

MINUTES
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS
November 2, 2017
5:00 pm, Quorum Court Room, New Court House
280 N. College Ave.
Fayetteville, Arkansas 72701

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

VARIANCE HEARING

Tontitown Planning Area

a. Variance for building setback for Frank House Residential CUP

Approved

CONDITIONAL USE PERMIT HEARINGS

Tontitown Planning Area

b. Frank House Residential CUP

Approved

Fayetteville Planning Area

c. Stone Chapel Dog Kennel & Cattery CUP

Approved

LAND DEVELOPMENT HEARINGS

Elm Springs Planning Area

d. Penny Lane Preliminary Subdivision

Approved

County

e. Bell Minor Subdivision

Approved

County

f. Noble Property Minor Subdivision Replat

Approved

County

g. Rodriquez Minor Subdivision Replat

Approved

1. ROLL CALL: *Roll call was taken. Members present include Daryl Yerton, Kenley Haley, Randy Laney, Philip Humbar, Joel Kelsey, and Robert Daugherty. Walter Jennings was not present.*

2. APPROVAL OF MINUTES: *Daryl Yerton made a motion to approve the minutes of October 5, 2017. Joel Kelsey seconded. All Board Members were in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA: *Phillip Humbar 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

Tontitown Planning Area

a. Variance for building setback for Frank House Residential CUP

Variance Approval Request

Location: Section 15, Township 17, Range 31

Owner: Frank, Richard W. Jr.

Applicant: Satterfield Land Surveyors

Location Address: 18937 Harmon WC31, 18959 Harmon WC31

Approximately: +/- 1.28 acres/ 1 lot. Proposed Land Use: Single Family Residential

Coordinates: Latitude: 35.90562977, Longitude: -94.42911252

Project #: 2017-304

Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

REQUEST: The applicant is requesting Variance to address a building setback encroachment.

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 the City of Tontitown's planning area.

QUORUM COURT DISTRICT: District 1, Tom Lundstrum

FIRE SERVICE AREA: Tontitown Rural

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE: Water- Washington Water Authority

Electric- Ozarks Electric

Natural Gas- Black Hills

Telephone- AT&T

Cable- Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

The property is owned by Richard W. Frank Jr. He is represented by Cassandra Horan. The project is located in the Washington County jurisdiction and is within the City of Tontitown Planning Area. It is accessible by Harmon Road WC 31.

This CUP to allow a parcel of land that is approximately 1.43 acres to be split into 2 residential lots consisting of 0.87 acres and 0.56 acres.

Current Parcel Information:

01-17127-000, 1.43 acres, two residences

Adjusted:

Tract 1, 0.87 acres, 1 story brick and frame house, cellar, block building

Tract 2, 0.56 acres, 1 story frame house, shed

There are two existing single family residences on the property. Each has its own individual septic system. Lateral lines for each septic system encroach upon neighboring property. Septic/sewer easements have been obtained and filed with the Arkansas Department of Health.

The block building on Tract 1 encroaches upon the side setback. A variance is needed to address the encroachment.

If this project receives CUP approval, the proposed split must then receive approval from the City of Tontitown. All conditions of Tontitown approval must be completed. If the split is approved by the City of Tontitown, this project must request administrative lot split approval from Washington County.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

Both houses are being serviced by Washington Water Authority.

The project was reviewed by the Washington County Fire Marshal and had no concerns were mentioned. Comments were not received from the Tontitown rural fire department.

Sewer/Septic/Decentralized Sewer:

Soil analysis was performed by a Designated Representative from the Arkansas Department of Health. The current systems were found to be in good condition.

Electric/Gas/Cable/Phone:

No comments were received from Ozarks Electric, Black Hills, AT&T, and Cox Communications.

Roads/Sight Visibility/Ingress-Egress/Parking:

Planning Staff conducted a site visit on 10/19/2017 and found both proposed tracts in this project have adequate site distance.

Drainage:

The Washington County Contract Engineer has no comments on this proposed project.

Environmental Concerns:

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

Signage/Lighting/Screening Concerns:

The property is residential by use. Planning Staff found no concerns under this category.

City of Tontitown Concerns:

The City of Tontitown expressed no concerns.

COMPATIBILITY CONCERNS:

Surrounding Density/Uses:

The surrounding uses are single family residential and agricultural. The site contains two residential houses and various outbuildings. The acreage for surrounding parcels varies from 0.95 acres to 82.73 acres.

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

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

- a. To provide for development of residential areas at appropriate densities. **Staff feels that the proposed density fits the surrounding densities in the area.**
- 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; **some utilities are available.**
- d. Protect the character and integrity, and property values, of single-family, residential areas; **Staff feels that the adjusted acreages of both parcels in the project will be compatible with the character of the surrounding area.**
- 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,

- 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.

SITE VISIT:

A site visit was conducted by planning staff on October 19, 2017. Staff did not notice anything of concern.

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. No comments have been received to date.

STAFF RECOMMENDATION: Staff recommends *approval* of the Variance to allow the block building on the proposed Tract 1 of the Frank House Residential Conditional Use permit to be within the building/easement setback with the following conditions:

1. If the residence is ever replaced or moved, it must be placed outside of the building setback/easement.

STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Frank House Residential Conditional Use Permit with the following conditions:

Water/Plumbing/Fire Conditions:

1. Both houses are being serviced by Washington Water Authority.

Sewer/Septic/Decentralized Sewer Conditions:

1. Soil analysis was performed by a Designated Representative from the Arkansas Department of Health. The current systems were found to be in good condition.

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

1. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. The Road Department may be reached at (479) 444-1610.

Environmental Conditions:

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

Utility Conditions:

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

Standard Conditions:

1. Pay neighbor notification mailing fees (\$37.80) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 10/27/2017).
2. Pay engineering fees, if applicable, 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. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. This CUP must be ratified by the Quorum Court.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

Washington County Planner, Sita Nanthavong, presented the staff report for the Board Members.

No Public Comment.

Public Comment Closed.

Robert Daugherty made a motion to approve the Variance for building setback for Frank House Residential CUP subject to staff recommendations. Daryl Yerton seconded. Walter Jennings was not present. Board Members Daryl Yerton, Kenley Haley, Randy Laney, Philip Hubbard, Joel Kelsey and Robert Daugherty were in favor of approving. Motion passed.

CONDITIONAL USE PERMIT HEARINGS

Tontitown Planning Area

b. Frank House Residential CUP

Residential Conditional Use Permit Request

Location: Section 15, Township 17, Range 31

Owner: Frank, Richard W. Jr.

Applicant: Satterfield Land Surveyors

Location Address: 18937 Harmon WC31, 18959 Harmon WC31

Approximately: +/- 1.28 acres/ 1 lot. Proposed Land Use: Single Family Residential

Coordinates: Latitude: 35.90562977, Longitude: -94.42911252

Project #: 2017-304

Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

REQUEST: The applicant is requesting a Conditional Use Permit approval to allow a split between two parcels that will result in one of the parcels being less than 1 acre 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 the City of Tontitown's planning area.

QUORUM COURT DISTRICT: District 1, Tom Lundstrum

FIRE SERVICE AREA: Tontitown Rural

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE: Water- Washington Water Authority

Electric- Ozarks Electric

Natural Gas- Black Hills

Telephone- AT&T

Cable- Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

The property is owned by Richard W. Frank Jr. He is represented by Cassandra Horan. The project is located in the Washington County jurisdiction and is within the City of Tontitown Planning Area. It is accessible by Harmon Road WC 31.

