. Have the comment forms been read to the group?"

Randy Laney and Walter Jennings both replied, "We have received them."

Nathan Crouch responded, "I have made an update packet for all of the Planning Board Members containing all of the comments."

Sara Raymond asked, "But I don't have my comments with me would you mind reading my comment to the group because I can't paraphrase it."

Nathan Crouch replied, "I don't mind it at all. Susan Raymond's comment reads "My main concern is 74 lots on 21 acres seems too high of a density. I believe fewer lots would be more compatible with the agricultural and small farm county properties to the north and the south. Subdivisions of similar density to the east and west already exist in the Fayetteville city limits. Fewer lots would allow for a compromise or better transition among the surrounding properties."

Randy Laney inquired, "Is there anyone else here that wanted to address the Cullers CUP?"

Nathan Crouch responded, "Sir, just to be clear we are still hearing the variance. Item A, this is just the variance for the lot size density and the lot size frontage. There has been a traffic statement submitted with the CUP with intent on providing a full traffic study, drainage study and other things at the CUP if the variance is approved."

Kenley Haley stated, "So right now all we are considering is just the variance?"

Nathan Crouch answered, "Yes ma'am, the variance for lot size and the frontage. Also another thing to note is that the CUP won't be heard this evening if variance is not allowed."

Kenley Haley asked about the recommendation for the variance.

Nathan Crouch responded, "Yes ma'am, I do. I had a recommendation to approve this variance. I will just read the recommendation again. If Fayetteville City Council approves this development to connect to the city's water and sewer systems and approves annexation of this development in the Fayetteville City limits. Staff recommends approval of the proposed variance with conditions. However if the city were to approve annexation then Washington County would not need to hear this any further and they wouldn't have to hear the preliminary plat. But the reason we're hearing the variance is because of the lot size and lot frontages and the reason we're hearing the conditional use permit tonight without the preliminary plat is because the applicant feels that he'll stand a better chance with the city for annexation with an existing approved CUP on hand with the county."

Justin Cullers, Applicant for Cullers Subdivision, approached, "In regards to the variance I would just like to address some of the neighbors' concerns, with respect to all of these neighbors because I have basically grown up next to these people my entire life. Most of them have helped me and my father and brother put cows in over the years so, we all know each other quite well. No ill intent on anybody's property and anybody's property value. I do want to take time to address some concerns maybe, alleviate some concerns of the project. Again as of right now this is an initial concept plat this is not a subdivision yet. This is a concept drawing to see in theory how many lots we could fit on the said property that would be in compliance with city and county regulations and that would fit the surrounding areas. You brought up the densities earlier even at this dense of a configuration we feel that and the numbers show that it is a transition between the property to the east and the property to the west. And with concern to the individual lot sizes average of 7,500 sq.ft. I believe there are some as large as 11,000 sq.ft. in there. I think it's the appearance on paper that might be a concern. As to the width of the frontage if you actually look at the sq. footage of the lots to the east and to Hughmount Village to the west, we're averaging; I don't think we have anything less than 7,000 sq.ft. or 7,500 sq.ft. like I said up to 11,000 sq.ft. Hughmount Village ranged between, I believe 11,000 sq.ft. and 6,200 sq.ft. In regards to the ones back to the east I believe they average closer to 7,000 sq.ft. so we actually are in a buildable area slightly larger than actually both of them on either side. With regards to the traffic out there with the density looking at the city of Fayetteville's current master street plan Hughmount Road itself is shown as a minor arterial. We're also within I believe a half mile or 3/4 of a mile of it, Ruppel Road which is the principal arterial parkway which the city is calling it their 'Box of the City'. HWY 112 is slated for improvement from the current Van Ashe improvement, where Van Ashe intercepts 112 down by the old drive-in. That's already slated by the Highway Department to be improved all the way out toward Howard Nickel. I believe Howard Nickel is in planning for improvements as well. We are tying into Mt. Comfort Road which is already listed on the master street plan as a major collector. So we feel that existing streets also Hughmount from this proposed project up to the major collector, Mt. Comfort it was improved 2 years ago during the construction of Hughmount Village the county came in and actually widened Hughmount already 2 ft. on either side and completely reconfigured that intersection at Mt. Comfort. We feel that traffic is not a concern with this density. In regards to Mr. Stuffacher's comments not only the location of the stub outs and also, I believe Mr. Raymond, addressed the possible annexation of their land, in my talks with the staff and the council members at the city should this be annexed it is very specific to the borders of this property. No other neighbors are subject to annexation unless they petition to do so at the time that this could possibly be annexed. But they would not absorb any more than what we requested which would only be our property. Mr. MacDonald's comment on the adjacent property that is my aunt's property the other 16 acres is my father's property but they are to be done in conjunction. Going back to Mr. Stuffacher's property, we are adjacent to the city limits, this has been designed as a concept again, we are in a growth area so we had to design this to city standards, that alleviates concerns of the Ezell's and Mr. Humphries as far as drainage is concerned and Mr. Humphries is upstream so it's less of a concern to him as far as what would come towards him. Everything designed to city standards has to pass

all of their criteria for drainage and runoff, streets are to be curbed and guttered. We are showing a potential location of a retention pond, which there is an existing pond there to be expanded for storm water collection. As far as condemnation of Mr. Stuffacher's property in the future, I don't have a crystal ball but, given the master street plan for the City of Fayetteville and the fact that these are just neighborhood roads, there should not be any reason that his land would be subject to condemnation at any time, unless he decided to sell it and do something with his property. And those stub outs, my engineer could address that better than I could, that was done per city code that you have to have a stub out to any adjacent property where available that is the reason for those stub outs not that anybody is planning to go that way. That is just a requirement we have to have a stub out pointing to adjacent properties. Those are all the concerns I can think about right now that people have brought up if anyone else has any questions for me I would be happy to address at this time."

Public Comments Closed.

*Kenley Haley made a motion to approve the **Variance for Cullers Subdivision** subject to staff recommendations. Walter Jennings seconded. Board Members Walter Jennings, Daryl Yerton, Robert Daugherty, Joel Kelsey, Randy Laney, Philip Humbar, and Kenley Haley were not all in favor of approving.*

Roll call

*Kenley Haley, Philip Humbar and Walter Jennings were in favor for approval. Randy Laney, Daryl Yerton, Robert Daugherty and Joel Kelsey were opposed. **Motion Denied.***

CONDITIONAL USE PERMIT HEARINGS

County

b. Cullers Subdivision CUP

Conditional Use Permit Request

Location: Section 31, Township 17 North, Range 30 West

Owner: Windell Cullers

Location Address: 3022 N Hughmount Rd.

Approximately 21.52 acres / 74 Lots, Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.10478620, Longitude: -94.22270734

Project #: 2017-130 Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

Motion for Cullers Subdivision Variance denied. Cullers Subdivision CUP will not be heard.

County

c. Meadows at River Mist CUP

Conditional Use Permit Request

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

Owners: Bank of Fayetteville

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

Engineer: Charles Presley

Location Address: Intersection of E Hwy 412 and WC 386

Approximately +/- 65.35 acres/125 lots Proposed Land Use: Residential Subdivision

Coordinates: Latitude: 36.17437745, Longitude: -94.01026113

Project #: 2016-249 Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

REQUEST: Conditional Use Permit approval to allow a 125 lot subdivision on a 65.35 acre parcel zoned for Agricultural & Single Family Residential (1 unit/acre) uses by right.

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 the county's zoned area.

QUORUM COURT DISTRICT: District 5 Joe Patterson

FIRE SERVICE AREA: Nob Hill VFD

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE: Water- Springdale

Electric- Ozarks Electric

Natural Gas- N/A

Telephone- AT&T

Cable- N/A

BACKGROUND/ PROJECT SYNOPSIS:

The owner of this property is Bank of Fayetteville. The applicants are Memphis Snyder, Jamal Parker, and James Mathias of FH&G Properties. Then project engineer is Charles Presley, of Presley, Brannan & Associates. This property is located off AR St Hwy 412, just east of Beaver Lake, adjacent to Blue Springs Village Subdivision (see attachments C-8 and C-12).

