

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

**January 11, 2018**

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

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

**CONDITIONAL USE PERMIT HEARINGS**

County

**a. Cincinnati Cell Tower CUP**

**Approved**

Fayetteville Planning Area

**b. Old Wire Services & Recreational Facilities CUP**

**Tabled**

**LAND DEVELOPMENT HEARING**

Fayetteville Planning Area

**c. Old Wire Services & Recreational Facilities Preliminary LSD**

**Tabled**

**CONDITIONAL USE PERMIT HEARING**

County

**d. Flamingo Springs CUP**

**Approved**

**LAND DEVELOPMENT HEARINGS**

County

**e. Flamingo Springs Preliminary LSD**

**Approved**

Fayetteville Planning Area

**f. Eastern Park Subdivision Final Subdivision**

**Approved**

County

**g. Huntsville Rd (Eastside Self Storage) Final LSD**

**Approved**

Goshen Planning Area

**h. Habberton Wedding Chapel Preliminary LSD**

**Approved**

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

2. APPROVAL OF MINUTES: *Daryl Yerton made a motion to approve the minutes of December 7, 2017. Philip Humbar 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

##### CONDITIONAL USE PERMIT HEARINGS

###### County

###### a. Cincinnati Cell Tower CUP

###### *Communications Tower Conditional Use Permit Request*

Location: Section 29, Township 16 North, Range 33 West

Owners/Applicants: John & Rita Randolph

Surveyor/Engineer: Patricia Parr

Location Address: 24088 W. Cincinnati Rd.

Approximately +/- 30.49 acres

Proposed Land Use: Communications Tower

Coordinates: Latitude: 36.04183015, Longitude: -94.51397384

Project #: 2017-309

Planner: Sita Nanthavong email: [snanthavong@co.washington.ar.us](mailto:snanthavong@co.washington.ar.us)

**REQUEST:** Cincinnati Cell Tower is requesting **Conditional Use Permit** approval to allow a wireless communication tower facility on two properties that are 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 not in a planning area.

**QUORUM COURT DISTRICT:** District 13, Joel Maxwell

**FIRE SERVICE AREA:** Cincinnati Rural

**SCHOOL DISTRICT:** Siloam Springs

**INFRASTRUCTURE: Water-** Lincoln Water

**Electric-** Ozarks Electric

**Natural Gas-** None

**Telephone-** Prairie Grove Telephone

**Cable-** None

##### **BACKGROUND/PROJECT SYNOPSIS:**

Cincinnati Cell Tower is requesting Conditional Use Permit approval to construct a wireless telecommunications facility that will include a 250 foot tall telecommunications tower with accompanying ground equipment to be contained in a 100x100 foot fenced compound. A lightning rod may be installed and cause the final height of the tower to be 260 feet.

The tower will be constructed on 0.23 acres on parcel 001-13406-000 owned by John and Rita Randolph. An access easement will connect to the facility from Arkansas State Highway 59. The access easement will be 26 feet wide and made of gravel. The tower will be setback approximately 974.06 feet from Arkansas State Highway 59.

The proposed facility will be unmanned. The expected traffic after construction is 1 vehicle every three weeks.

The total disturbed area is less than one acre. The applicant states that best management SWEPP practices will be utilized.

The applicant states that the proposed site is designed to fill a coverage hole on Arkansas State Highway 59. A map has been provided. The area is marked in dark blue. An FCC scrub showed a Smith Communications tower approximately 2.4 miles from the proposed site. However, the tower was too far south and would interfere with an already existing tower in Lincoln.

A submitted letter from the applicant contains more detail. Please see attached.

## **TECHNICAL CONCERNS:**

### **Water/Plumbing/Fire Issues:**

This CUP request was reviewed by the County Fire Marshal.

The access road must be a minimum of 26 feet wide. The corresponding gates to the access roads should also be 26 feet wide to allow emergency vehicles access.

Cul-de-sac style turnarounds must be a minimum of 95 feet in diameter. The applicant should heed this or refer to the Arkansas State Fire Code and use one of the approved methods for turnaround.

All entrance drives and access roads must be able to support 75,000 pounds in all weather conditions.

The Fire Marshal would like more information on the generator. What type of safety features will it have?

A Knox Box may be required. The Fire Marshal will ask the local fire authority and if they require one, the Fire Marshal will also require it of the applicant.

### **Health Department Issues:**

The Arkansas Department of Health did not comment. The proposed facility will be an un-manned location and will have little to no regular traffic except for periodic maintenance and will have no water utility or sewer services or septic tank equipment. Soil testing is not needed per applicant.

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

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

Utility easements of 30 feet (15 feet on each side of the access road) are required.

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

This project accesses Arkansas State Highway 59. The applicant may need to seek permits from the Arkansas Department of Transportation to connect to the Arkansas State Highway. However, since the access road already exists, permits may not be needed.

### **Drainage:**

The proposed entrance drive crosses a FEMA Zone A floodplain. The applicant should confirm that where the proposed driveway crosses the floodplain, that there will not be any fill added within the floodplain that will result in a rise in the water surface elevation.

### **Environmental Concerns:**

Environmental Affairs did not comment on this project.

### **Signage/Lighting/Screening Concerns:**

Lighting may be required by the FAA. This will be addressed during the Cell Tower Review process.

### **Addressing Concerns:**

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

### **Sheriff's Office Concerns:**

Washington County Sheriff's Office did not comment on this project.

### **Tower Review:**

If all criteria are met and this project is approved for a Conditional Use Permit (CUP), the applicant will be required to return for Tower Review. Full Tower Review by the Planning Board may not be required if all Administrative Tower requirements can be met. Utilities and other agencies will not review the Administrative Tower Application. However, if all Administrative Tower requirements cannot be met, this

tower will have to undergo full Tower Review by the Planning Board; utilities and other agencies would then review this project.

### **COMPATIBILITY CONCERNS:**

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

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: The applicant has shown that there is a coverage gap along Arkansas State Highway 59. The height of the tower will ensure that coverage is spread along Arkansas State Highway 59 as much as possible. The tower will accommodate 4 providers. The Washington County emergency responders have stated that the area around Cincinnati has very poor cellular reception. This affects their ability to provide exceptional emergency services to the citizens of the area.