This CUP to allow a parcel of land that is approximately 1.43 acres to be split into 2 residential lots consisting of 0.87 acres and 0.56 acres.

Current Parcel Information:

01-17127-000, 1.43 acres, two residences

Adjusted:

Tract 1, 0.87 acres, 1 story brick and frame house, cellar, block building

Tract 2, 0.56 acres, 1 story frame house, shed

There are two existing single family residences on the property. Each has its own individual septic system. Lateral lines for each septic system encroach upon neighboring property. Septic/sewer easements have been obtained and filed with the Arkansas Department of Health.

The block building on Tract 1 encroaches upon the side setback. A variance is needed to address the encroachment.

If this project receives CUP approval, the proposed split must then receive approval from the City of Tontitown. All conditions of Tontitown approval must be completed. If the split is approved by the City of Tontitown, this project must request administrative lot split approval from Washington County.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

Both houses are being serviced by Washington Water Authority.

The project was reviewed by the Washington County Fire Marshal and had no concerns were mentioned. Comments were not received from the Tontitown rural fire department.

Sewer/Septic/Decentralized Sewer:

Soil analysis was performed by a Designated Representative from the Arkansas Department of Health. The current systems were found to be in good condition.

Electric/Gas/Cable/Phone:

No comments were received from Ozarks Electric, Black Hills, AT&T, and Cox Communications.

Roads/Sight Visibility/Ingress-Egress/Parking:

Planning Staff conducted a site visit on 10/19/2017 and found both proposed tracts in this project have adequate site distance.

Drainage:

The Washington County Contract Engineer has no comments on this proposed project.

Environmental Concerns:

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

Signage/Lighting/Screening Concerns:

The property is residential by use. Planning Staff found no concerns under this category.

City of Tontitown Concerns:

The City of Tontitown expressed no concerns.

COMPATIBILITY CONCERNS:

Surrounding Density/Uses:

The surrounding uses are single family residential and agricultural. The site contains two residential houses and various outbuildings. The acreage for surrounding parcels varies from 0.95 acres to 82.73 acres.

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

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

- h. To provide for development of residential areas at appropriate densities. **Staff feels that the proposed density fits the surrounding densities in the area.**

- 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; **some utilities are available.**
- k. Protect the character and integrity, and property values, of single-family, residential areas; **Staff feels that the adjusted acreages of both parcels in the project will be compatible with the character of the surrounding area.**
- 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.

SITE VISIT:

A site visit was conducted by planning staff on October 19, 2017. Staff did not notice anything of concern.

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. No comments have been received to date.

STAFF RECOMMENDATION: Staff recommends *approval* of the Variance to allow the block building on the proposed Tract 1 of the Frank House Residential Conditional Use permit to be within the building/easement setback with the following conditions:

- 1. If the residence is ever replaced or moved, it must be placed outside of the building setback/easement.

STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Frank House Residential Conditional Use Permit with the following conditions:

Water/Plumbing/Fire Conditions:

- 1. Both houses are being serviced by Washington Water Authority.

Sewer/Septic/Decentralized Sewer Conditions:

- 1. Soil analysis was performed by a Designated Representative from the Arkansas Department of Health. The current systems were found to be in good condition.

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

- 1. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. The Road Department may be reached at (479) 444-1610.

Environmental Conditions:

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

Utility Conditions:

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

Standard Conditions:

- 1. Pay neighbor notification mailing fees (\$37.80) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 10/27/2017).

2. Pay engineering fees, if applicable, 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. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. This CUP must be ratified by the Quorum Court.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

Washington County Planner, Sita Nanthavong, presented the staff report for the Board Members.

No Public Comment.

Public Comment Closed.

*Joel Kelsey made a motion to approve the **Frank House Residential CUP** subject to staff recommendations. Kenley Haley seconded. Walter Jennings was not present. Board Members Daryl Yerton, Kenley Haley, Randy Laney, Philip Humbar, Joel Kelsey and Robert Daugherty were in favor of approving. Motion passed.*

Fayetteville Planning Area

c. Stone Chapel Dog Kennel & Cattery CUP

Conditional Use Permit Request

Location: Section 01, Township 16 North, Range 31 West

Owner: Jaime S. Hertzberg

Applicant: Jaime S. Hertzberg

Location Address: 2176 N. Stone Chapel Ln. WC 878

Approximately +/- 2.54 acres Proposed Land Use: Residential

Coordinates: Latitude: 36.09295388, Longitude: -94.22728308

Project #: 2017-195

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

REQUEST: Jamie Hertzberg is requesting **Conditional Use Permit** approval to allow a dog & cat kennel on a property that is approximately 2.54 acres in size, and currently zoned for Agricultural and Single Family Residential Uses.

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

PLANNING AREA: This project is located in Fayetteville Planning Area.

QUORUM COURT DISTRICT: District 7, Alicia Deavens VFD

FIRE SERVICE AREA: Wheeler Rural

SCHOOL DISTRICT: Fayetteville

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

BACKGROUND/ PROJECT SYNOPSIS:

The owner of this property, and applicants for this request, is Jamie Hertzberg. The engineer is Bates & Associates. This property is located off Sunshine Road, WC-877.

The applicant is requesting **Conditional Use Permit** approval to allow a Dog & Cat Kennel business on a property that is approximately 2.54 acres in size, and currently zoned for Agricultural and Single Family Residential Uses. The request proposes to occupy less than 1 acre, so Large Scale Development permitting is not required at this time.

The structure for the kennel already exists as a covered, open sided horse riding arena. The proposal is to enclose the building and convert it to a kennel.

The City of Fayetteville has approved the applicant's request to connect the proposed kennel to the city sewer grid.

Please see the applicant's letter for more detail.

TECHNICAL CONCERNS:

Road:

This project accesses off Sunshine Road, WC-877. The existing entrance to the horse riding arena is proposed to be abandoned, and combined with the applicant's residential driveway, resulting in a shared entry point.

The posted speed limit is 35 mph, which has a sight distance requirement of 390 ft in each direction. Planning Staff estimates the sight distance at 320 ft to the stop sign to the east. And in excess of 400 ft to the west.

No signage or parking is allowed within Washington County's road right-of-way (ROW). This proposal shows one proposed sign, outside the county road right-of-way.

The Road Department requires a minimum 30' ROW to be dedicated on the applicant's side of the road.

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. Any tile that may be needed must be sized by the Road Department.

Water:

Fayetteville Water services this area. No comments have been received by Fayetteville Water.

Electric:

This project is serviced by Ozarks Electric. Generally, any relocation of existing facilities will be at the developer's expense.

No comments were received from Ozarks Electric.

Fire:

The driveway and parking area servicing the proposed business must be constructed with gravel compacted to support 75,000 lbs in all weather conditions. A statement from the project engineer will be required prior to signing the final plans.

The life safety plan showing the travel distance to the exits, the location of exit signs and fire extinguishers is acceptable.

No kitchen is proposed for the business.

The Fire Marshal provided no comments.

Health Department:

This project proposes to connect to the City of Fayetteville's municipal sewer system, and has received Fayetteville's approval to do so.

No comments were received from the Health Department.