This CUP request is to allow a 125 lot subdivision with 10,000 sq ft minimum lot sizes on a 65.35 acre property zoned for Agricultural and Single Family Residential uses at a density of 1 residential unit per acre, by right.

This request, as well as the Preliminary Subdivision Plat proposal, was tabled at the February 2, 2017 Planning Board meeting to give the applicant additional time to adjust the subdivision plat to meet Washington County's 10,000 sq ft. minimum lot size requirement, as well as reconfigure the Decentralize Sewer System drip field. At the advice of Planning Staff, the applicants have decided to table the Preliminary Plat request again for this meeting, and only request Conditional Use Permit approval at this time. Staff anticipates the applicants to apply for Preliminary Plat approval at the next Planning Board meeting.

CUP and Preliminary Plat approval were granted for this subdivision, at this location, in 2006. But the construction was never completed, and it never received Final Plat approval. The current developers wish to use the infrastructure (water lines, sewer force mains, roads, curbs) that was built in 2006 for the subdivision request, if they are granted CUP approval.

TECHNICAL CONCERNS:

Water:

Springdale Water provides potable water service to this property, via the Nob Hill water tower. The network of water lines to service the proposed subdivision were installed in 2006, but have never been pressure tested or fully connected to the water utility. Springdale Water has stated they can provide water service to a subdivision of this size at this location.

There is a water main running beneath several proposed lots along the south side of the proposed development. Utility easement must be dedicated, and homes may not be built inside it.

Planning Staff received a letter from Beaver Water District concerning this proposal. (See attachment C-18-19)

Fire:

The Nob Hill Rural Fire Department is approximately 1 mile away, and provides fire protection to this area. Fire Flow on the nearby fire hydrants has been calculated via hydraulic modeling software, and the report shows that when the 20 psi minimum residual residential water pressure is being maintained (as per Health Dept regulation) the hydrants do not meet the minimum 1,000 gpm fire flow requirement. Chris Hall, P.E. at McGoodwin, Williams & Yates, stated that "Based on our analysis, the proposed development can only sustain fire flows between approximately 760-gpm and 772-gpm (see Table 1) and maintain system pressures above 20-psi. Any fire flow with a greater magnitude causes calculated

pressures in the proposed development and surrounding area to fall below 20-psi.” (See attachments C-13 – C-16)

The solution put forth by Gary Hull, Nob Hill Fire Chief, is to use these fire hydrants as fill hydrants. He has requested the applicants dedicate one subdivision lot as a fire station lot (deeded to Nob Hill Fire Dept), provide the fire station building and a fire tanker for the Nob Hill Fire Dept. Chief Hull has stated he will move his larger fire tanker to this fire station and the take the tanker provided by the applicants into the Nob Hill fleet. With this solution it is deemed that Nob Hill can meet the fire flow requirements set forth by Arkansas Fire Code. (See attachment C-17)

The Washington County Fire Marshal stated that he agrees this strategy would meet fire code.

Fire hydrant spacing shall be kept to a maximum of 500'. The roads, at 30' wide, shall have no parking on the fire hydrant side of the road, and no parking either side of the road for 10' in both directions centered on each fire hydrant. “No Parking-Fire Lane” signs will be installed on the opposite side of the road as the hydrant, indicating no parking for 10' in both directions.

Decentralized Sewer:

The sewer force mains have already been installed, however the Health Department regulations have changed since the time they were installed. The applicants will propose to utilize a Decentralized Sewer System (DSS), but that will not be fully reviewed until Preliminary Plat is requested.

The Health Department has stated the existing sewer infrastructure will need to be tested before they will approve it, and that they will not provide the testing. Testing of the sewer force mains will be the responsibility of the developers.

Any future connection of the DSS into Springdale Water's sewer system will not be accepted due to the fact the system will be pressurized.

The onsite sewer treatment plant and dripper field will be fully reviewed at Preliminary Plat.

Electric/Phone:

No comments were provided by these utilities.

Roads:

All interior proposed subdivision roads are to be dedicated as county roads. At Tech Review the right-of-way was shown at 50' wide, but the Road Department required the applicant to increase it to 60' width. At resubmittal the right-of-way was increased to 60', but it was made clear they want to have that decreased to the previous 50' width. Planning Staff met with the Road Department Superintendent regarding decreasing the requirement, which they denied. The Road Department requires the county road right-of-way to remain 60' wide on all county roads inside this proposed subdivision development to be in compliance with the right-of-way width they are currently amending the code to read.

The existing interior roads are in poor condition. The majority of the curbs and drainage structures were installed in 2006, but no asphalt was poured. So the road beds have substantially eroded over the course of 11 years, to the point that many of the curbs have had the supportive base material washed away from beneath them to the point they have collapsed. Staff agrees with the applicants that many of the curb sections may still be used. But there are many that must be replaced.

All roads, curbs, and gutters must be constructed to meet the Road Department's standards.

Drainage:

The Washington County Contract Engineer had several comments regarding both the CUP and Preliminary Subdivision aspects of this proposed development. The comments addressing the Preliminary Plat request, which is currently tabled, have been eliminated for the time being. And the remaining comments/questions that specifically address the CUP have been addressed by the applicant,

but not completely. Staff is still waiting for these items to be fully addressed, and then reviewed by the County Contract Engineer.

Staff will update the Planning Board at the meeting.

Staff received a letter concerning drainage and the underlying geological condition. (See attachment C-20)

Environmental Concerns:

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

Signage/Lighting/Screening Concerns:

It is not clear to staff if there is any proposed signage or lighting. This will need to be reviewed prior to this project moving forward as well.

Generally, 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.

Health Dept.

The Arkansas Health Department requires residential residual water pressure to meet the minimum of 20 psi during an event where a fire hydrant(s) is providing 1,000 gpm fire flow. Based on hydraulic modeling, using 20 psi residual pressure as the minimum, fire hydrant fire flow was below 800 gpm. However, this coupled with the fire protection strategy outlined in the Fire section of this report, Staff feels that the minimums may be achieved.

COMPATIBILITY CONCERNS:

Surrounding Density/Uses:

The surrounding uses are single family residential and agricultural. The surrounding subdivision average densities range from 1 unit per 0.3 acres to 1 unit per 3.6 acres. The density of the site being proposed is 1 unit per 0.23 acres (10,000 sq ft minimum lot sizes proposed).

Staff feels that the applicant's request is compatible with the average densities found in surrounding subdivisions. And the 10,000 sq ft minimum lot sizes being proposed meets the county's minimum lot size requirement.

County's Land Use Plan (written document):

According to the County's Land Use Plan,

SECTION III. PHYSICAL DEVELOPMENT

A. LAND USE CONSIDERATIONS

1. RESIDENTIAL

Several goals surfaced as paramount in the PARA Task Force meetings and in a meeting held by the Quorum Court. These include:

- f. Provision of a safe living environment that offers quiet, privacy, and a rural flavor and atmosphere; **Staff feels that all of these can be met with proper home construction and site planning.**
- g. Provision of quality residential development of good design, developed in a manner accessible by an adequate street system to avoid costly infrastructure extensions;

- h. Protection of residential areas from incompatible adjacent land uses; **Staff feels the property conditions of approval can make this proposed use compatible with adjacent land uses.**
- i. Protection of property values; and **The surrounding property values will likely rise with the conditions of approval, if approved.**
- j. Provision of safe and adequate access to residential areas, installed in a manner to accommodate emergency and other services. **All proposed lots will be accessible to emergency vehicles.**

To achieve these objectives, it is essential to:

- h. To provide for development of residential areas at appropriate densities.
- i. Update, administer and enforce subdivision regulations; and develop, adopt, and enforce zoning and related regulations and codes;
- j. Require development to be connected to utilities and utilize zoning as a means to guide the progression of development;
- k. Protect the character and integrity, and property values, of single-family, residential areas;
- l. Protect residential neighborhoods from inappropriate non-residential influences through the use of regulatory controls;
- m. Ensure land use and development patterns which provide for the most efficient and effective use of available utilities and services, including fire protection; and,
- n. Maintain an adequate county road plan and standards to guide and accommodate traffic movement; to develop differing categories of roads; and to protect rights-of-ways for planned, future roads.