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 it would also provide increased cellular reception to this rural area for both general and emergency cellular service. Staff cannot ignore these needs, especially with the increased use of data for emergency usage of wireless networks.

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 careful consideration has been given to the protection and preservation of agricultural lands using the regulatory mechanisms available (Conditional Use Permit).

To address concerns listed above, Staff has given consideration to many factors related to this proposed use including, but not limited to:

- Residential structure proximities
- The proposed tower type and height
- Fire and emergency vehicle access
- The need for better emergency services in the rural areas of the County
- And other items discussed in this Staff Report

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

There is no future land use designation for this portion of the County.

#### **Site Visit:**

A site visit was conducted by Planning Staff on 01/05/2018. Staff noted the area was mainly agricultural and rural residential.

#### **Neighbor Comments and Concerns:**

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this project proposal. As of the date of this Staff Report, no comments have been received. Staff will update the Planning Board should comments be received after this date.

**STAFF RECOMMENDATION:** Staff recommends *approval* of the project with the following conditions:

**Planning Conditions:**

1. A copy of the Federal Communications Commission (FCC) approval letter must be submitted to Staff prior to tower operation.
2. Must be an approximately 250 foot tall guyed wireless communications tower facility that, with the addition of lights and a lightning rod, could increase the overall height to approximately 260 feet.
3. Compound must be generally sized as presented (100'x100').
4. This CUP will apply only to the lease area and related easement as presented and not to the entire 35.5654 acres.
5. Proper Circuit Clerk-filed easement documents shall be recorded for the proposed access and utility easement.

**Water/Plumbing/Fire Conditions:**

1. The access road must be a minimum of 26 feet wide. The corresponding gates to the access roads should also be 26 feet wide to allow emergency vehicles access.
2. Cul-de-sac style turnarounds must be a minimum of 95 feet in diameter. The applicant should heed this or refer to the Arkansas State Fire Code and use one of the approved methods for turnaround.
3. All entrance drives and access roads must be able to support 75,000 pounds in all weather conditions.
4. The Fire Marshal would like more information on the generator. What type of safety features will it have?
5. A Knox Box may be required. The Fire Marshal will ask the local fire authority and if they require one, the Fire Marshal will also require it of the applicant.

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

1. Permits from the Arkansas Department of Transportation may be required to connect to the Arkansas State Highway. However, since the access road already exists, permits may not be needed.

**Drainage Conditions:**

1. The proposed entrance drive crosses a FEMA Zone A floodplain. The applicant should confirm that where the proposed driveway crosses the floodplain, that there will not be any fill added within the floodplain that will result in a rise in the water surface elevation.

**Signage/Lighting/Screening Conditions:**

1. Lighting may be required by the FAA. This will be addressed during the Cell Tower Review process.

**Addressing Conditions:**

1. The applicant must apply for 911 addresses 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. 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. This CUP must be ratified by the Quorum Court.
3. Must adhere to all Washington County Communication Tower Ordinance Standards.
4. Must proceed through Washington County Communication Tower Administrative Approval process OR Washington County Full Communication Tower Review.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.

6. If all Administrative Tower requirements cannot be met, this tower will have to undergo full Tower Review by the Planning Board; utilities and other agencies would then review this project.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - This project requires additional review; the applicant must submit for either Administrative Tower Review OR Full Tower Review within 12 months of this CUP project's ratification.

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

*No Public Comments.*

*Public Comments Closed.*

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

Fayetteville Planning Area

**b. Old Wire Services & Recreational Facilities CUP**

***Conditional Use Permit Request***

Location: Section 30, Township 17, Range 29

Owner/Applicant: Patrick J. Tobin Revocable Living Trust

Surveyor/Engineer: Bates & Associates, Inc.

Location Address: Old Wire Rd. WC 87

Approximately +/- 19.4 acres

Proposed Land Use: Commercial Rentals

Coordinates: Latitude: 36.12103716, Longitude: -94.10753190

Project #: 2017-199

Planner: Sita Nanthavong email: [snanthavong@co.washington.ar.us](mailto:snanthavong@co.washington.ar.us)

**REQUEST:** Old Wire Service and Recreational Facilities is requesting **Conditional Use Permit** approval to allow the building of service and recreational facilities buildings on a property that is approximately 19.42 acres in size and is 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 within the City of Fayetteville Planning Area.

**QUORUM COURT DISTRICT:** District 15, Butch Pond

**FIRE SERVICE AREA:** Goshen VFD

**SCHOOL DISTRICT:** Fayetteville

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

**Electric-** Ozarks Electric

**Natural Gas-** Black

**Cable-** Cox Communications

**BACKGROUND/PROJECT SYNOPSIS:**

The project was presented to the Washington County Planning Board on September 7, 2017 and tabled by the Planning Board members. Please see the attached excerpt of the minutes from the September 7, 2017 Planning Board meeting attached.

The owner of this property is the Patrick J. Tobin Revocable Trust. The applicant is Pat Tobin with representation by Bates and Associates.

**Old Wire Service and Recreational Facilities** is requesting **Conditional Use Permit** approval and **Preliminary Large Scale Development** approval to allow the building and leasing of service and

recreational facilities buildings on a property that is approximately 19.42 acres in size and is currently zoned for Agricultural and Single Family Residential Uses.

The parcel will accommodate ten (10) single story buildings to be built in phases. The first phase will consist of the construction of buildings numbered 3 through 8. Building 3 and 4 will be approximately 5,000 square feet, buildings 5 and 6 will be approximately 3,600 square feet, and buildings 7 and 8 will be approximately 2,500 square feet. The applicant is proposing to leave the uses open to accommodate prospective tenants and their businesses; however, the uses will be limited to the type of building being constructed so it complies with city and fire regulations.