Drainage:

The County Contract Engineer provided the following comments:

1. N. Sunshine road is classified as a collector roadway in Fayetteville's Master Street Plan. Per Fayetteville Code of Ordinances for collector roadways, curb cuts shall be located a minimum of 100' from an intersection or driveway and where necessary, curb cuts shall be shared between two or more lots. It is recommended that the existing driveway be moved a minimum of 100' away from the existing drive for the house and barn or combined into one driveway. The close proximity of the driveways could create a dangerous situation for patrons exiting parking lot. **–The applicant has proposed to combine the proposed commercial driveway with the existing residential driveway, and abandon the original/existing commercial driveway.**
2. Please provide a drainage analysis to determine the increase in peak flow as a result of the gravel parking lot and porch addition. Based on this drainage analysis, stormwater detention may be required. **–The project engineer has will provide peak runoff calculations, and the County Contract Engineer will determine if stormwater detention is required. If it is determined that detention is required, the site plan must be revised to show the detention area.**

Signage/Lighting/Screening Concerns:

There is an existing sign at the front of the property. It will be removed and a new, similar sign will be installed outside the right-of-way. No additional signage is allowed to be placed. If the applicant chooses to use lighting for the existing sign, it must be indirectly lit. No signage is allowed within Washington County's road right-of-way (ROW). A sketch of any future proposed signage must be submitted to Washington County Planning for approval prior to being placed.

All outdoor lighting must be shielded from neighboring properties, and any lighting must be indirect and not cause disturbance to drivers or neighbors. Additionally all security lighting must be shielded appropriately.

A dumpster is not shown on the plans. If a dumpster is desired in the future it must be screened behind a privacy fence. All outdoor storage must be screened with opaque material (gates must be opaque too).

Due to the nature of the proposed business, Staff feels sound buffering along the eastern fence line of the subject property may help make this proposed use more compatible with the adjacent neighbor's existing residential use. The proposed dog kennel and the neighbor's house to the east are approximately 350 ft apart. Planning Staff makes this recommendation on behalf of the eastern neighbor due to their expressed concerns regarding the potential noise associated with a dog kennel, and the proximity of the buildings.

City of Fayetteville Concerns:

The City of Fayetteville submitted no comments on this project.

Addressing Concerns:

The Department of Emergency Management submitted no comments on this project.

Sheriff's Office Concerns:

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

COMPATIBILITY CONCERNS:

Surrounding Uses:

The surrounding uses are a mix of residential, commercial, and agricultural properties.

While the proposed project is not residential, staff feels that the applicant's request is compatible with the surrounding uses with conditions.

Staff does not expect the traffic to impact the surrounding community.

County's Land Use Plan (written document):

Staff feels that the traffic and nature of this proposed use will be "light commercial".

According to the County's Land Use Plan,

2. LIGHT COMMERCIAL

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

- a. Not incompatible with adjacent residential and agricultural uses; or by conditions placed on such to mitigate its impact. Together with community facilities and compatible residential uses, this use typically serves as a buffer between general commercial and strictly residential uses.

Staff feels that this project does meet the goal of the County's Land Use Plan. The proposed dog kennel business use is compatible with residential uses because it is low impact and will not disrupt the normal development of this area. Staff feels that the proposed use will not cause a negative impact on the surrounding properties.

Future Land Use Plan

The County Future Land Use Plan designation for this area is "Residential (Compatible to Surrounding Densities)".

While the proposed use is not residential, due to the low impact nature of this use, and recommended conditions, staff feels this project will be compatible with the surrounding uses.

The City of Fayetteville submitted no comments.

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this project proposal. No written comments have been received. Staff took one phone call from a neighbor with concerns regarding noise.

Staff will update you at the meeting if any neighbor comments are received.

STAFF RECOMMENDATION: Staff recommends approval of the proposed Stone Chapel Dog Kennel & Cattery Conditional Use Permit with the following conditions:

Water/Plumbing/Fire Conditions:

1. This development must be fully approved by the Fire Marshal before any of the commercial structures may be occupied by the public.
2. The entrance drive shall be designated as fire lane.
3. No parking is allowed along the entrance drive.
4. The driveway and parking area must be constructed to support 75,000lbs in all weather conditions.
5. Exit lights/emergency lights and fire extinguishers are required.
6. The applicant must comply with any Health/Safety/Fire Code recommendations made by the project engineer, architect, and/or the county fire marshal.
7. The building must meet Arkansas State Fire Code.

8. The applicant's engineer is to set the final occupancy load, and ensure the building meets Arkansas State Fire Code, and is compliant with ADA standards.
9. A statement is required that states the buildings are in compliance with AR State Fire Code and ADA regulations.

Drainage

1. Stormwater peak runoff calculations must be provided to the County Contract Engineer.
2. If it is determined that stormwater detention is required, the site plan shall be revised to show the detention area.

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

1. Sight distance must be determined and shown on the site plan.
2. No signage or parking is allowed within Washington County's road right-of-way (ROW).
3. The Road Department requires a minimum 30' ROW to be dedicated on the applicant's side of the road.
4. 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. Any tile that may be needed must be sized by the Road Department.

Signage/Lighting/Screening Conditions:

1. No signage is allowed within Washington County's road right-of-way (ROW).
2. The proposed sign is allowed. It may not exceed 24 sq ft in size, and must not be directly lit.
3. If additional signage is desired in the future, a sketch of the proposed sign must be submitted to Washington County Planning for approval prior to the sign being placed.
4. Any proposed future signage may not exceed 24 sq. ft. in size and must not be directly lit.
5. All outdoor lighting must be shielded from neighboring properties, and any lighting must be indirect and not cause disturbance to drivers or neighbors. Additionally all security lighting must be shielded appropriately.
6. All outdoor storage, and dumpster if desired in the future, must be screened with an opaque, permanent material (to include the gate), such as privacy fencing or other.
7. Sound buffering is recommended along the eastern property line to help soften the noise as it crosses the property line onto the neighboring residential properties.

Utility Conditions:

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

Additional and Standard Conditions:

1. Pay mailing fees (mailing fees have not been calculated yet) within 30 days of project hearing.
2. Pay engineering fees (engineering fees have not been calculated yet). This total will be calculated once all invoices are received.
3. A statement from the project engineer must be submitted prior to the building being occupied that says the development (building, parking, access, restrooms, etc) are in full compliance with all ADA regulations.
4. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
5. This CUP must be ratified by the Quorum Court.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

Washington County Senior Planner, Nathan Crouch, presented the staff report with updates for the Board Members.

Kenley Haley, Planning Board Member, expressed concern regarding the buffering and the location of it

on the south side of the project.

Nathan Crouch responded, “I recommended initially that they put some sound buffering over here because whenever the staff report came out we had only one neighbor comment. So I recommended sound buffering on this eastern property line. Since then we have gotten some more and the applicant has updated their Letter of Intent, their statement, saying that they are going to be putting privacy fencing around the building in this location, shown in yellow here. I just wanted to make sure that that was a condition of approval. I was saying and/or in my condition there. I didn’t want to tie her down to one particular type of sound buffering because there are many available. I prefer vegetative material; a lot of people prefer other things. So I wanted to have her propose a few things that way we could look at it and give it to our engineer, get his opinion, and then go from there, she has done some research as well and has found a nice sound buffering fabric that she’s proposing to put around this privacy fence right here. The sound buffering fabric in conjunction with a privacy fence, I would go as far as to say this eastern sound buffering area wouldn’t even be necessary at that point because the privacy fence and the sound buffering fabric coupled with the insulated roof, the insulation is literally inside the blocks and the exterior walls of the building. I think they are going to great lengths to buffer the sound.”