Future Land Use Plan

The future land use designation for this property is Low Density Residential (1-4 Units per Acre). At 10,000 sq ft minimum lot size, Staff feels this proposed land use is compatible with the Future Land Use Plan.

SITE VISIT:

A site visit was conducted by planning staff on March 21, 2017. Issues were noted with the condition of the existing (unfinished) roads and curbs.

NEIGHBOR COMMENTS/CONCERNS:

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

One neighbor comment has been received "In-favor" of this proposal.

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

STAFF RECOMMENDATION:

The applicants have worked hard toward getting this proposal to this point. However, Planning Staff still have reservations regarding the aspects of this project that remain unknown (natural drainage systems below the ground, the impact to the water quality of the lake) and the nature of much of what we do know (the insistence on using existing untested sewer/water mains, pressurized septic system within close proximity to the lake).

Based on the lack of information regarding the impact to the lake, the lack of ADEQ and ADH permitting, and other unknowns, Staff recommends denial for the Conditional Use Permit request of the Meadows at River Mist Subdivision CUP.

However, if the Planning Board chooses to approve this Conditional Use Permit request, Staff puts forth the following conditions for consideration by the board:

Water/Fire Conditions:

1. Engineered fire flow for the proposed hydrants must be submitted at Preliminary Subdivision review.
2. All hydrants must be shown on the plans (and labeled or indicated on the legend). Hydrants must be spaced, at a maximum, every 500 feet.
3. No parking will be allowed on the side of the street where the hydrants are located.
4. "No Parking-Fire Lane" signs must be placed in accordance with Fire Code.
5. Full review for compliance with the State Fire Code will be required at Preliminary Subdivision review.
6. All requirements from Nob Hill Fire Dept must be met
 - a. Dedicate a subdivision lot, to be deeded to the Nob Hill Fire Dept.
 - b. Pay for the construction of a 3-bay fire station, to be deeded to the Nob Hill Fire Dept.
 - c. Purchase a new 2,500 gallon fire tanker, with ownership transferred to the Nob Hill Fire Dept.

Septic Conditions:

1. All review and permitting of the proposed decentralized sewer system (DSS) must be completed at Preliminary Plat review, as per County and State regulations.
2. No parking is allowed on any portion of the DSS including the alternate area. The alternate area must remain undisturbed (no overflow parking either).
3. At Preliminary Subdivision Plat, please provide a drawing of the system, operations manual, and details on the DSS that will be installed.
4. Details about who will own the sewer system upon completion of the subdivision need to be submitted at Preliminary Plat.

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

1. Obtain proper permits from AHTD before constructing/modifying the entrance.
2. All subdivision lots must access onto the proposed roads. No direct access from subdivision lots will be allowed on Hwy 412.
3. A statement verifying the sight distance will be required at Preliminary Subdivision review. It must meet minimum County standards.
4. Right-of-way width of all county roads shall be 60 feet.
5. No utilities, signage, lighting, or structures may be placed in the County ROW.

Drainage Conditions:

1. A full drainage study will be required at Preliminary Subdivision review.
2. Care must be taken to avoid contamination of Beaver Lake by runoff created by the development.
3. The drainage report must be approved by the County Contract Engineer.

Environmental Conditions:

1. No storm water 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.

Utility Conditions:

1. Generally, any damage or relocation of utilities will be at the expense of the owner/applicant.
2. All required utility easements must be shown at Preliminary Plat.
3. **Ozarks Electric 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 lot numbers clearly written on the stakes before construction will begin.
 3. If off site easements are needed for Ozarks to provide electricity to the development, easements must be obtained by developer and provided to Ozarks before the design will begin.

4. All conduits placed at road crossings by developer must have 48 inch of cover at final grade and marked with post to identify end of conduits. (3 – 4 inch schedule 40 conduits to be used for electric only at all road crossings, conduits must extend past the edge of any obstructions so that they are accessible during construction. Other utilities will require more conduits at road crossing.) There must be minimum separation of 12 inches between conduits for electric and conduits for other utilities. This is NESC code 354.
5. 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 on Policy 45 (Ozarks is responsible for up to 50% and the developer is responsible for the remainder of the cost of construction) 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 back lot and side lot utility easements to be 20 feet except side lot utility easements to be used for street lights to be 10 feet. All front lot utility easements to be a minimum of 25 feet.
8. Developer must provide Ozarks Electric with a Digital copy (AutoCAD 2004) of the final plat as well as a hard copy.
9. 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.
10. Please contact me when construction begins on subdivision and again when construction is within three months of completion. Wes Mahaffey at (479) 684-4949 or wmahaffey@ozarksecc.com

Signage/Lighting/Screening Conditions:

1. 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.
2. Staff recommends monument type signage, approximately 60 sq ft or less in size, that is indirectly lit (if lit). The signage will not be allowed to be placed in the County or State ROW. The proposed signage must be approved by Planning Staff.

Standard Conditions:

1. Pay engineering fees. Staff will prepare a statement once all invoices are received. If less than one hour of review, there will be no billed charges.
2. Pay neighbor notification mailing fees (\$359.31) within 30 days of project hearing. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 3/29/2017).
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. This CUP must be ratified by the Quorum Court.
5. No CUP is final until the 30-day appeal period has run (and no appeal has been filed).
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.

This project requires additional review (Subdivision), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.

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

James Mathias, Developer for Meadows at River Mist, stated, "To begin with we'd like to ask to be tabled again. We feel like that there is not enough knowledge and understanding of the system that we are putting in. And so for that reason we would like to be tabled. So that we have a chance to, we have not had any meetings with Planning as far as the system we are using so there is not a clear understanding of the system so we would like some extra time to do that. As far as this last list, everything on there we will do and we will do some of them we just haven't had time to do. We've been at this for 10 months; we kind of get a new rabbit hole every month. We are ready to hit this square on. And we would also like to, we

need some education as far as the close system is what it is. We have never had a meeting with planning as far as what type of system it is and how it works. For that reason we'd like to table it."

*Robert Daugherty made a motion to **Table** at the request of applicant for the **Meadows at River Mist CUP** subject to staff recommendations. Joel Kelsey seconded. Board Members Walter Jennings, Daryl Yerton, Randy Laney, Philip Humbar, and Kenley Haley were in favor of approving. **Tabled at the request of the applicant***

County

d. Baldwin Cell Tower CUP

Conditional Use Permit Request

Location: Section 19, Township 16 North, Range 29 West

Owner: Windell Cullers

Applicant: Smith Communications, LLC

Engineer: Ehresmann Engineering, Inc.

Location Address: 5044 E Huntsville Rd, Fayetteville, AR

Approximately +/- 0.10 acre Proposed Land Use: Wireless Communications Facility

Coordinates: Latitude: 36.05142593, Longitude: -94.09028072

Project #: 2017-138 Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

REQUEST: Baldwin Wireless Communications Facility is requesting Conditional Use Permit approval to allow a wireless communication tower facility on two properties that approximately total 32.88 acres in size, and are currently zoned for Agricultural and Single Family Residential uses.

This property is in a zoned area where the use of Single Family Residential (maximum of 1 unit per acre) or Agricultural is allowed by right, and all other proposed uses must be reviewed as Conditional Use Permit Requests by the County Planning Board/ Zoning Board of Adjustments.

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 Fayetteville's Planning Area. The City did not comment on this project.

QUORUM COURT DISTRICT: District 15, Butch Pond

FIRE SERVICE AREA: Round Mountain FD

SCHOOL DISTRICT: Fayetteville

INFRASTRUCTURE: Water- Fayetteville Hills Corp
Telephone- AT&T

Electric- Ozarks Electric

Natural Gas- Black

Cable- Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

Baldwin Wireless Communications Facility is requesting Conditional Use Permit approval to construct an approximately 150 foot tall monopole wireless communications tower facility. The tower will be unlit.

The tower will be constructed on parcel 001-10671-000 (29.21 acres) and a proposed 40 foot wide access and utility easement will provide access from East Highway 16/Huntsville Road across parcel 765-13073-000 (3.67 acres) to the tower site. Both parcels are owned by Betty Knox. The tower will be located on a 70'x70' lease area. It is presumed by staff that additional generators, shelters, and meter banks could be added in the future with future antenna co-locations.