Some of the proposed business are, but not limited to the following:

- Glass shop & showroom
- Antique print shop
- Baseball pitching & hitting
- General business offices
- Utility company offices
- Excavation business office
- General warehouse

The applicant states that the following types of businesses will not be considered:

- Sexually oriented businesses
- Adult book and novelty store
- Bar and/or Night club
- Circus'
- Chicken farms
- Salvage yards
- Heavy equipment businesses
- Gambling establishments such as casinos
- Illegal businesses (ex: counterfeit items, illegal drugs, pirated music stores, any business providing peripheral support of illegal activities)
- Concrete/Mining plant
- Dog/animal mills
- Firework manufacturing facility

A submitted letter from the applicant contains more detail. Please see attached.

### **TECHNICAL CONCERNS:**

#### **Water/Plumbing/Fire Issues:**

This CUP request was reviewed by the City of Fayetteville and the County Fire Marshal.

Fayetteville Water services this area. Corey Granderson, Staff Engineer for the City of Fayetteville, commented that the revisions of the submitted project plans dated 11/02/2017 are acceptable in concept: a proposed looped waterline system connecting to the Rid-A-Pest property. After Washington County approval, the applicant must submit plans and utility permit application to the City of Fayetteville Engineering Division for Permit Review.

The Washington County Fire Marshal reviewed the resubmitted plans and found all except the following acceptable:

All fire lanes need to be labeled in appropriate places.

Some buildings show exit lights and some don't. All exit doors should have appropriate lighted signs.

Panic bars should be installed on the doors.

When a building has occupancy, the Fire Marshal must inspect each building prior to the tenant's opening.

#### **Health Department Issues:**

This project proposes to utilize one septic system for each building.

Soil analysis has been conducted and submitted to the Health Department for buildings 3 through 8. Based upon the soil analysis and the Loading Rates for Residences and Commercial Establishments table, only a maximum of 12 occupants may be present within each building per day; this includes employees and customers. This may change once permits are submitted to the Health Department.

It is incumbent of the owner to notify the Planning Department for re-evaluation of adequacy of the septic system, according to the septic code, of any changes in occupancy that exceed the Health Department's permitted septic loading of 12 occupants per day maximum including customers.

The Health Department would like to note that the layout of the lateral lines and fields may change once permits have been filed with the State.

**Electric/Phone:**

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

Ozarks Electric states that there must be a 30ft utility easement along overhead lines and 15ft utility easements along underground lines.

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

This project accesses off WC 87, North Old Wire Road.

The Road Department requires a minimum 30 foot ROW to be dedicated on the applicant's side of the road (if applicant owns both sides, both sides must be dedicated).

One entrance is proposed for the first phase. A second entrance will be added during the second phase of construction as per the fire code due to the length of the access drive.

Any work done in the County right-of-way will require a permit from the Washington County Road Department prior to construction.

**Drainage:**

A Drainage Report was submitted. The Washington County Contracted Engineer, Zach Moore, has reviewed this report. Here are his statements:

- Drainage Report: Please provide 1' of freeboard in the pond for the 100 year water surface elevation.
- Drainage Report: Please provide ditch calculations including depth and velocity. Show that the ditch can convey the 100 year event.
- Drainage Report: The proposed ditch ends at the southern property line approximately 100' prior to Mud Creek. The drainage patterns with the development would be revised releasing more volume in a concentrated flow onto the adjacent property to the south. In predevelopment conditions, Basin 1 drains to an existing drainage ditch on the adjacent property to the west and then flows south down a road side ditch to Mud Creek. Therefore, even with the close proximity of the creek, written permission must be granted by the property owner to release a concentrated flow onto the property (preferably in the form of a drainage easement). Also, please confirm that Mud Creek at this location does not fall under the City of Fayetteville streamside ordinance. If it does fall under this ordinance, a level spreader may be required at the end of the ditch prior to the flow entering the creek.
- Plans: The grading plans in the LSD submittal show the previous drainage design. Please update the plans to reflect the current design.

**Environmental Concerns:**

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



**Signage/Lighting/Screening Concerns:**

No signage is allowed within Washington County's road right-of-way (ROW). As this is a semirural area in transition, staff recommends the signage be approximately 24 sq. ft. in size and not directly lit. A sketch of the proposed sign must be submitted to Washington County Planning for approval prior to the sign being placed. No additional signage is allowed, and if the applicant chooses to use lighting for the sign, it must be indirectly lit. There is no signage proposed with this project.

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 (see attached diagram).

Each building will have its own dumpster. The plans indicate that each dumpster will be screened including the gate and the dumpster enclosure material must match the building material.

**Addressing Concerns:**

The applicant must apply for a 911 address to be assigned. 911 addresses must be shown on the Final Plat at Final LSD.

**Sheriff's Office Concerns:**

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

**COMPATIBILITY CONCERNS:**

**Surrounding Uses:**

The surrounding uses are a mix of residential, agriculture, light commercial and community facilities. Within the vicinity is a storage unit complex, a laser tag facility, two plumbing shops, two existing churches, a cemetery, and residential and agricultural uses.

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

Staff does not know if the traffic and nature of this proposed project would be in use with the County's Light Commercial Land Use Plan.

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.

**Future Land Use Plan**

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

The City of Fayetteville has submitted comments. The City of Fayetteville expressed concerns with compatibility the project would have with their existing land use plan. Also, they do not think the project, as proposed, would be compatible with surrounding land uses due to increased traffic, light, noise, storm water runoff, pollutants in the Mud Creek watershed, and adverse changes to the environmental character of the area.

Please see the attached letter from the City of Fayetteville for more details.

**Site Visit:**

A site visit was conducted by Planning Staff on 08/29/2017. Staff did notice anything of concern.

**Neighbor Comments and Concerns:**

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

To date, there have been a total of ten comments submitted.