Kenley Haley inquired, “What were they going to put on that one side of the property there? What type of buffering?”

Nathan Crouch replied, “Over here? This was just a recommendation to buffer that area and there was no material called out. I was hoping that it would be a combination of privacy fence and some evergreen plant material but, like I said, she is proposing putting in a buffering fabric, a sound damping fabric, there around this and, you know I’m not a sound engineer but I don’t think it can get much better than that.”

Kenley Haley asked, “My follow up question was: You said five total employees? How many of those are going to be after the hours of six P.M., I think that was the operating hours, as far as picking up and dropping off?”

Nathan Crouch answered, “I will let the applicant address that.”

Public Comments.

Cal Rose, Attorney for several of the surrounding neighbors, addressed the Board, “A few clarifications that I wanted to make from staff comments: One, this has been updated recently, the original proposal was a submission for 75 dogs, I think 36 was mentioned, it has been drawn back. I am also not a sound engineer and I do not know how you insulate the sound of dogs barking on an exterior fence and that is a huge issue here. For one along right here in the south side of this picture is St Catherine’s at Bell Gables. That is an outdoor wedding venue, they host over one hundred weddings a year. They do twenty to thirty receptions a year, and I don’t know very many brides that would like to have their wedding with fifty dogs barking. One other point that I wanted to mention is that the closest resident is 350 ft away. I haven’t taken a tape measure out there, but I know for a fact there are two neighbors who have an adjoining fence to this property. They can’t be 350 ft away if that fence is connecting to them. I would estimate that from the point of where this proposed outdoor play facility is going to be located, it’s probably 250-300 ft away from where weddings are held. I went online and found some information about dog barking and ‘a dog bark can be heard from 500 ft away at the same decibel level as a vacuum in your living room’. That is not something that very many brides or grooms for that matter want to hear while they are having a wedding. I’ll mention that St. Catherine’s at Bell Gables has been there for over 20 years. The preexisting use and that this operation of a dog boarding facility would significantly impair that. Not only on commercial but the residential owners as well. One thing I wanted to mention, this existing structure does

not have plumbing, does not have electrical, does not have a foundation; it is a roof covering a dirt ground. It is somewhat of an existing structure but this is not just repurposing an existing building for this purpose. There is a heavy amount of construction that would have to be done in the backyard of a mainly residential neighborhood. Although it is in the county, it's no more than 300 ft away from the city of Fayetteville. There are a number of residential subdivisions just on the other side of Mount Comfort Road. Again, a dog bark travels up to a 1000 ft even though only residents within 300 ft are required to be notified. You have a whole host of people, both in the county and in the city of Fayetteville, who were not notified, who are going to be affected by this. A few other points I wanted to make is that on this south side of the building, the way these buildings are situated, they slope heavily towards the south and all of this land funnels into Hamestring Creek. That is a creek system that then ties into Clear Creek and Clabber Creek and eventually into Lake Wedington. Even if it is completely covered in, there is going to be, in the outdoor play area, a significant amount of dog leftovers. If it rains, that is going to flow into this creek system. There are a number of diseases that are carried through that material and that could very easily go into the creek system including parvo and a large number of worms. Whenever it rains heavily, the storm water flows into neighbors yards right on the other side of this property. That is a health hazard. The property where this is going to be located also has horses that roam the yard. I would like clarification on if these horses going to be in the same area? Even if it's on the other side of a fence of forty dogs, what's going to happen when there are three horses in the yard and it gets spooked from thirty dogs barking? Horses are pretty powerful and can knock down a fence; in fact, their horses have knocked down boards along that eastern wall. Again, hours of operation, originally I think it was eight to six that has now been expanded from eight to eleven. Just because the business is open from eight to six doesn't mean that the dogs stop barking then; although you can. The indoor barking I'm sure there is a lot that can be done and there is a lot that is being done to try to lessen that noise, there is not much you could do to lessen the noise of a dog barking outside and thirty of them barking at the same time. Lastly, the final point I want to make is that there is an established Arkansas case law where the operator of a commercial boarding dog boarding facility has been sued and has been liable for damages and the operation was shut down because of noise because it was declared a public nuisance, and so even if this is permitted even though this is a permitted use, within the rules this is something that's very likely to lead to litigation based on established Arkansas case law. I have a copy of the case if anyone would like to see it. This is something that, no one here is against dogs, I think we all love dogs, we all know that dogs need these types of facilities, but this location, there is no way to put, even if you buffer out exterior fences, which I'm not really sure how to do, even if you do it, there is no way to put this operation in this location without it infringing on the preexisting use of the current residential and commercial property owners. You have a wedding facility that has been there for twenty years, it's been in Cityscapes, it's been in the Arkansas Book of Tourism, it is a chapel that was built by the owner's bare hands and it's hard for me to think that that business is not going to be harmed by having an outdoor dog kennel facility 300 ft away with dogs barking the whole time. So again, I understand that this is an otherwise permitted use, this is a perfectly reasonable business, but there is no way to do it here without there being a legal public nuisance."

Jamie Hertzberg, applicant for the project, addressed the Board, "As far as the employees after hours, no employees will be there after 6 pm. Since I live on the premises I'll go one other time just to check on them inside but no dogs will be let out after 6 PM. On the distances of the neighbors what I did is I looked up from the existing building the structure, which it does have electric and water which was a misstatement. From the structure itself to my own residence is 222 ft, to Mr. Whitcups' address from the structure is 449 ft away, from the Coleman's residence it is 433 ft away, from Path Utility Construction it is 370 ft away, from St Catherine's at Bell Gable it is 602 ft away in distance, from the Charlow's residence it is 998 ft away, the Bachelors' residence is 660 ft away, the Clack's residence is 671 ft away, and the Hall's residence is 649 ft away. So the distances there are quite a bit greater. As far as the proposed insulation, I wanted to use privacy fence and plants but I talked to a specialist today and they sell these exterior sound blankets that are weather resistant and they are made to attach to fencing.

Speaking with the owner he feels that it is most effective the closer to the animals the better. So to attach that to the neighbors fence line to the south and the east and down the west side would not be effective at all”.

Joel Kelsey, Board Member, asked, “How high is the block going that you are proposing?”

Mark Foster, builder on the project, answered, “It’s about 4 ft 6 in.”

Joel Kelsey inquired, “So it will be more like a wainscot. Nathan, is this zoned agricultural? Is there a limit, on how many personal dogs she could have?”

Nathan Crouch responded, “Yes sir, its zoned agricultural/residential one unit per acre. There is no limit Washington County considers dogs agricultural animals.”

Joel Kelsey continued, “So she could have 20 personal dogs if she didn’t have this?”

Nathan Crouch stated, “She could have 75 dogs if she wanted.”

Joel Kelsey asked, “After 6PM they will pick up their dogs, will you have dogs that stay overnight?”

Jaime Hertzberg answered, “Yes sir, and they’ll be completely indoors.”