The applicant's explanation letter states that the facility will be unmanned and the only reoccurring traffic will be light trucks for equipment maintenance technicians.

If this CUP is approved, then this tower is expected to be reviewed by the Planning Board for Full Tower Review.

Staff has been out to the site and observed that it seems to be situated in a way that minimizes the aesthetic impact for some of the neighbors due to existing tree lines. Also, the existing high voltage transmission lines on this property visually make a cell tower at this location less obtrusive than it might be in a strictly agricultural setting.

See the site plan which shows residential home proximities to the proposed tower's location. The closest residence will be approximately 238.50 feet from the base of the tower's proposed location; this residence's address is 4790 East Huntsville Road and belongs to James and Christina Coleman. The next closest residence is 241.55 feet from the tower's base; this residence's address is 4748 East Huntsville Road and is owned by Jeana Ratliff.

There have been no outstanding issues with this project.

APPLICABLE FEDERAL LAW IN REGARD TO REVIEW OF CELL TOWERS:

Items we cannot consider- as per federal regulation:

Sec 704 (a)(iv) of the FCC Act of 1996 prohibits us from making decisions about the possible environmental impacts of cell towers based on radio frequency emissions, etc. This includes health-related concerns in regard to radio frequency emissions.

There is a maximum amount of radiation allowed by Federal regulation. As long as the tower does not exceed that amount, then you may not use this as a reasoning to not allow the tower.

In November of 2009, the FCC issued a Declaratory Ruling clarifying portions of the FCC Act. This clarification states the following:

- Local governments have 150 days to review and act upon tower siting applications. If the County fails to act in that period of time, the applicant can bring action against us in court, and we will bear the burden of explaining why the delay was reasonable.
- The County cannot deny an application solely because "one or more carriers serve a given geographic market," as in doing so, the County would be engaging in unlawful regulation that "prohibits or has the effect of prohibiting the provision of personal wireless services." In other words- just because one provider (i.e. AT&T, Verizon, etc.) has existing good service in an area is not grounds to deny a tower from being placed in that area.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

The access drive is approached from East Highway 16/Huntsville Road within Fayetteville's City Limits. While no overhead power lines were seen in the area of the proposed drive, there are trees and vegetation. These must be cleared to allow enough vertical clearance for fire apparatus along the proposed access and utility easement. This access drive must be at least twenty six feet in width and be able to support 75,000 lbs. in all weather conditions. The gate that will be installed in the existing fence row must be at least 26 feet in width. The tower compound must have a 20-foot wide gate installed in it in order to accommodate emergency vehicles.

The nearest fire hydrant is located at 5060 East Huntsville Road with a fire flow of 1220 GPM. The required fire flow for this proposed project is 1000gpm.

Health Department Issues:

The proposed facility will be an unmanned location. Per the applicant, soil testing will not be needed as there will not be water services, sewer services or septic equipment.

Electric/Gas/Cable/Phone:

Ozark Electric has a high voltage line around 250 feet from the proposed tower site.

Black Hills Corp, AT&T, and Cox Communications submitted no comments on this project.

Roads/Ingress-Egress:

Washington County Road Department had no comment as the applicant will access the proposed site from East Arkansas State Highway 16 (Huntsville Road). The applicant is aware that they must have a Utility Access Driveway Permit with the Arkansas Department of Transportation (formerly Arkansas Highway Transportation Department).

Drainage:

The Washington County Contract Engineer has no comments on this proposed project. The applicant submitted a statement to staff stating that the proposed tower facility's construction will not appreciably change the grade or slopes of the existing terrain and would not cause the diversion or any other appreciable change to the storm water runoff either to or from the proposed site.

City of Fayetteville's Concerns:

The City of Fayetteville submitted no comments on this project.

Addressing Concerns:

The applicant must apply for a 911 address to be assigned.

Sheriff's Office Concerns:

Washington County Sheriff's Office has provided no comments on this project.

COMPATIBILITY CONCERNS:

County's Land Use Plan (written document):

According to the County's Land Use Plan,

SECTION II. SUMMARY OF MAJOR CONSIDERATIONS

In an effort to attain the type of development desired by county leaders and citizens alike, the following matters should be considered.

1. Retain the agricultural nature and rural residential character of the county through proper development regulations; while at the same time recognizing the need for industrial land uses, principally where adequate utilities, roads, and other infrastructure exists or will exist. This will allow the industrial and commercial uses and rural residential lands that choose to locate in the county, as well as help to insure that incompatibility with agricultural, residential, and other uses is minimized.

Staff Comments: *Staff has been out to the site and observed that because it is surrounded with existing tree lines and tree groupings, it seems to be situated in a way that minimizes the aesthetic impact for some of the neighbors. Also, the high voltage transmission lines on this property visually make a cell tower at this location less obtrusive than it might be in a purely agricultural setting. Its placement in the terrain, the type of tower (monopole), the height of the tower (153 feet), the lack of tower lighting, and staff's requirement that the tower compound be surrounded with opaque privacy fencing, all help to mitigate the tower's appearance and do not inherently impact the rural and agricultural nature of the County. With these items taken into full consideration, Staff feels that this cellular facility should be allowed at this location.*

2. Commercial development, though necessary, must be weighed according to its impact on agricultural and residential areas.

Staff Comments: *Staff recognizes that a tower at this location might impact the aesthetics of some surrounding properties but the impact is expected to be minimal based on the tower location, tower height, tower type, and the existing high voltage transmission lines. There appears to be good buffering using existing vegetation.*

3. The protection and preservation of agricultural lands through the proper use of regulatory mechanisms is critical to retain the rural nature of the County.

Staff Comments: *Staff feels they have carefully considered and addressed (to the best of their abilities and knowledge) the protections and preservation of agricultural lands using the regulatory mechanisms at their disposal (primarily the Conditional Use Permit Process).*

To address the concerns listed above, staff has given consideration to a number of factors related to this proposed use such as:

- residential structure proximities*
- the proposed tower type and height*
- fire and emergency vehicle access*
- screening of the compound area*
- and all other items discussed in this Staff Report*

Future Land Use Plan

This portion of the County's Future Land Use Plan was extrapolated from the City of Fayetteville's adopted Future Land Use Plan for this area. The Future Land Use Plan for this area shows that it is "Rural Area Residential". The County categorizes this future land use as:

"Residential use- rural in nature (large tracts) combined with a strong emphasis on agricultural use in addition to conservation and preservation of woodlands, grasslands, and agricultural lands that are sparsely settled."

The parcels involved with this CUP application are not being proposed to be divided; the total acreage is 32.88 acres. The presence of this cell tower will not preclude this property from being farmed. Also, the proposed location of this tower on property already crossed by transmission lines and with much floodplain seems to be a good use of this site. In addition, due to the low impact nature of the proposed cell tower on 32.88 acres on property where there are existing high voltage transmission poles 60-70 feet in height, staff feels that this project will be compatible with the surrounding uses.

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within 300' of the exterior boundary of the parcel were notified. No neighbors have submitted comments for or against the CUP at this time. Two neighbors have called. The first neighbor asked about the fourteen day notification period. She only had thirteen days' notice from the time she received her notice. The second caller voiced concerns about radiation from the proposed tower. Staff urged each caller to fill the comment form and mail it in.

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

STAFF RECOMMENDATION: **Staff recommends approval of the proposed Baldwin Wireless Communications Facility Conditional Use Permit with the following conditions:**

General Conditions:

1. The project shall generally adhere to the plans submitted.
2. Any applicable permits must be obtained through City of Fayetteville Planning/Engineering.

Fire and Water Conditions:

1. There must be enough vertical clearance along the access and utility easement for fire apparatus.
2. The gate to be installed along the easement shall be 26 feet in width to accommodate emergency vehicles.
3. The access drive must be 26 feet wide and be able to support 75,000 lbs. in all weather conditions.
4. A 20 foot wide gate will be required on the tower compound fencing in order to accommodate emergency vehicles.

Roads/Ingress-Egress Conditions:

1. A Utility Access Driveway Permit must be obtained from ARDOT/AHTD prior to any access drive being constructed off East Arkansas Highway 16.