- Received 07/31/2017 – Neither in favor or opposed and states that the owner does not have a reputation for clean, well maintained properties, has concerns about the structure type.
- Received 08/01/2017 – Opposed contingent upon storm water. They are worried about additional storm water run-off.
- Received 08/01/2017 – Opposed and concerned about water run-off, what type of businesses will be present, and the physical appearance of the buildings.
- Received 08/02/2017 – In favor only if the storm water run-off is redirected directly to the creek and not able to access their property. They would like opaque fencing for commercial developments and the buildings to be constructed to match the surrounding businesses.
- Received 08/08/2017 – Opposed. They do not want rental or retail so close to their residential property. They would rather the property stay residential.
- Received 08/25/2017 – Opposed. No reason given.
- Received 08/28/2017 – Opposed. No reason given. Submitted by the same person who submitted comments on 08/25/2017.
- Received 11/28/2017 – Opposed. They are concerned about more commercial businesses in the area. The development will have a negative impact on the community aesthetics and impact property values.
- Received 01/05/2018 – Opposed. No reason given.
- Received 01/08/2018 – Opposed. The property is zoned agricultural/residential and is no place for commercial rental property. There are water and sewer issues.

Planning Staff will update the Board of any more comments.

**STAFF RECOMMENDATION:** Staff recommends *approval* of the project with the following conditions:

**Water/Plumbing/Fire Conditions:**

1. A looped connection must be provided per specifications.
2. The water system design will be subject to the City of Fayetteville's latest design criteria.
3. Each building must be within 250 feet of a hydrant per Arkansas State Fire Code.
4. The water line needs to be 8 inches.
5. Overhead electrical lines must be high enough to allow clearance for fire/emergency vehicles.
6. Project site entrance must have a 38 foot turning radius.
7. Gravel must be compacted to 75,000 pounds in all weather conditions and certified by an engineer.
8. A hammerhead turn around must be provided for fire/emergency vehicles.
9. The hammerhead turn around must be designated as a fire lane.
10. All fire lanes must be labeled and marked in paved areas. Fire lanes must have signs in graveled areas.
11. Buildings, restrooms, and parking must be ADA compliant.
12. A statement at Final LSD will be required stating all buildings are in compliance with Arkansas State Fire Code and ADA regulations.
13. A life/safety plan must be submitted and approved by the Fire Marshal once occupancy per building is known and building plans are available.

**Health Department Conditions:**

1. Soil work has been completed and a copy has been submitted for this project. Using the soil analysis and the loading rate, the Department of Health as deemed that occupancy can be no more than twelve people at a time within each building.
2. Full permit design has not been submitted to the Department of Health. Once occupancy is known, permits will be sent to the Department of Health.
3. The septic system must receive full approval from the Department of Health before installation can begin.
4. No parking (including overflow parking) is allowed on any portion of septic systems including the alternate areas.
5. Physical barriers must be placed around the entire septic areas to prevent damage from vehicles or other disturbance. The barriers must be placed such that driving between them is not possible.
6. Project must be in compliance with the regulations of the Arkansas Department of Health.

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

1. Site distance is adequate.
2. One entrance is proposed for the first phase. A second entrance will be added at the second phase of construction.
3. No signage or parking is allowed within Washington County's road right-of-way (ROW), and none is shown on the submitted plans.
4. 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).
5. 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.

**Drainage Conditions:**

1. Provide 1' of freeboard in the pond for the 100 year water surface elevation
2. Provide ditch calculations including depth and velocity. Show that the ditch can convey the 100 year event
3. Confirm that Mud Creek at this location does not fall under the City of Fayetteville streamside ordinance
4. Obtain drainage easement/s from neighboring property owners to the south.
5. The grading plans in the LSD submittal show the previous drainage design. Please update the plans to reflect the current design

**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](http://www.adeq.state.ar.us)

**Signage/Lighting/Screening Conditions:**

1. No signage is allowed within Washington County's road right-of-way (ROW).
2. 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.
3. A sketch of the proposed sign must be submitted to Washington County Planning for approval prior to the sign being placed.
4. No additional signage is allowed to be placed.
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 must be screened with opaque material (gates must be opaque too).

**Addressing Conditions:**

1. The applicant must apply for 911 addresses to be assigned. 911 addresses must be shown on the Final Plat at Final LSD.

**Utility Conditions:**

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

**Additional and Standard Conditions:**

1. Pay engineering fees. This total will be calculated at the Final LSD phase for this project once all invoices are received.
2. A statement from the applicant, owner, architect or engineer must be submitted prior to the building being occupied that says the building, parking, access, and restrooms are in compliance with all ADA regulations.
3. Building occupancy must be submitted to the Planning Dept at Construction Plan Review before construction may begin.
4. Hours of operation must generally be as stated (Monday-Friday 8:00am – 5:00pm and weekends as needed).
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. **This CUP must be ratified by the Quorum Court.**
7. **No work may begin for this project until it receives Conditional Use Permit approval and Preliminary Large Scale Development approval, is ratified by the Quorum Court, and all plan changes are completed and approved by Planning Staff.**
8. **It is the applicant's responsibility to contact the Planning Office when inspections are needed.**
9. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - This project does require additional Planning Board review (Large Scale Development). Therefore, the Preliminary Large Scale Development plans must be submitted within 12 months of this CUP project's ratification.
10. **Final Large Scale Development approval will be required prior to occupation of this proposed office building.**

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

*Joel Kelsey, Planning Board Member, assessed that the remainder of the property if built on would have to be presented to the Planning Board before any construction could begin on it.*

*Public Comment*

*JR Carroll, Attorney representing the applicant, addressed the Board "I would just like to say that I think the staff did a very thorough job, so I am going to be brief, they actually did a much better job than I could have. A couple of things I think need to be addressed; traffic, this street flows from Joyce Street which is the highest density commercial road in Northwest Arkansas. Joyce Street and College is its busiest intersection. Arkansas Highway Traffic counts have this road classified as a 10, which is 10,000 to 20,000 occupants on that road on a daily basis. This road is a high traffic road. It has nothing to do with this development that's going to make this a high traffic road. This is not a county residential road; this is a main artery for individuals that go from east of county into town. This property sits a tenth from the city limits. As the staff indicated there is a utility substation, there are storage units; this property sits directly between a pesticide company and a plumbing company. That plumbing company has a high barbed wire fence. This property, if it were ever going to be residential, has outlived its life of a residential property. My wife's grandfather is a third generation Fayetteville resident and when he moved out to Township right by College he was told that people would never come to visit him because he lived*