Kenley Haley requested, “Nathan, I just needed clarification, are we confusing residences, the distance to the closest residence with the closest property line, is that the same or is that different?”

Nathan Crouch explained, “I am not sure how Mrs. Hertzberg made her measurements. I’ve made my measurements eave to eave, edge of building.”

Kenley Haley asked, “How close is this to the next property line?”

Nathan Crouch answered, “I didn’t measure property lines, so I measured from this corner of the proposed facility over to the edge of this home at roughly 360 ft so that would probably be in the 250 ft range to the property line.”

Joel Kelsey recommended, “Have you looked at the possibility of a row of cedars as a sound barrier?”

Mark Foster answered, “No.”

Joel Kelsey added, “I know they use that at the Springdale Country Club as a sound barrier and that it worked phenomenal.”

Todd Hertzberg, applicants consultant on the project, addressed the Board, “Through much effort, the applicant has secured the approval of the City of Fayetteville, which is very unusual, to allow her to hook the kennel into the City of Fayetteville sewer system. None of this is going into a septic. None of this will be left out to collect runoff or let it run. With the approval of the City of Fayetteville to be connected to the Fayetteville sewer system all the droppings, the urine and all of that will go appropriately to the treatment plant to be handled. Jamie is fastidious and those outdoor play areas and the poop that is there, excuse my rough language, will be picked up and put into the City of Fayetteville’s sewer system.”

Lowell Boynton, owner of St. Catherine’s at Bell Gable, addresses the Board, “My concern is the front of the chapel is frequently used for outdoor weddings. The chapel itself will seat about 40. We have

probably 30 weddings a year that are outdoors with up to 250 chairs in front of the chapel which probably extends our public use another 100 ft from the building. Those chairs would be exposed to anything and they are very close to the property line. In addition to that most of the weddings occur on Saturday but all during the week we do bridal photography out there and probably 50 or 60 occasions a year. Those occur at random times and it would be impossible to schedule those at times when the dogs are supposed to be inside. I don't think any vegetation is going to stop a dog bark, personal opinion. I have 3 dogs and they don't stop mine."

Adam Coleman, neighbor residing on 2169 Stone Chapel Ln., addresses the Board, "We have dogs and Jaime has a dog. In the past our dogs have gotten into her yard and her dog has been in our yard multiple times. We have 3 kids and we definitely don't want the opportunity to have a dog getting out. If there are 34 dogs there, we don't want a horse getting spooked or any issues like that. I feel like if you could look at it in person that you would see the likeliness of that. There would have to be pretty substantial changes in the area. When we were looking at the Planning Commission and what you look at whenever you're getting a conditional use permit, I thought there were several things involved in that but as far as diminishing land value around it that was one of the things that you look at. Noise and smell are the top 2 things that would diminish your home value; I think this definitely fits that criteria. Personally I am worried about the Stone Chapel and their business; I do think it would impact their business pretty substantially. My second fear is that there are going to be dogs that do get into our fence line and I just wanted to say in that picture it is hard to see how close we are to each other and what that fence looks like. I just wanted to get that out there, thank you."

Warren Gabbard, neighbor residing on 2136 Stone Chapel Ln., addresses the Board, "I am a part of the business that is with the wedding business I am frequently around the grounds and so forth. They mentioned something about the containment of poop and urine and such and that that would be scooped up and added to the sewer system the City of Fayetteville has installed. I guess my question is this, if there is not an immediate pick up, and of course urine I don't know how you're going to contain that and pick that up and reintroduce that into the city sewer system. You would almost have to have a containment system buried, a liner so to speak in a sense, in order to do anything of that nature. I am not an engineer by any means but I am just trying to think logically about that; it is a primary concern. The runoff into Hamstring Creek and I know every once in a while there is quite a bit of rain and it does funnel straight down into that. We have seen that and it has increased over the years. Also, health concerns from runoff down the stream. As Mr. Coleman so noted children live close by, you can't guarantee that dogs are never going to get out. Dogs are territorial they will behave in that manner. They will. They absolutely will diminish our business on that side of the creek there. I would like for you all to take that into consideration. Thank you very much."

Jamie Hertzberg pointed out, "I think there is misunderstanding about the barn and some of the additional sheds on the property. Those are not proposed to be used for the dog kennel facility it's just the arena. Also, I wanted to mention the facility is based on a new concept of dogs not being kenneled all day. They're actually interacting with the staff and they're playing so instead of them just being in runs where they are bored and barking and stressed, they actually are having interaction. From time to time you have chronic barkers so I made 2 indoor play areas just for that reason and also for bad weather. Any kind of chronic barkers that are stressed, they will be very limited to outside playtime."

Kenley Haley clarified, "Nathan, I'm going to go back to the buffering. You have it around the building along with a privacy fence, plus the fabric, plus the building insulation. On the other side of the property did you say you were not recommending any type of buffering there?"

Nathan Crouch responded, "That was my recommendation. I started off with recommending that only at the eastern property line but then once I heard her strategy for insulation and everything else, I didn't

feel that that was necessary anymore”.

Kenley Haley reiterated, “On the south side that’s a line of cedar trees with mixed hardwood, is it dense? It appears dense”.

Nathan Crouch answered, “It appears dense, I have not been back in that tree line but you can tell that it isn’t super wide, it is just a riparian zone for that creek. It is definitely mature but I don’t know the understory vegetation”.

Joel Kelsey asked, “I got two more questions. Jamie, the yellow outline next to the main building, is that where the dogs will be contained at? Or will they have free reign over the property?”

Jamie Hertzberg replied, “No, they will just be contained to that when they are outside”.

Public Comments Closed.

Robert Daugherty made a motion to approve the Stone Chapel Dog Kennel & Cattery CUP subject to staff recommendations. Joel Kelsey seconded. Walter Jennings was not present. Board Members Daryl Yerton, Randy Laney, Philip Humbar, Joel Kelsey and Robert Daugherty were in favor of approving. Kenley Haley was opposed. Motion passed.

LAND DEVELOPMENT HEARINGS

Elm Springs Planning Area

d. Penny Lane Preliminary Subdivision

Preliminary Subdivision Request

Location: Section 28, Township 18, Range 31

Owner: Penny Lane Capital LLC

Applicant: Swope Consulting

Parcel Numbers: 001-19266-000, 001-19246-000, 001-19245-000, 001-19239-002

Approximately: +/- 131.81 acres/ 4 parcels Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.20629323 Longitude: -94.28444876

Projects: 2017-293

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

REQUEST: The applicant is requesting Preliminary Subdivision approval of Penny Lane Subdivision to create a subdivision with 37 single family residential lots on 131.8 acres. The proposed lots range in size from 3.0 to 6.79 acres in size.

The subject property is located within Elm Springs’ Planning Area.

CURRENT ZONING: Project lies within Washington County’s Zoned area (Agricultural/Single-Family Residential 1 unit per acre). All residential lots are at least one acre in size and this proposal is in compliance with Washington County Zoning.

PLANNING AREA: This project is located within the City of Elm Springs’ Planning Area. The Preliminary Plat for this project was approved by the City of Elm Springs on 08/10/17.

QUORUM COURT DISTRICT: District 1, Tom Lundstrum.

FIRE SERVICE AREA: Tontitown Rural- no comments were received from Tontitown Fire Department. Washington County Fire Marshal’s office reviewed the plans and provided comments.