Environmental Conditions:

1. No storm water 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. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors.
2. All security lighting must be shielded appropriately.
3. The compound area should be screened by using privacy fencing a minimum of 6' in height.

Addressing Conditions:

1. The applicant must apply for a 911 address to be assigned.

Utility Conditions:

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

Additional and Standard Conditions:

1. Pay neighbor notification mailing fees of \$135.15 within 30 days of project approval. An invoice was emailed on 04/27/2017. Any extension must be approved by the Planning Office.
2. Pay Engineering Fees (if there are any) within 30 days of project approval. Any extension must be approved by the Planning Office.
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. This CUP must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
7. This project requires additional review (Regular Communications Tower Review), and therefore, the applicant must submit for Regular Communication Tower Review within 12 months of this CUP project's ratification.

Washington County Planner, Sita Nanthavong, presented the staff report for the board members.

Kenley Haley asked, "If my memory serves me correctly did we not deny this?"

Sita Nanthavong answered, "No, you approved it and it was appealed because someone didn't like the way the tower looked and I am just very simplifying this. The person who appealed worked in conjunction with the applicant to propose this particular monopole style cell tower, which is what is being presented today."

Zac Tamijani, Neighbor off of Huntsville Road and Member of the Fayetteville Telecommunications Board, stated "I mostly want to know what the antenna array style will be is it concealed or will it be a crown?"

David Reynolds, Representative for Verizon, explained, "It's concealed the photos you saw are the end product."

Zac Tamijani responded "I guess I have a concern beyond that, on the northish side of town there was one that was presented. It's near a church just south of Joyce, I've noticed the covers off of that tower a lot more than I would probably have liked to, if I'd lived in that neighborhood. My concern would be that the reliability of the covers actually being on but now that I know it's fully concealed, that is probably something that I'd be okay with."

Amy Meyers, Neighbor off of Paradise Lane, stated, "My husband Sam is here today and we are opposed to the Baldwin Cell Tower. Our understanding is that the tower would be about 550 ft. directly behind our house. Many of my neighbors wanted to be here today but had to work so they've asked me to convey the seriousness with which we view this situation. The views around our neighborhood are stunning with lots of mature trees and open pastures. That was one of the main reasons that my husband and I purchased our first home there and we feel it made it worth the higher than average cost. The cell tower will surely be visible above the tree line we feel it will reduce the aesthetic appeal as a result we feel that our property value will be harmed. I have safety concerns about the proposed tower. The ground in our neighborhood gets very soft when it rains; I am afraid that the tower could fall onto the nearby transmission lines and pose a hazard. I'm also concerned about the increased risk anytime we have severe weather such as an ice storm or tornado. I have some questions: How close is the tower to the nearby floodplain? How far down will the tower be anchored? What amount of ice will it be able to hold without collapsing? Is the tower going to be a fire hazard? These questions are based on my research and all anyone has to do is put words like 'cell tower collapse' and 'cell tower fire' into google to see that these things have happened before. There is a lot of land in and around Fayetteville that isn't so close to two residential streets. If there is a need for this tower I ask please consider finding a place for it that won't infringe on the rights of the surrounding land owners or place us in unnecessary danger."

Scott Hall, Attorney for Andrew and Fiona David Revocable Living Trust, stated, "They reside at 5086 Huntsville they own about 8 acres the parcel adjacent to the east of where the tower is to be located. These are the clients that appealed the decision in 2014, once it was agreed to be a simple tower, they relented. Based off of the type of tower that I can tell that the applicant is searching, there is a crown in those pictures and it looks similar to this, it doesn't look to be internal whatsoever. The David's are concerned that the tower is not compatible with the surrounding area. That it injures the use and enjoyment of their property; when they're sipping coffee on their front porch they don't want to look out and see something like this Sunday morning before they go to church. They are afraid it is going to impair or decrease the value of their property; they have made a substantial investment in the area. The views there in that neighborhood are a major selling point. As far as the tree line minimizing the impact,

we all know tree lines can come and go there are ice storms, people can cut them down. The David's, as it is, oppose the tower. Thank you."

David Reynolds stated, "Let me start with the last comment first. If you will, the antennas will all be interior. This here that you see is the same tower that's outside the Sheriff's Office Annex outside the Planning Office down on Brink Dr.; it will look exactly like that when it is done. There are no exterior antennas or anything like that, just to clear that up. It is what we had negotiated with the David family in 14, when this first happened. Some of the other things, back to the questions that other folks have had, of course the structural integrity of these towers is quite immense. There is a very specific and stringent standard for the building of these towers. The typical wind loading for something like this will be to carry an inch of radial ice on the outside to completely cover the tower with a 70 mph wind, which those two things very, very rarely happen at same time and that is a national standard that this tower would meet and exceed, all towers do. Also it has a very well designed and engineered foundation. Of course full engineering and geotech surveys of the soil, all kinds of core borings; it will be anchored into bedrock. Usually these foundations are between 27 to 35 ft. deep about 9 ft. around and it'll hold about 150 yards of concrete and 18,000 lbs. of steel reinforcement bar. It's very solid. If it was sitting on the ground, there's enough mass at the bottom to hold it up and it won't fall over. In this particular case there was a question about how close we were to the floodplain, I don't know how close we are but about 15 feet above it outside of the floodplain in that area, so I wouldn't be too worried about that. The tower is 150 ft. tall we're well outside of what people refer to as a 'fall zone', from the powerlines and other residences or anything like that. It's a twofold question in that towers don't fall like a tree, they crumple and bend on themselves as they get out of plum it'll collapse within its own radius, usually within less than half of the height of the tower this would be 75 ft. and that is just standard engineering practice for telecommunications towers. We wanted to bring this up and one of the reasons we took these pictures and brought them forward, are to show well this one you can go a little far with camouflage; these are wooded areas. There are many more of these towers around Fayetteville, than most folks realize until you go to look for them, especially this type of tower. All of these towers are in single family residential areas zoned in Fayetteville and Washington County or adjacent to them. There are many different types of towers. These types of towers along with technology are becoming smaller, shorter and closer together. The whole goal is to get the tower where the people are. The big tower on the hill that's 300 ft. tall with the beacon is over, those don't really happen anymore except in very rural areas. What the entire goal is with telecommunications and RF engineering and the tremendous growth in data rates is to bring the service closer to the end user. That's why you're seeing towers that are smaller; these towers are engineered and designed as a compromise between aesthetics and functionality. Where we use them is in residential areas, sensitive environmental areas and areas with view shed. This one is on Township one of the oldest more established neighborhoods in the area; this is in the middle of 300 houses. This is what I wanted to point out, and I've got some other ones I wanted to show you where these towers are in residential areas, next to residential areas, they are also only 150 ft. tall. When people think of cell towers they think of the big giant towers like the one out by the mall the Eiffel Tower looking self-support towers. The one on 45 by the storage units, that kind of thing, this is what you see there. They are in neighborhoods existing all over Northwest Arkansas and the country. I think this one here with the examples we provided, the photo simulations of the proposed cell tower this impact will generally be the same along the Blue Row and Paradise Lane neighborhoods there. There are all kinds of RF reasons and coverage things that Verizon has as to why the service coverage needs to be improved in that area, I think it's pretty notorious in its self. If you would like me to go into that I would be glad to."

Zac Tamijani added, "I wondered if there was capacity for more antennae on this particular tower to service other carriers. I'm not sure I'm very comfortable with it if we're going to be putting in a tower in my particular neighborhood, which seems to be kind of difficult to do. I'd like it to be able to serve more than just one carrier"

David Reynolds answered, "Yes. This tower is a multi-tenant carrier that is our business. The first tenant on the tower would be Verizon Wireless but it has ample room to also hold AT&T, Sprint, and T-Mobile at the same time with equal loadings."

Public Comments Closed.

Robert Daugherty made a motion to approve the **Baldwin Cell Tower CUP** subject to staff recommendations. Daryl Yerton seconded. Board Members Walter Jennings, Joel Kelsey, Randy Laney, Philip Humbard, and Kenley Haley were in favor of approving. Motion passed.