*too far out of town; the town grows. These are all commercial properties. The only residential properties on this road are a smattering of about 4 or 5 homes and one subdivision which is almost 100% tenant occupied. I have heard that there was going to be concerns that “Oh there are going to be tenants out here”, well there’s already tenants. If for any reason Modern Mission doesn’t work, the only use for that building is a warehouse; it is basically a warehouse building. If you go up and down that street there is nothing but warehouse buildings on that street. As far as use, the property owner can’t do anything on that property until it comes back to staff and staff approves that use. It seems like there has been some confusion that if you all approve this conditional use that they just have a blank check to whatever they want to do with the property; that’s never the case that is just not how your regulations are set up. Lastly, yes the City of Fayetteville has commented that this should be light agriculture. That’s convenient for the City of Fayetteville, they would like every property outside of the city limits so that any commercial revenue that is generated goes to the City and not the County. I would also note that when this was first presented to you all, the City of Fayetteville had no comments whatsoever. It was only when they were contacted by an attorney for one of the neighbors did the City of Fayetteville finally jumped up and says “well this is light agriculture”. But I don’t think in speaking with the City that they actually looked at the street to determine that there are plumbing companies out there, there are pesticide companies out there, there are warehouses and a utility substation and there is already a storage unit. A lot of these residences were built after that large storage unit was already there. This is not a sneak up we got you and we are going to turn this property into commercial property and you could have never seen this coming. Joyce is right there at the stoplight. You can literally see it from this property. There are two pages of small type print of conditions that the staff has put on my client; my client has no problems with any of these conditions. The only condition that my client would like to point out is that my client will have to provide a sketch before they erect their sign to try to ease everybody’s concerns. We will go on record and have it as a condition that any sign that goes up on this property will meet the City of Fayetteville sign ordinance which is the most restrictive sign ordinance of any municipality in the State of Arkansas. It is just a way for us to try to let everybody know that we are going to be good stewards of this property and we are going to build a nice product. The only other concerns that I hear is why we are doing it in reverse and why don’t we know what the tenants are going to be. Well, usually in a case like this if you’re going to develop property you have to go to the bank and they want you to have so much percentage of proposed tenants already in place so that they know that they are not going to be getting the building back in 3 or 4 months. My client doesn’t need to go through that process. My client has developed property for the last 40 years in Northwest Arkansas. It knows this property will work and it also has the funding to maintain the property even if for chance it didn’t work for the first 5 months. This is not a situation where this property will ever go into a destitute state. Thank ya’ll for ya’ll’s time.”*

*Christina Gall, neighbor across the street, addressed the Board, “My husband and I purchased this property 20 years ago and there were covenants in place in which we had to abide by and that was one of the reasons that we purchased this property. I realize now that those covenants went out of statement several years ago; however, the first thing on that list was that all the properties on that list would stay residential. We’ve raised our boys there and want to raise our grandchildren there and future generations. I just believe that this land was never meant for any type of commercial rental property. Right now I look out my front window and I see beautiful trees, landscape, horses, and a beautiful country setting. If this project is allowed to go forward I am going to have to look at 10 commercial buildings. I have lived in this area 20 years; I don’t want to look at 10 commercial buildings. I am sure none of you would like 10 commercial buildings in your front yard. That is not the setting of the area that we have there. I have a copy of the covenants, if anybody would like to see them, of when we purchased the property. I can’t stress enough that this property is zoned agricultural residential rural, and again Andrew Gardner, the City Planning Director, wrote you all a letter which I am sure you all have copies of with his concerns about all of this. I just can’t stress enough that even the City’s plans all the way up to 2030 is that this is a rural area. Yes, there are other businesses out there but they are all individually owned business, they are not commercial rental property. They are not a bunch of commercial buildings*

*all together in one area. They go with the community, the neighborhood and they are individually owned and taken care of and landscaped; they look like houses. Traffic wise, yes Joyce is a busy street, but we are not on Joyce we are on Old Wire we have that curve there the stop sign comes up and meets and that turns into Old Wire; it's a two lane country road, regardless. There is quite a bit of traffic some days but on the weekends and most days it's not bad at all. It is a two lane road and if there are construction trucks or dump trucks or somebody blocking whatever traffic is backed up, it's not good. We also talked about the tree line, I can see directly across the street from my house. There is no tree line there is just this beautiful lot, I have a picture of the view of it. We talked about drainage problems with the water, the cottages that were put in there. This is a picture of my ditch on a perfectly dry normal day, you go down three houses their ditch is full of water with their decentralized systems. Again, I hope that you do the right thing and deny that this project is allowed to go forward. Thank you."*

*Jody McAllister, neighbor next door to Mike and Christine Gall, addressed the Board, "I have lived there since 1992, probably the longest person out there. There were no warehouses out there when we started as Christine said. I am against this project. I don't think it is going to fit what we need. The primary reason that I am against it is the uncertainty. It's the unknown. I know the plumbers there. If I have an issue with them I can go talk to them. I know Tim at the Rid-a-Pest is there, I can go talk to him. He is the only one that manages that. Travis Fink, the person that manages Modern Mission, is a single person that runs that, I can talk to him about what is going on there. The uncertainty of what is going to go in there and the recourse we would have. If something were to go in that we have no control of, I don't know what my recourse would be. Would I come back to you guys, would I go to the county attorney or would I have to go spend \$1,500 on an attorney every time we have a question about what is going to go in there? That is the biggest issue I have, is the uncertainty in this. I think there attorney was quite accurate that is a heavily trafficked road and to add more to it does not make sense. The other businesses are owned and occupied by their owners so we can go talk to them when we need to. I think if Mr. Tobin would put in a building that he owned and occupied himself and managed his own real estate business out of that and the sole purpose would be to manage his real estate businesses in an office that fit the rest of the properties. Now retail rental, we don't have it out there, we don't need it out there. They act like there is nobody living out there; there are a lot of families living out there. This is directly across the street from my house; the driveway goes directly into my driveway. There are a lot of people living out there. I have horses out there, it was listed as residential agricultural and that is what I wanted and that is what we have. This doesn't fit that there is just too much unknown too much uncertainty of what's going on. It is just something that doesn't fit for that property out there. Thank you."*