SCHOOL DISTRICT: Springdale School District

INFRASTRUCTURE: Water– Washington Water Authority

Electric- Ozarks Electric

BACKGROUND/ PROJECT SYNOPSIS:

The applicant/engineer for this project is Phil Swope, of Swope Engineering.

This Subdivision proposal is to create a subdivision with 37 residential lots, and three public, county maintained cul-de-sac streets, totaling 131.8 acres in size. The subject property is located within Elm Springs' Planning Area, west of the city limits, off Kenneth Price Road, WC-939.

This project has processed through Elm Springs' Planning for Preliminary Subdivision Approval on 08/10/17.

The proposal includes parcels 001-19239-002, 001-19245-000, 001-19246-000, and 001-19266-000. It is currently agricultural pasture land, with no existing structures.

Soil work has been completed on each lot and found suitable to support individual septic systems. Some minor plat corrections remain to be addressed.

TECHNICAL CONCERNS:

Sewer/Septic

Since each lot is 3.0 acres or larger, the Health Department only requires one soil test pit on each lot. The soil has been analyzed and found adequate to support individual septic systems on each proposed lot. It will be the responsibility of the property owners to commission septic system designs and to submit permits to the Health Department for review/approval.

The Health Department provided no comments/requirements.

Utilities

This proposed development will be serviced by Washington Water Authority, Ozarks Electric, CenturyTel Phone Company, Black Hills Energy, and Cox Communications. Generally any damage or relocation of utilities will be at cost to the developer.

Washington Water Authority:

1. Plumbing inspections shall be completed by WWA. Plumbing permits shall be obtained at WWA.
2. Review of water plans can start when preliminary plat has been approved by Washington County.
3. Water main design shall be per WWA requirements.
4. Developer shall pay \$500 depletion fee & \$225 meter fee per meter service before final acceptance of project and WWA will sign final plat. All water main construction will be complete before WWA will sign final plat.
5. Show existing water main on north side of property and existing easement on Tally Gate Road. Building setback and utility easement on Tally Gate needs to be 30' from right-of-way.

Ozarks, CenturyTel, Black Hills, and Cox provided no comments.

Fire

The Washington County Fire Marshal's office reviewed the proposal and provided these comments:

1. 38' turning radii minimum.
2. 100' cul-de-sac diameter minimum.
3. Fire Hydrants must not be any farther than 250 ft from any residence in the development.
4. There is to be no parking on the hydrant side of the road for 10 ft in each direction from a fire hydrant.
5. "No Parking – Fire Lane" signs must be installed on the hydrant side of the road indicating No Parking for 10 ft in each direction from a fire hydrant.

The plat meets the minimum turning radii and cul-de-sac diameter requirements.

This project is proposed to have three dead end roads with cul-de-sac turnarounds. At 26 ft. pavement width, there is to be no parking on the hydrant side of the roads within 10 ft. in each direction of any fire hydrant. "No Parking – Fire Lane" signs must be placed accordingly.

The fire hydrant spacing appears adequate.

Washington Water Authority does not keep GPM fire flow data for the fire hydrants connected to their system. The Fire Marshal's office agrees that tanker support will be adequate for fire protection.

Addressing

Lots over one-half acre will be addressed when the home location is known.

Environmental:

No comments were received from Environmental Affairs.

Elm Springs' Preliminary Plat Approval

This project has received City of Elm Springs Preliminary Approval by the Planning Commission on 08/10/17.

All conditions of the City of Elm Springs approval must be completed.

Road

This project accesses off Kenneth Price Road, WC-939, to the east, and Schuester Road, WC-937, to the west. One entrance from each road is proposed. The applicant is proposing one main thoroughfare and three side streets with cul-de-sac turnarounds at the end of each.

The Washington County Road Department provided no comments/requirements.

Drainage

The County Contract Engineer, Zach Moore, has reviewed the plat and drainage report for this project. He had some concerns, but the project engineer is working through the list addressing them. Staff will update the Planning Board at the meeting if all the drainage concerns have been adequately addressed.

NEIGHBOR COMMENTS:

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

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

CHECKLIST:

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

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: (if the County Engineer finds the Drainage resubmittals to be adequate)

Staff recommends approval of Penny Lane Preliminary Plat with the following conditions:

Septic Conditions:

1. It will be the responsibility of the property owners to commission septic system designs and to submit permits to the Health Department for review/approval.

Utility Conditions:

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

Ozarks Electric:

General:

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

Washington Water Authority:

1. Plumbing inspections shall be completed by WWA. Plumbing permits shall be obtained at WWA.
2. Review of water plans can start when preliminary plat has been approved by Washington County.
3. Water main design shall be per WWA requirements.
4. Developer shall pay \$500 depletion fee & \$225 meter fee per meter service before final acceptance of project and WWA will sign final plat. All water main construction will be complete before WWA will sign final plat.
5. Show existing water main on north side of property and existing easement on Tally Gate Road. Building setback and utility easement on Tally Gate needs to be 30' from right-of-way.

Washington County Road Department Conditions:

1. No trees are to be planted in the ROW.

Washington County Fire Marshal Conditions:

1. 38' turning radii minimum.
2. 100' cul-de-sac diameter minimum.
3. Fire Hydrants must not be any farther than 250 ft from any residence in the development.

4. There is to be no parking on the hydrant side of the road for 10 ft in each direction from a fire hydrant.
5. "No Parking – Fire Lane" signs must be installed on the hydrant side of the road indicating No Parking for 10 ft in each direction from a fire hydrant.

Washington County Engineer Conditions:

1. Additional drainage easements may be required.

Updated information has been submitted. Staff is waiting to hear if the County Engineer finds this information to adequately address the requirements. Staff will update the Board at the meeting.

Addressing Conditions:

1. Lots over one-half acre will be addressed when the home location is known.

Planning Conditions:

1. Some minor plat corrections remain to be addressed. Staff will not sign the plat until all corrections have been made.

Standard Conditions:

1. Washington County will not maintain common areas or park areas.
2. Pay neighbor notification mailing fees within 30 days of project hearing. Any extension must be approved by the Planning Office.
3. Pay Engineering Fees within 30 days of project hearing. Any extension must be approved by the Planning Office. This will be calculated once all invoices are received.
4. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. The Road Department may be reached at (479) 444-1610.
5. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
6. Once all plat corrections have been completed, submit two corrected plats for review to the Planning Office prior to construction plan review. Construction Plans will not be reviewed until all necessary Preliminary Plat corrections have been made.
7. If you receive Preliminary approval- construction plans must be approved, bond and insurance (Washington County must be named on the insurance) must be received by the Washington County Road Department and approved by the County Attorney prior to a pre-con meeting being set up.
8. If the City of Elm Springs wishes to hold a pre-con meeting as well, the County would prefer that we have a joint pre-con meeting.
9. Absolutely no construction may begin until the pre-construction meeting is completed and the plans have been accepted by Washington County.
10. Preliminary Plat approval is valid for 12 months from the date of approval by the Planning Board. Construction Plans must be approved and construction commenced prior to that time or you will be required to bring your project back through Preliminary Plat review.

Washington County Senior Planner, Nathan Crouch, presented the staff report with updates for the Board Members.

No Public Comments.

Public Comments Closed.