LARGE SCALE DEVELOPMENT HEARINGS

County

e. May Minor Subdivision

Final Minor Subdivision Request

Location: Section 20, Township 16 North, Range 28 West

Owner: Lenora & Harry May Family Trust

Location Address: 13344 Goshen Tuttle Rd., Elkins, AR 72727

Approximately 54.82 acres / 4 Lots, Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.03959205, Longitude: -93.97267738

Project #: 2017-133 Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision Approval of May Minor Subdivision. The request is to split a 54.82 acre parcel into four (4) tracts.

CURRENT ZONING: Project lies within the County Zoned area (Agricultural/Single-Family Residential 1 unit per acre). As configured, all lots meet current zoning, so this project will not require a Conditional Use Permit.

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

QUORUM COURT DISTRICT: District 15, Butch Pond

FIRE SERVICE AREA: Goshen Fire Rural #118 & Elkins Rural #116- no comments were received from either Fire Department, and Dennis Ledbetter, Washington County Fire Marshal does not review Minor Subdivisions (4 lots or less).

SCHOOL DISTRICT: Elkins

INFRASTRUCTURE: Water– Mt. Olive Water Association Electric– Ozarks Electric Cable– N/A
Natural Gas– N/A Telephone– AT&T

BACKGROUND/PROJECT SYNOPSIS:

May Minor Subdivision is requesting Preliminary and Final Minor Subdivision approval to allow 4 lots on a parcel that is approximately 54.82 acres in size.

The proposed Tracts are:

- Tract 1: 37.38 acres
- Tract 2: 8.00 acres, one existing house with detached garage, a storm shelter, a general barn, a small outbuilding, and a poultry house
- Tract 3: 4.72 acres
- Tract 4: 4.72 acres

This proposed split involves creating two parcels that are each less than 5 acres and does not qualify for administrative approval through Washington County's exemption ordinance therefore it must process as a Minor Subdivision.

TECHNICAL CONCERNS:

Sewer/Septic

Planning Staff has not received written information about the soil work for this project. Soil work for each proposed lot must be provided.

Electric/Phone/Gas/Cable

Ozarks Electric and AT&T service this area. Generally, any damage or relocation of existing facilities will be at the owner's expense.

Ozarks Electric commented that any powerline extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner completes and returns an application for electric service and the line has been designated.

Ozarks Electric also required a thirty-foot (30') utility easement along the overhead line which the applicant has shown on an updated plat.

AT&T is the phone provider and had no comment.

There is no cable or gas service available at this time.

Water

Mt. Olive Water Association is the provider for water. They had no comment at this time.

Addressing

There is currently a DEM address assigned to this parcel. As all proposed tracts are over a half-acre in size, the proposed tracts must be addressed after the home locations are known.

Environmental

There is no storm water permit 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). www.adeq.state.ar.us

Road

This project is accessed from Goshen Tuttle WC 79.

Each proposed tract has adequate road frontage.

There is an existing drive on Tract 2 by which to access the house and other structures.

Permits to install driveways for the remaining tracts have not been submitted, though, they are shown on the revised plat.

SITE VISIT:

Planning Staff conducted a site visit and noted the overhead power lines.

NEIGHBOR COMMENTS:

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

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.

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:

Staff recommends Preliminary and Final Minor Subdivision Plat approval of May Minor Subdivision with the following conditions:

Sewer/Septic

1. The soil suitability report must be submitted and adequate for each lot.
2. After Washington County's approval, the subdivision will be required to go through subdivision plan review with the Arkansas State Health Department which requires preliminary and alternate septic system locations be shown with 3 bedroom houses submitted.
3. The septic system(s) must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to occupation of the residence(s).

Electric/Phone/Gas

1. Generally, any damage or relocation of existing facilities will be at the 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.

Water

1. Confirmation from Mt. Olive Water Association is required that shows they can provide four (4) water taps for this proposal.

Addressing

1. The proposed tracts must be addressed after the home locations are known. This note is on the plat.

Environmental

1. There is no storm water permit 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). www.adeq.state.ar.us

Roads

1. 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.

Standard Conditions

8. Pay neighbor notification mailing fees (\$27.58) within 30 days of project hearing. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 04/27/2017).
9. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
10. 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.

Washington County Planner, Sita Nanthavong, presented the staff report for the board members.

Daryl Yerton inquired about the width of the easement going back to tract one.

Sita Nanthavong replied, "That would be tract two, and it is 11 ft."

Nathan Crouch explained, "Let me just point out that it's not an easement it's an existing driveway and it's a flagged lot, so that's not an easement coming across a neighboring property or one of the proposed parcels."

Daryl Yerton asked, "That it is a part of lot two, and it is only 11 ft. wide?"

Nathan Crouch responded, "Correct, and then it flares out at the road, you can see where it flares out and has the required minimum lot frontage."

No Public Comments.

Public Comments Closed.

*Robert Daugherty made a motion to approve the **May Minor Subdivision CUP** subject to staff recommendations. Daryl Yerton seconded. Board Members Walter Jennings, Joel Kelsey, Randy Laney, Philip Humbar, and Kenley Haley were in favor of approving. Motion passed.*

County

f. Meadows at River Mist Subdivision (to be tabled at the request of the applicant)

Preliminary Subdivision Request & Conditional Use Permit

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

Owners: Bank of Fayetteville

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

Engineer: Charles Presley

Location Address: Intersection of E Hwy 412 and WC 386

Approximately +/- 65.35 acres/125 lots Proposed Land Use: Residential Subdivision

Coordinates: Latitude: 36.17437745, Longitude: -94.01026113

Project #: 2016-250 Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

*Robert Daugherty made a motion to **Table** at the request of applicant for the **Meadows at River Mist CUP** subject to staff recommendations. Joel Kelsey seconded. Board Members Walter Jennings, Daryl Yerton, Randy Laney, Philip Humbar, and Kenley Haley were in favor of approving. **Tabled at the request of the applicant***

County

g. Rid-A-Pest Final LSD

Final Large Scale Development Request

Location: Section 30, Township 17 North, Range 29 West, Section 29, Township 17 North, Range 29 West

Owners: High County Properties

Applicant: Tim Ware

Engineer: Charles Presley

Location Address: 3955 White Dr., Batesville AR 72501

Approximately 12 acres Proposed Land Use: Rural Area Residential

Coordinates: Latitude: 36.12147603, Longitude: -94.10507320, Latitude: 36.12088219, Longitude: -94.10372861

Project #: 2017-136 Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

REQUEST: Final Large Scale Development approval to allow an office building and shop building on a property that is approximately 13.84 acres in size, which received Conditional Use Permit and Preliminary Large Scale Development approval on 12-10-2015.

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

PLANNING AREA: This project is located solely in the County.

QUORUM COURT DISTRICT: District 15, Butch Pond **FIRE SERVICE AREA:** Goshen **SCHOOL DISTRICT:** Fayetteville

INFRASTRUCTURE: Water- Fayetteville **Electric-** Ozarks Electric **Natural Gas-** Source Gas **Telephone-** AT&T **Cable-** Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

Rid-A-Pest is requesting Final Large Scale Development approval to allow an office building and a shop building for a pest control business on a property that is approximately 13.84 acres in size, and currently zoned for Agricultural and Single Family Residential Uses.

The project is located in the City of Fayetteville's Planning Area. This project does not require formal approval by the City of Fayetteville as they are not proposing a split, but the County will receive the City's comments and possible conditions via the CUP process.

The office building is proposed to be 4,815 sq. ft. and the shop building is proposed to be 3,600 sq. ft. additionally, there is an entrance drive, fire turn around, parking, a fenced area around the shop, and a proposed septic system to service the buildings. A small sign is proposed near the road.

Additional information to be submitted prior to obtaining signatures on the final plans:

1. A statement that the building meets ADA.
2. A statement that the building meets Fire Code.
3. Pay engineering fees (*not calculated yet, waiting on final bill from Engineer)

Planning Staff feels that these remaining issues can be addressed after Final Plan approval, but PRIOR to signatures being obtained on the Final Plans. The Fire Marshal will complete a Final Inspection once all construction is complete.