*Tim Ware, Owner/Operator of Rid-a-Pest, addressed the Board, "I just wanted to say that I do agree with what Jody and Christine have had to say here. I just wanted to reiterate that I am opposed to the multiple rental units that are in this area, there is nothing like that here. I know JR compared that to the multiple mini storage units but that is quite a bit different from commercial rental businesses that will be in there. As far as the number of homes out there, and Jodi kind of alluded to this, JR mentions there may be four or five homes out there; I just sat there and counted nine from this side of the power station that he referenced up to the corner where it turns into Butterfield Coach Road. There are quite a few families that live in that area. I went through the process with you guys; I gave you guys everything that you asked for, it is a good process, it works for the county. I would just ask that Mr. Tobin, as well as others, even if I come before you guys again, that everybody is held to the same standards and the same requirements to go through the process of approval. Again it seems to work, Washington County is a nice county to be in. In my opinion our part of the county over there is a pretty nice part of the county and we would like to keep it that way. That everyone is held too. I feel like the multiple commercial rental units, is not desirable to any of us that live out there. Thank you guys for your consideration."*

*Todd Hall, neighbor catty-corner to the northwest of the development, addressed the Board, "I have lived there since I believe '94. My concerns are basically the same as the rest of my neighbors. The amount of*

*buildings is one of my concerns and I feel like it won't be a right fit for the neighborhood. In the past the developer, it didn't appear to me that he was the best on upkeep and maintaining it. I had a friend that rented from him in the past that discussed those types of problems. That is my biggest concern and I am in agreement with everybody else and I don't know if that is the best fit for the neighborhood with the ten rental units there. Thank you."*

*Robert Rhoads, Attorney representing some of the neighbors, addressed the Board, "I appeared before you all the last time this was discussed which I think was 7th of September. I have a recollection from reviewing my notes of how the discussion went. I realize it ended in tabling it. I think as you all were discussing it, you also discussed some of the concerns you all had with it and it wasn't just a matter of procedure, there were some concerns. That made me start thinking so what has changed from the last meeting to now? It appears that we've got elevations in your packets that would show what the outside of the building would look like. I think there were some safety things that were highlighted. I think they made some changes in the letter of intent. In reality, I think you still have some of the same compatibility issues; the fact that you are not looking at approving one building, this is ten buildings. The procedure before in this area, as Tim Ware testified to just a minute ago, he went through the process and he laid out exactly what he was going to do with the property. I realize that the applicant has indicated what those uses are; I would say those are very general uses except for maybe the batting cage seems fairly specific. If a conditional use permit is granted and gets ratified by the quorum court it makes it a lot more difficult for someone to come in and try to stop what that new use could be. Especially if it is a tenant that wants to stay on that lease but they want to change what they are doing and as long as the legal rights on the lease it could be something that is radically different than anything that you all had considered. In the past when you all had approved other light commercial that had already been discussed it was always owner occupied. If you are thinking about compatibility issues then if you have all those residences out there and you have people that live out there and a running a little bit of a business. That is different from having ten buildings with tenants who you wouldn't know who they were. The other thing Mr. Andrew Gardner indeed did write a letter that addressed his concerns about compatibility and take that letter and give it a good look again. As I looked at the information that the planning staffers and Bates and Associates have pulled together and it talks about ten buildings it talks about what is going to be permitted, which is twelve customers per day per building that is what is laid out in the planning staff report. I would just caution ya'll about approving something that just doesn't make sense. If you look at Bates and Associates November 3rd letter they indicate since tenants have not yet been secured proposed traffic is based upon building occupancy loads and they estimate that the hours would be from 7am to 7pm. Well what the applicant has said earlier and what the planning staff hung their approval on is that it was going to be a nine hour period that the buildings would be used and open. In the report they are basing how the normal use would be and that is a twelve hour day, they also talk about the number of occupants per building and in each and every one of them they are all over twelve. I think the reason Bates and Associates has laid this out is because well that's the type of numbers you would have to have for Mr. Tobin to make a return on his investment. If you approve this you approve it knowing that he is going to have to do something different than what is before you in order for him to make it work. I would ask you to keep that in mind as well. Thank y'all."*

*Public Comments Closed.*

*Kenly Haley, Planning Board Member, inquired, "I am just a little confused, before we have always had a business with a plan, and this is open ended. So let's say we had a church, they rented this space to a church. How is it determined the septic, fire and road regulations are met? After the fact how could you do that? How is this going to work?"*

*Jim Kimbrough, Planning Director, answered, "This project we focused on, with the help of the Health Department, the septic. We didn't know who the occupants were going to be so we are going to have to*

*figure out how many people can actually utilize that structure based solely on what the septic can hold. So the occupant loads that are mentioned here are based on the concept and those have not been permitted yet, they may change. The concept and the sq. ft. really boiled down to how many occupants could utilize the structure and still be in compliance with the septic flow. To answer your question about the 5,000 sq. ft. building, and you alluded to a church; tell me more about what you are looking for there.”*

*Kenley Haley continued, “Well I was just saying, when you have it open-ended on weekends it could be rented to a church, I don’t know what a maximum capacity for a 5000 sq. ft. building would be in that instance, but let’s just say if you had three of those buildings rented to a church it looks like to me that it depends on who rents the buildings that your septic max could change.”*

*Jim Kimbrough replied, “It does. That is why we are being very restrictive on the front end. Thus the three and four pages in conditions so we could try to dictate to a degree what was going to go. The 5,000 sq. ft. piece if it were a church you know with that we could run into a sprinkler system before it is all over with. If it turns into an assembly occupancy, it may not be an assembly occupancy it may be a workshop of sorts. We don’t know for sure but what we were going to work through with the applicant with was, you are going to have to call it when you get a tenant, you have to commit and when you commit then we are going to have to work through the septic piece and make certain we are good there and that is what sets the stage for us determining true occupancy. It is hard; it is backwards, we don’t know going from the front, so we are trying very hard to accommodate the applicant by looking at it in a different way.”*