*Joel Kelsey made a motion to approve the **Penny Lane Preliminary Subdivision** subject to staff recommendations. Robert Daugherty seconded. Walter Jennings was not present. Board Members Daryl Yerton, Kenley Haley, Randy Laney, Philip Humbar, Joel Kelsey and Robert Daugherty were in favor of approving. Motion passed.*

County

e. Bell Minor Subdivision

Minor Subdivision Request

Location: Section 25, Township 16, Range 32

Owner: Bell, Jeffery

Applicant: Satterfield Land Surveyors

Location Address: 15569 Prairie View Rd

Approximately: +/- 20.12 acres/ 1 lots Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.04192331, Longitude: - 94.33760753

Project #: 2017-318

Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision Approval for Bell Minor Subdivision. The request is to split a 20.01 acre tract to create three separate tracts.

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

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

QUORUM COURT DISTRICT: District 7, Alicia Deavens

FIRE SERVICE AREA: Prairie Grove Rural

SCHOOL DISTRICT: Prairie Grove

INFRASTRUCTURE: Water– Washington Water Authority Electric– Ozarks Electric
Natural Gas– None Telephone– Prairie Grove Cable– None

BACKGROUND/PROJECT SYNOPSIS:

Bell Minor Subdivision is requesting Preliminary and Final Minor Subdivision Plat approval to allow an existing parcel to be split into three separate tracts. There are two existing residences on the parcel: a one-story brick and frame house, and a manufactured home. Each residence has its own septic system. All tracts are accessible from Prairie View Road WC 655.

Parent parcel:

001-12948-000, 20.01 acres

- 1 one-story brick and frame house with individual septic system, metal barn, well house
- 1 manufactured home with individual septic system

Proposed lots:

- Tract 1 – 2.18 acres, 1 one-story brick and frame house with individual septic system, metal barn, well house
- Tract 2 – 16.83 acres, vacant
- Tract 3 – 1.00 acre, 1 manufactured home with individual septic system

This project proposes to split one larger tract into three tracts. Two of these tracts are less than 5 acres. This project must process as a Minor Subdivision because it does not qualify for administrative approval through Washington County's exemption ordinance.

Staff has no concerns regarding this Minor Subdivision Replat proposal.

TECHNICAL CONCERNS:

Sewer/Septic

Per Melissa Wonnacott with the Arkansas Department of Health: the soils appear to be adequate per the soil analysis performed by a Direct Representative. Since this has two existing homes and one vacant lot,

no submittal to the Engineering Division of the Arkansas Department of Health for subdivision review will be needed.

Electric/Phone/Gas

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

Water

Washington Water Authority had no comment.

Addressing

Lots that are over one-half acre in size will need to be addressed after the home location is known.

Environmental

There is no stormwater 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).

Road

Any work done in the County road right of way requires a permit from the road department.

All three proposed tracts will access Prairie View Road WC 655. Tracts 1 and 3 appear to have existing gravel driveways. Tract 2 is vacant and will perhaps require access in the future.

SITE VISIT:

A site visit was conducted by planning staff on October 20, 2017. Staff has no concerns.

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. Currently, there are no comments from neighbors. 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 Plat Minor Subdivision approval of Bell Minor Subdivision with the following conditions:

Utility Conditions:

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

Environmental Conditions:

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

Standard Conditions:

1. Pay neighbor notification mailing fees (\$25.20) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 10/27/2017).
2. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. All general plat checklist items must be corrected.
6. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
7. Have all signature blocks signed on 11 Final Plats - 2 for filing in the Circuit Clerk's office, 7 for the County Planning office, remainder for the developer. *The Circuit Clerk is not accepting plats over 18" x 24" in size.*

Washington County Planner, Sita Nanthavong, presented the staff report with updates for the Board Members.

No Public Comments.

Public Comments Closed.

*Daryl Yerton made a motion to approve the **Bell Minor Subdivision** subject to staff recommendations. Kenley Haley seconded. Walter Jennings was not present. Board Members Daryl Yerton, Kenley Haley, Randy Laney, Philip Humbar, Joel Kelsey and Robert Daugherty were in favor of approving. Motion passed.*

County

f. Noble Property Minor Subdivision Replat

Replat Request

Location: Section 01, Township 15, Range 30

Owner: Burnett, Travis N. and J Scott & Rebecca L. Bull

Applicant: Alan Reid & Associates

Location Address: 11446 Mountain Spring Dr.

Approximately: +/- 23.39 acres/ 2 lots Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.10795215, Longitude: -94.25265197

Project #: 2017-305

Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision Replat Approval for Noble Minor Subdivision. The request is to replat Pt Tract C and Tract 3, Robinson Mountain Estates Subdivision in order to split 3.43 acres of Pt Tract C and combine it with Tract 3.

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

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

QUORUM COURT DISTRICT: District 14, Ann Harbison.

FIRE SERVICE AREA: Round Mountain Rural

SCHOOL DISTRICT: Greenland

INFRASTRUCTURE: Water– Mt. Olive Water Association Electric– Ozarks Electric
Natural Gas– Black Hills Corp Telephone– AT&T Cable– None

BACKGROUND/PROJECT SYNOPSIS:

Bell Minor Subdivision is requesting Preliminary and Final Minor Subdivision Plat approval to replat Tract C and Tract 3, Robinson Mountain Estates Subdivision in order to split 3.43 acres of Pt Tract C and combine it with Tract 3.

Current Parcel Information:

- Pt Tract C, 414-10003-000, 15.05 acres, vacant, accesses Mountain Spring Dr WC 5007
- Tract 3, 414-10007-000, 8.34 acres, single family residence, accesses Mountain Spring Dr WC 5007

Proposed Replat:

- Tract C-1, 11.62 acres, vacant, accesses Mountain Spring Dr WC 5007
- Tract 3A, 11.77 acres, single family residence, accesses Mountain Spring Dr WC 5007

Staff has no concerns regarding this Minor Subdivision Replat proposal.

TECHNICAL CONCERNS:

Sewer/Septic

Soil analysis was conducted for the 3.43 acres of Pt Tract C the applicant wishes to combine with Tract 3. The Designated Representative of the Department of Health observed that the soil was suitable for a standard sewage disposal system.

Electric/Phone/Gas

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

Water

Mt. Olive Water had no comment.

Addressing

As these lots are over one-half acre, they will be addressed when the home location is known.

Environmental

There is no stormwater 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).

Road

Any work done in the County road right of way requires a permit from the road department.

The applicant may access a future residence either by Mountain Spring WC 5007 or Black Oak WC 57.

SITE VISIT:

A site visit was conducted by planning staff on October 25, 2017. Staff has no concerns.

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. Currently, there are no comments from neighbors.

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 Plat Minor Subdivision Replat approval of Replat Pt Tract C and Tract 3, Robinson Mountain Estates Subdivision, Noble Minor Subdivision with the following conditions:

Utility Conditions:

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

Environmental Conditions:

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

Standard Conditions:

1. Pay neighbor notification mailing fees (\$50.40) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 10/27/2017).
2. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. All general plat checklist items must be corrected.

6. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
7. Have all signature blocks signed on 11 Final Plats - 2 for filing in the Circuit Clerk's office, 7 for the County Planning office, remainder for the developer. *The Circuit Clerk is not accepting plats over 18" x 24" in size.*

Washington County Planner, Sita Nanthavong, presented the staff report for the Board Members.