No occupancy can take place until after all conditions listed in this staff report are completed, all final inspections are completed and found adequate, all signatures are obtained, and the Final LSD Plans are filed with the Circuit Clerk.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

Fayetteville Water services this area. The water system design will be subject to the City's latest design criteria. Standard conditions will apply.

The Preliminary LSD request was reviewed by the County Fire Marshal and Goshen VFD. Additionally, when a project lies in the City of Fayetteville's Planning Area, Washington County sends the plans to the Fayetteville Fire Department. No comments were received from the Fayetteville Fire Department.

GPM fire flow on nearby hydrants was submitted. According to the applicant, the nearest hydrant is 217' to the west of the entrance with a gpm fire flow of 1412, static pressure of 140 and residual pressure 138. The Fire Marshal required an additional hydrant to be placed so that all buildings are within 250' of a hydrant per AR State Fire Code. This has been added to the plans.

The entrance drive is proposed to be 20' wide. It is shown as fire lane. The applicant is also proposing a hammerhead turn around. The turn radii appear adequate for fire lane turns.

Planning Staff has received the architectural plans for the office building. The Fire Marshal has reviewed it and found the plans to be adequate. A statement is required before Final approval will be granted that states the building is in compliance with AR State Fire Code and ADA regulations. A Knox Box will be required for the office and shop buildings (this can be one box with both keys).

A plan of the shop building is shown on the LSD plans. The Fire Marshal reviewed this and also found it to be adequate.

The applicant is proposing a full kitchen within the office building. They will be using a Guardian III suppressive hood in kitchen. This must be installed, inspected, and maintained properly in order to meet Fire Code. The Fire Marshal's inspection has not been conducted yet. Planning Staff will update the Board at the meeting.

A copy of the MSDS sheets was submitted for all chemicals used by this business and given to the Fire Marshal. The shop where the chemicals are to be stored will be locked. A "704 placard" identifying the chemicals must be placed on the exterior of the shop building

Health Department Issues:

This project proposes to utilize an individual septic system.

Soil work has been completed and a copy has been submitted for this project. The full permit design has been approved and submitted to Planning Staff.

Electric/Phone:

This project is serviced by Ozarks Electric, AT&T, Source Gas, and Cox Communications. Generally, any relocation of existing facilities will be at the developer's expense.

Roads/Sight Visibility/Ingress-Egress/Parking:

This project accesses off WC 87, Old Wire Road. One entrance is proposed. There is an existing culvert.

Staff performed a site visit and it appears that the sight distance is adequate.

The Road Department requires a minimum 30' ROW to be dedicated on the applicant's side of the road (if applicant owns both sides, both sides must be dedicated). The plan calls out 43.5' of ROW per the City of Fayetteville's Master Street Plan. 43.5' of ROW is shown on the current plans.

Drainage:

A Drainage Report was submitted. The Washington County Contracted Engineer will review the report. Staff expected the Drainage Report to be adequate, and will update the Planning Board at the meeting.

Environmental Concerns:

The Environmental Affairs Director commented, "Washington County Environmental Affairs does not require a storm water permit for this project; however, I believe that ADEQ will require an industrial storm water permit. http://www2.adeg.state.ar.us/water/branch_permits/general_permits/stormwater/default.htm. As long as the applicant addresses all concerns of the Fire Marshall and complies with ADEQ permits, Environmental Affairs is satisfied."

A copy of the required ADEQ permit should be submitted to Planning to be kept on file.

NEIGHBOR COMMENTS/CONCERNS:

Neighbors are not notified at the Final LSD stage.

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			✓
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: Staff recommends approval of the proposed Rid-a-Pest Preliminary Large Scale Development with the following conditions:

Water/Plumbing/Fire Conditions:

1. The water system design will be subject to the City's latest design criteria. Standard conditions will apply.
2. All access roads and parking area drives must have a 28' turn radius at minimum, and fire lanes and access roads must be compacted to support 75,000lbs in all weather conditions.
3. Fire lanes along the drive and within the parking area must be marked (can be marked with signage- if the drive and lots are gravel; or marked with paint- if the drive and lots are paved).
4. A Knox Box will be required for the office and shop buildings (this can be one box with both keys). Indicate the location on the plans.
5. The shop where the chemicals are to be stored will be locked.
6. A "704 placard" identifying the chemicals must be placed on the exterior of the shop building. Indicate the location on the plans.

Health Department Conditions:

1. The washer/dryer in the shop is not to be used to wash laundry that has been soiled with chemicals.
2. The system will be inspected by the Health Department prior to occupation of the proposed building.
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. Project must be in compliance with the regulations of the Arkansas Department of Health.

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

1. No signage or parking is allowed within Washington County's road right-of-way (ROW), and none is shown on the submitted plans.
2. The Road Department requires a minimum 30' ROW to be dedicated on the applicant's side of the road. The plan calls out 43.5' of ROW per the City of Fayetteville's Master Street Plan.
3. Generally, any work (i.e. clearing, grading, driveway install) to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work.

Environmental Conditions:

1. Washington County Environmental Affairs does not require a storm water permit for this project; however, I believe that ADEQ will require an industrial storm water permit. http://www2.adeg.state.ar.us/water/branch_permits/general_permits/stormwater/default.htm. As long as the applicant addresses all concerns of the Fire Marshall and complies with ADEQ permits, Environmental Affairs is satisfied.
2. A copy of the required ADEQ permit must be submitted to Planning to be kept on file.

Utility Conditions:

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

Additional and Standard Conditions:

1. The applicant must provide a statement that the building meets ADA requirements.
2. The applicant must provide a statement that the building meets Fire Code.
3. The project should be developed generally as stated in the applicant's CUP letter with additional conditions proposed by staff. It is understood that there may be slight variations.
4. All conditions approved with project 2015-268 (Rid-A-Pest CUP) shall apply to this project.
5. Only the uses proposed are allowed; no additional uses are permitted unless additional review takes place.
6. Pay engineering fees. This total will be calculated at the Final LSD phase for this project once all invoices are received.
7. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
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.

PRIOR PLANNING BOARD/ZONING BOARD OF ADJUSTMENTS ACTION:

<u>2015-268, 12/10/2015</u>	CUP Approved
<u>2015-268, 12/17/2015</u>	CUP Ratified
<u>2015-269, 12/10/15</u>	Preliminary LSD Approved

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

No Public Comments.

Public Comments Closed.

Robert Daugherty made a motion to approve the Rid-A-Pest Final LSD subject to staff recommendations. Daryl Yerton seconded. Board Members Walter Jennings, Joel Kelsey, Randy Laney, Philip Humbard, and Kenley Haley were all in favor of approving.

County

h. Huntsville Rd, Storage CUP and LSD (Eastside Self Storage) Amendment

Conditional Use Permit and Large Scale Development Amendment

Location: Section 13, Township 16 North, Range 30 West

Owners: Shirley Combs

Applicant: Jody Hubner Harris

Engineer: Blew & Associates

Location Address: West of 3542 E. Huntsville Rd.

Approximately 4 acres Proposed Land Use: Commercial

Coordinates: Latitude: 36.05711039, Longitude: -94.11114966

Project #: 2016-326 Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

REQUEST: Huntsville Road Storage (Eastside Self Storage) is requesting an amendment to their previously approval Conditional Use Permit Approval to allow 3 storage unit buildings that are each approximately 12000 sq ft in size on two parcels that total approximately 4.22 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 Fayetteville's Planning Area.

QUORUM COURT DISTRICT: District 15, Butch Pond / City Parcels: District 12, Sue Madison

FIRE SERVICE AREA: Round Mountain VFD / City of Fayetteville FD
Fayetteville School District

SCHOOL DISTRICT:

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

BACKGROUND/ PROJECT SYNOPSIS:

The owner of this property is Shirley Combs. The engineer is Blew and Associates, and the developer is J&N Rent and Store, LLC.

Huntsville Road Storage (Eastside Self Storage) is requesting an amendment to their Conditional Use Permit to allow the removal of the existing trees within the fencerow on the east property boundary.

Please see the attached email from the applicant which outlines the requested amendments.

TECHNICAL CONCERNS:

Drainage:

The Washington County Contract Engineer has reviewed the requested amendment and feels the removal of the trees along the eastern fence line would affect the drainage so minimally that an updated drainage report is not necessary.