*Daryl Yerton, Planning Board Member, asked, “But even in this particular situation if the needs of the business change over time and they are in a three year lease or five year lease or an annual lease, and their business rate is five or seven customers a day and it turns into thirty-five to forty customers a day, I see an issue there with the potential of it being beyond what the scope is and the landlords restriction with the tenant that is already locked into a lease and at that point I don’t know what the county can do to remediate that problem. Can we step in?”*

*Jim Kimbrough responded, “We would if we knew about it but think about this, you can have a CUP approved and it could be a workshop and you can have five or six people in it and they sell it, or it changes hands that is not any different than what you are getting at here, something changes. Well something changes regardless of whether we load this thing on the front end or going backwards like we are with this project or whether it went through a traditional type CUP so I am not getting all torn up about that. To answer your question, how could we mitigate if that type of thing happened and I am going to tell you that there is probably instances in the county where we do not know. We would go back through and it would be based on the occupancy and the use and if the occupancy increased and the septic couldn’t sustain that then that is not something that we obviously try to get approved.”*

*Daryl Yerton added, “Where I am really struggling with this is the surrounding environment and let’s say for example that a tenant has the very best ice cream that’s ever been produced in the world and it blows up and its quantity. If it were an already established semi-commercial environment I don’t think that is an issue but here we are an agricultural low density residential area and all of a sudden we have one unit in a ten unit building that has a great demand for traffic, and I don’t mean street traffic I am talking business traffic. That is very good for the tenant and the landlord but it is very cumbersome on the rest of the community. So that is why I am struggling with this.”*

*Jim Kimbrough stated, “The residential part?”*

*Daryl Yerton clarified, “Yes, the surrounding environment part, not just the residential.”*



*Jim Kimbrough went on, "We certainly considered the letter that Fayetteville sent and we looked at it. We have shown you a diagram that shows it is not as pastoral as it seems. There are a number of businesses in the area. We are not refuting what they are saying or what their intent is or what they want. We are simply showing you the reality of that particular area. You could have a business do exceedingly well there but the bottom line is going to be that with any of these structures that are being built, it will only sustain a business that can be confined by the confines of the parameters of the septic after that you can't put any more people in there than what that would take. What we are doing on the front end that is showing that it is rather restrictive but again you have to keep in mind that those are concepts. There are no permits from the Arkansas department of Health yet, when an occupant gets there that is when that will kick in."*

*Kenley Haley determined, "I think it is the uncertainty that you mentioned that we don't have a business, a business plan, we have buildings and that is just too uncertain for me. The other thing that was in several of the letters and the redirection of the storm water to the south that was mentioned several times, has our engineer looked at that?"*

*Sita Nanthavong responded, "He has been working with Bates and Associates staff engineers on how to redirect the water so that it's not going into adjacent property owners like it originally was. We are redirecting it down towards the creek. The University of Arkansas owns that property to the south so before we would actually say ok we would need the University to actually sign an easement basically saying yes you can redirect water onto our property."*

*Joel Kelsey, Planning Board Member, remarked, "Ok I have a question then why are we at this point if we haven't obtained all those easements, if they say no this would be a moot point. You wouldn't be able to go forward with this project correct?"*

*Sita Nanthavong replied, "Right, a lot of things that we do are conditions; this isn't the only project that has conditions. We would just have to figure something else out."*

*Jim Kimbrough explained, "Tough one it is a backwards deal and it is bothering everyone. It is unorthodox and I understand that we are just not going to sit here and tell you that it's wrong. The uncertainty for the surrounding land owners won't be solved by what we are showing tonight. We can show some elevations of the buildings, I believe them to be compatible. We can talk about some other things but the core problem the last time we spoke was that uncertainty about the specific occupant of the structures. It is a different model; Pat has done it before in other places and has been successful to my knowledge. I am not going to say it is wrong it is just something that we haven't been presented with before. We are struggling with a way to adequately present it to you so that it could be considered fairly. I am not going to sit here and say that it is the wrong business model or that there is anything wrong with this project. It is not going to appease the surrounding property owners because they still don't know and they won't until he gets a tenant. What we have done is create a list that hopefully was comprehensive enough about the bad things that we don't want to fool with and the good things that we would assume would be more tolerable. In terms of things I am talking about the occupants and their businesses and so forth. We have done that and lord we have put the conditions to it to keep it pretty well tamped down. It comes down to a point somewhere in there about being dictated to what can and can't do to your own property. We are trying to be pretty considerate of that and we realize that it is an unorthodox way of presenting a project."*

*Joel Kelsey stated, "I am struggling with this I don't have the problem with your statement in reference to your property and so forth but my issue is we spent time on this in September. Here we are again in January and we are sitting here discussing a project that we don't have all the easements in place enable to do this and you are asking us to vote on it."*

*Jim Kimbrough replied, “You have the opportunity to vote in favor of it or against it but you also have an opportunity to table it and we will continue to work on it. We had an issue with the way the water was moving and we got that changed, but then it created another issue in a way that might not be an issue at all, we may get these easements. It is a better set up in terms of storm water removal than what we had. We have made improvements through the project and it’s taken awhile. We are going to continue working with any applicant and continue making improvements. In addition to that, we have shown that there are other businesses in the area and it’s not as it is portrayed as the residential area, particularly even with the City of Fayetteville. I am tickled Garner feels that way and I understand the 2030 plan and all that, it is County property it is going to be our decision.”*

*JR Carrol stated, “It is one easement with the University of Arkansas. They grant easements all the time as long as the purchase price is right. To be honest given this plan we need that easement if you all don’t approve this plan than we might not need that easement and it wouldn’t make much business sense to go out and purchase an easement for what you don’t need. It is simply a matter of if you all approve or disapprove of this project it is still not going anywhere. Thank you.”*

*Kenley Haley made a motion to table the **Old Wire Services & Recreational Facilities CUP** to give applicant time to resolve some issues. The motion failed for lack of a second.*

*Daryl Yerton made a motion to deny the **Old Wire Services & Recreational Facilities CUP**. Kenley Haley seconded. Robert Daugherty, Vice Chairman, called for a roll call. Randy Laney and Walter Jennings were not present. Board Members Daryl Yerton, Kenley Haley, and Joel Kelsey were in favor of denying. Robert Daugherty recused himself. Philip Humbar was opposed. Motion failed for lack of a quorum.*

*Kenley Haley made a motion to table the **Old Wire Services & Recreational Facilities CUP** to be heard at a later date where a quorum would be present. Joel Kelsey seconded. Randy Laney and Walter Jennings were not present. Board Members Philip Humbar, Joel Kelsey, Robert Daugherty, Daryl Yerton and Kenley Haley were in favor of approving. Motion passed.*

**LAND DEVELOPMENT HEARING**

Fayetteville Planning Area

**c. Old Wire Services & Recreational Facilities Preliminary LSD**

*Preliminary Large Scale Development Request*

Location: Section 30, Township 17, Range 29

Owner/Applicant: Patrick J. Tobin Revocable Trust

Surveyor/Engineer: Bates & Associates, Inc.