Public Comments.

Tony Pultz, neighbor residing on 11439 Mountain Spring Dr., addressed the Board, "I guess my main concern is the word subdivision. Are we putting a subdivision in here? Or is it just going to be a single home? I just don't quite understand what we are doing."

Sita Nanthavong clarified, "The term subdivision can be a little bit of a misnomer for this particular project since both tracts are already in a subdivision. When you are seeking to split four tracts of land the county calls that a minor subdivision. Again, subdivision is a big scary word. So we like to think of it as a minor subdivision of land. So we are just subdividing the tracts into smaller pieces of up to four."

Tony Pultz asked, "Will these be one-home tracts?"

Sita Nanthavong answered, "Yes, if there are any covenants in the Robinson Mountain Estates Subdivision those will still have to be followed; it is my understanding with a subdivision it's one residence per tract of land."

Dale Eldredge, residing on 11285 Mountain Springs Dr., addressed the Board, "My concern is not on the replat. My concern is that we've been told that we could only have one more driveway on our street; and part of that reason is that it's a single lane street. It is a part of our covenants basically, that we could only have one more. We used one of them up a while back when they put a house in. Basically, Tract Ca could not have a driveway if they used Mountain Springs. Which isn't a concern to me that just means you can't build a house. My understanding is that we could have one more driveway; so if he wants to put it on Black Oak Drive. I don't care where he puts the house as long as it meets the covenants. I don't think we could have another driveway on the road and I don't think the neighbors will agree to it."

Randy Laney explained, "I hear what you are saying, but matters that are within your subdivisions rules and regulations are not enforced by us."

Public Comments Closed.

*Daryl Yerton made a motion to approve the **Noble Property Minor Subdivision Replat** subject to staff recommendations. Robert Daugherty seconded. Walter Jennings was not present. Board Members Daryl Yerton, Kenley Haley, Randy Laney, Philip Humbar, Joel Kelsey and Robert Daugherty were in favor of approving. Motion passed.*

County

g. Rodriguez Minor Subdivision Replat

Preliminary & Final Minor Subdivision Replat Request

Location: Section 24, Township 15 North, Range 31

West Owner: Veronica Razo Rodriguez

Applicant: Bates & Associates, Inc.

Location Address: 10056 Smokey WC 2070

Approximately +/- 5.76 acres / 2 lots Proposed Land Use: Single Family Residential

Coordinates: Latitude: 35.96876420, Longitude: -94.21597824

Project #: 2017-265

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

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision approval to split a 5.76 acre parcel, resulting in 2 parcels at 2.89, and 2.88 acres in size.

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

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

QUORUM COURT DISTRICT: District 14, Ann Harbison.

FIRE SERVICE AREA: **West Fork Rural FD** – no comments were received from West Fork Fire Department. Dennis Ledbetter, Washington County Fire Marshal, does not review Minor Subdivisions (4 lots or less).

SCHOOL DISTRICT: Greenland

INFRASTRUCTURE: Water– Washington Water Authority Electric- Ozarks Electric
Natural Gas– N/A Telephone- Windstream Cable- N/A

BACKGROUND/ PROJECT SYNOPSIS:

The property owner and applicant is Veronica Rodriguez. The surveyor is Bates & Associates. The applicant is requesting Minor Subdivision approval to divide a 5.76 acre residential parcel to create 2 parcels at less than 5 acres each.

This proposed property division could not be processed administratively because county ordinance dictates splits may only create 1 parcel at less than 5 acres and remain exempt from Planning Board review.

Parent Tract: 496-02314-000, 5.76 acres, with 2 existing mobile homes (one to be removed), and two existing sheds.

Proposed Tracts:

- Tract A: 2.89 acres; 1 existing mobile home (to be removed), and 1 existing shed.
- Tract B: 2.88 acres; 1 existing mobile home, and 1 existing shed.

Staff has no concerns regarding this Minor Subdivision proposal.

TECHNICAL CONCERNS:

Sewer/Septic:

An existing septic system inspection has been conducted on both existing systems. No issues were found. But since the mobile home on Tract A is to be removed, soil work is required on Tract A.

Soil work has not been submitted yet, but it will be a condition of approval.

This request must receive subdivision review by the Arkansas Health Department's Engineering Section before it can be fully approved. Staff feels this review/approval by ADH Engineering can be a condition of approval as well.

Utilities

Washington Water Authority

1. Add 911 addresses to the final plat.
2. Neither lot currently has water service. The water line stops before it reaches the subject property. A water main extension and possible upgrade will be necessary to service both lots.

No other utility comments were received.

Fire:

The Washington County Fire Marshal provided no comments.
The West Fork Rural Fire Department provided no comments.

Addressing

The existing mobile home on proposed Tract B is addressed (18010 Harmon Rd). The existing mobile home on proposed Tract A is not addressed. Any additional addresses will be assigned once the home location is known.

Environmental

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

Roads/Sight Visibility/Ingress-Egress/Parking:

Smokey Lane, WC-2070, is a narrow private road in poor condition. However, the Road Dept does not maintain private roads. Maintaining the road is the responsibility of the residents of Smokey Lane.

SITE VISIT:

A site visit was conducted prior to the time of the staff report. The only notable concern was the poor condition of the road.

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed Replat. No comments have been received at the time of this Staff Report.

Staff will update the Board at 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.

	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 Replat approval of Rodriguez Minor Subdivision Replat with the following conditions:

Septic Conditions:

1. Soil analysis is required on Tract A before signing of the final plat.
2. The Arkansas Department of Health will require this to be submitted as a subdivision due to the original subdivision not meeting ADH subdivision plan requirements. This must be addressed through Little Rock and reviewed by Piper Satterfield, on site specialist.

Environmental Conditions:

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

Utility Conditions:

Ozark Electric Conditions:

General Conditions:

1. Any damage or relocation of existing facilities will be at the owner's expense.
2. Developer must provide Ozarks Electric with a digital copy (AutoCAD 2004) of the Final plat as well as a hard copy.
3. 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.

Washington Water Authority:

1. A water main extension and possible upgrade will be necessary to provide water service to both lots.

Road:

1. Smokey Lane, WC-2070, is a narrow private road in poor condition. The Washington County Road Dept does not maintain private roads. Maintaining the road is the responsibility of the residents of Smokey Lane.

Standard Conditions:

1. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
2. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. All general plat checklist items must be corrected.
5. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
6. Have all signature blocks signed on 7 Final Plats - 2 for filing in the Circuit Clerk's office, 3 for the County Planning office, remainder for the developer. *The Circuit Clerk is not accepting plats over 18" x 24" in size.*

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 **Rodriguez Minor Subdivision Replat** subject to staff recommendations. Daryl Yerton seconded. Walter Jennings was not present. Board Members Daryl*

Yerton, Kenley Haley, Randy Laney, Philip Humbar, Joel Kelsey and Robert Daugherty were in favor of approving. Motion passed.

5. Other Business

- Discussion of Current Development and Planning Department Activities.
- Reminder of upcoming Planning Board meetings:
 - December 7
 - January 4
- Any other Planning Department or Planning Board business

6. Old Business

7. Adjourn

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

Planning Board adjourned.

Minutes submitted by: Juliana Mendoza

Approved by the Planning Board on:

_____ Date: _____
Randy Laney, Planning Board Chairman