Signage/Lighting/Screening Concerns:

The applicant is proposing to leave the existing vegetation intact on the north and **east west** property lines. They are proposing to plant 66, one gallon, Carolina Jessamine, an Arkansas native species, along

a 6-foot high chain-link fence on the ~~east west~~ property line. The south property line is within the City of Fayetteville and will be where the entrance drive connects to Highway 16 E. (Huntsville Road).

SITE VISIT:

Staff met with the applicant onsite to discuss potential concerns. At that meeting, the applicant and the eastern adjacent neighbor both assured staff that they were in agreement on removing the trees along the eastern property line.

NEIGHBOR COMMENTS/CONCERNS:

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

No Comments have been received.

Two neighbors called with general questions when the project was initially being heard in November, 2016. One neighbor submitted comments in favor of the project, but asking that the existing vegetation on the north property line be left intact. The applicant has agreed to leave much of that vegetation.

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

STAFF RECOMMENDATION:

Staff recommends approval of the proposed Huntsville Road Storage (Eastside Self Storage) Conditional Use Permit Amendment with the following conditions:

Water/Plumbing/Fire Conditions:

1. Washington County Fire Marshal's Office requires that two hydrants be placed on site in order to meet State Fire Code. The hydrant in back to be brought up to the edge of the drive, out of the parking area in back, and put some concrete pillars around it so no one can hit it.
2. Fire extinguishers are required to meet 75 feet of travel distance. The extinguishers must be added to the LSD plans.
3. The applicant will be required to meet all City of Fayetteville standards in order to extend the water main to service the required hydrants.
4. The water line must be an 8-inch line all the way through the site, and loop offsite to the 8-inch line in the trailer park (not the 4" line). This will need to be updated on the plans.
5. All required easements must be obtained prior to construction plan approval.
6. The entrance gate is required to be siren activated.
7. The Siren Box needs to be set for 15 minutes (be in the stay in the open position for 15 minutes after activation). It must be in YELP mode. The applicant must contact the Fire Marshal for live test every three months per manufacture specifications.
8. No turn radius can be less than 38-feet throughout the proposal
9. No parking is allowed on the entrance drive.
10. In addition to the "no parking" signs shown on the plans, there should be a "no parking" sign on the gate itself, and additional areas may need to be marked if they must be kept clear for fire apparatus access.
11. All drives must be a minimum of 26-feet wide and must be compacted to support 75,000lbs in all weather conditions. A statement will be required at Final LSD regarding compaction.
12. Architect plans shall be submitted prior to construction. Must be reviewed and approved by the Washington County's Fire Marshal's Office.

Sewer/Septic Conditions:

1. No restroom facilities are approved with this proposal.
2. There must be no interference with the large sewer transmission line crossing the property.

Electric/Gas/Cable/Phone Conditions:

1. Generally, any damage or relocation of existing facilities will be at the owner's expense.
2. Ozarks Electric also commented that any power line extension that has to be built to the 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. Ozarks also provided a diagram to the engineer that showed easements needed to supply power and keep existing utilities in the U.E. These have been updated on the plans.

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

1. A permit from the Arkansas Highway and Transportation Department (AHTD) is required prior to any work being completed in the right-of-way.

Drainage Conditions:

1. The Washington County Contract Engineer has reviewed the corrected drainage report for this project and had an additional comment, "Pre vs Post Study Point No 1 shows an increase of 6.54 cfs and decrease in flow at Study Point No 2 due to a portion of pre-development sub basin 2 being routed to the proposed detention area. A third study point should be considered downstream that incorporates the sub basins and any additional off-site areas to determine the overall pre vs post condition flows. This would account for routing water through all sub basins within the development and determining the peak flow leaving the site. See attached marked-up exhibits from the drainage report as an example for Study Point No 3."
2. This project must also comply with all City of Fayetteville requirements. A grading permit will be required through the City of Fayetteville for work on the proposed detention pond.

City of Fayetteville Engineering Conditions:

1. Part of this project is located within the City of Fayetteville city limits. The portion of this project proposed in the city limits includes the addition of approximately 22,000 square feet of new impervious surface. This portion of the project will be required to show compliance with the 4 minimum standards of the city's drainage criteria manual and will be required to submit a grading permit application for review and approval prior to start of work. The applicant should review the recent changes to the drainage manual located here prior to detailed design work:
<http://www.fayetteville-ar.gov/DocumentCenter/Home/View/10546>.
2. The remaining portion of this project is located outside the city limits and should meet all drainage requirements per county standards. The portion of this project located in the county is proposed to drain back into the city limits, be detained in an earthen pond, and be released within the city limits. Therefore, the drainage design for the county portion of this project must be reviewed and approved as part of the grading permit for the city of Fayetteville as mentioned above to ensure compliance with county standards.

Environmental Conditions:

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

Signage/Lighting/Screening Conditions:

1. Additional lighting information is needed. In addition to an updated lighting diagram, staff has asked the applicant to indicate whether the lights will be on 24/7, or if they will be timed or motion activated.
2. 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.
3. The applicant must leave the existing vegetation intact on the north and east west property lines.
4. The applicant must leave a portion of the south property line vegetation intact, as indicated on the plans.

5. For screening purposes, the applicant must plant a screening buffer, along a 6-foot high chain-link fence on the east west property line, as indicated in the plans.
6. A sign is proposed to be located within the City of Fayetteville portion of the site, near Highway 16 E. (Huntsville Road). The applicant is aware that this sign is contingent on City of Fayetteville rezoning approval, and that they must follow all City of Fayetteville requirements regarding the proposed sign.

Standard Conditions:

11. This project should be developed generally as stated in the applicant's CUP letter, as detailed on the plans, and with additional conditions proposed by staff. It is understood that there may be slight variations.
12. Pay neighbor notification mailing fees (\$185.85) within 30 days of project hearing. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 11/1/16).
13. Pay engineering fees. This total will be calculated at the Final LSD phase for this project once all invoices are received.
14. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
15. A statement from the applicant, owner, architect or engineer must be submitted prior to the building being occupied that says the building, parking, and access, are in compliance with all ADA regulations.
16. Hours of operation must be generally as stated (7:00 am- 8:00 pm).
17. The Landscape Maintenance and Grounds-Keeping Maintenance Schedule must be generally followed as proposed.
18. **This CUP must be ratified by the Quorum Court. No CUP is fully approved until it is ratified by the Quorum Court and the appeal period has passed.**
19. The County Ordinance allows for an appeal period (for any party: applicant, neighbor, member of the public, etc.) within 30 days of the Planning Board/ZBA approval. Even if the Quorum Court ratifies the CUP; the right of appeal remains until the 30 days has passed. If an appeal is filed within the 30 day period then a subsequent hearing will be scheduled and held by the Quorum Court.
20. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
21. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project requires additional review (Subdivision or Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.

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

Randy Laney asked if our processes require any further notices to the other property owners.

Nathan Crouch replied, "Yes sir, the other property owners were notified."

Philip Humbard, Planning Board Member, asked, "Do we have jurisdiction over the removal of the trees."

Nathan Crouch answered, "In the original conditions we requested that they preserve all trees, and it was approved and so now they are coming through to amend it."

No Public Comments.

Public Comments Closed.

Robert Daugherty made a motion to approve the Huntsville Rd. Storage CUP and LSD (Eastside Self Storage) Amendment subject to staff recommendations. Daryl Yerton seconded. Board Members Walter Jennings, Joel Kelsey, Randy Laney, Philip Humbard, and Kenley Haley were not all in favor of approving.

5. Other Business

- Discussion of Current Development and Planning Department Activities.
- Discussion of 2017 schedule.
- Reminder of upcoming Planning Board meetings:
 - June 1
 - July 6
- Sita Nanthavong first time presenting and Juliana Mendoza is our new Planning Technician and this is her first Planning Board meeting with the Planning Department.

6. Old Business

7. Adjourn

Walter Jennings moved to adjourn. Joel Kelsey seconded. Motion passed. All Board members were in favor of approving.

Planning Board adjourned.

Minutes submitted by: Juliana Mendoza

Approved by the Planning Board on:

_____ Date: _____
Randy Laney, Planning Board Chairman