Location Address: Old Wire Rd. WC 87

Approximately +/- 19.4 acres

Proposed Land Use: Commercial Rentals

Coordinates: Latitude: 36.12103716, Longitude: -94.10753190

Project #: 2017- 235

Planner: Sita Nanthavong email: [snanthavong@co.washington.ar.us](mailto:snanthavong@co.washington.ar.us)

*Daryl Yerton made a motion to table the **Old Wire Services & Recreational Facilities Preliminary LSD** to be heard at a later date where a quorum would be present. Joel Kelsey seconded. Randy Laney and Walter Jennings were not present. Board Members Philip Humbar, Joel Kelsey, Robert Daugherty, Daryl Yerton and Kenley Haley were in favor of approving. Motion passed.*

**CONDITIONAL USE PERMIT HEARING**

County

**d. Flamingo Springs CUP**

*Conditional Use Permit Request*

Location: Section 14, Township 14 North, Range 32 West

Owners/Applicants: Zach & Laura Kraus

Surveyor/Engineer: Glenn Carter

Location Address: 15474 Greasy Valley Rd.  
Approximately +/- 19.81 acres Proposed Land Use: Commercial RV Park  
Coordinates: Latitude: 35.89072830, Longitude: -94.35861882  
Project #: 2017-262 Planner: Nathan Crouch email: [ncrouch@co.washington.ar.us](mailto:ncrouch@co.washington.ar.us)

**REQUEST:** Flamingo Springs is requesting **Conditional Use Permit** approval to allow an RV park with 8 vintage RV trailers for rent, a clubhouse, and a commercial pool and hot tub, on a property that is approximately 20.23 acres in size, and currently zoned for Agricultural and Single Family Residential Uses. This CUP request addresses the zoning change, whereas the following Preliminary Large Scale Development request will address the individual site elements themselves.

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

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

**QUORUM COURT DISTRICT:** District 13, Joel Maxwell Rural VFD

**FIRE SERVICE AREA:** Prairie Grove

**SCHOOL DISTRICT:** Lincoln

**INFRASTRUCTURE:** **Water-** Lincoln Water Hills Corp    **Electric-** Ozarks Electric    **Natural Gas-** Black  
**Telephone-** Prairie Grove Telephone    **Cable-** N/A

**BACKGROUND/ PROJECT SYNOPSIS:**

The owners of this property and applicants for this request are Zach & Laura Kraus. The surveyor/engineer is Glenn Carter. This property is located off Greasy Valley Road, WC-8. The applicants are requesting **Conditional Use Permit** approval to allow an RV Park business on a property that is approximately 20.23 acres in size, and currently zoned for Agricultural and Single Family Residential Uses.

Most of the construction, including renovation of the vintage RV trailers, is already complete. The owners didn't understand Washington County had permitting requirements before they began construction. And now they are requesting CUP & Pre-LSD approval to come into compliance. The business is not currently in operation, but the residence is occupied.

The Quonset hut building is considered a mixed occupancy building by the fire marshal, as it is partially the applicant's residence and partially the clubhouse for the business. It is 2320 sq.ft. with a deck on the back. There is a commercial pool already constructed, with room for 6 RV trailers to be placed around the pool and an additional 2 RV trailers to be placed along the tree line to the north of the pool. The applicants are proposing a commercial hot tub as well. Additionally, there is an entrance drive, fire turn around, parking, and a fenced area around the pool. There is an existing septic system to service the residence, and a proposed septic system to service the bathrooms and shower. The commercial and residential uses cannot both utilize the same septic system. The business must have its own septic system.

The applicants propose to do the commercial laundry at a nearby laundromat.

**Please see the applicant's letter for more detail.**

**TECHNICAL CONCERNS:**

**Road:**

This project accesses off Greasy Valley Road, WC-8. One entrance is proposed. There is an existing culvert. However, the existing entrance must be improved and widened (per fire code) which will require an additional culvert to be installed.

Staff was unable to locate a posted speed limit sign. Washington County ordinance states that, on a paved county road, if the speed limit is not posted it is automatically 50 mph. In a 50 mph zone the sight distance requirement is 555 feet of unobstructed sight visibility in each direction (measured from the centerline of the driveway). The project engineer calculated the sight distance at 259.44 ft. to the north, and 388.57 ft. to the south.

The entry to the development is located near a blind corner. This issue has come to the road department's attention. The Washington County Road Department has reevaluated the speed limit at this location and has determined a lower speed limit at this location is warranted. They will post a 35 mph speed limit at this location, which has a 390 ft. sight distance requirement.

The sight distance is still inadequate based on the sight distance table the Planning office uses, even with the decreased speed limit

Even at 35 mph the sight distance is inadequate. The speed would have to be lowered to 25 mph for sight distance to be met. **See sight distance diagram.**

However, due to the remote location and the low traffic volume that travels this road, Planning Staff feels the blind corner can be made safer with a sign warning drivers of the upcoming driveway. The sign shall be placed to the north of the blind corner, facing such that southbound drivers will see it within a safe distance (required sight distance measured from the corner) before the corner. The sign shall not exceed 24 sq.

No signage or parking is allowed within Washington County's road right-of-way (ROW), and none is shown on the submitted plans.

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:**

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

**Fire:**

The driveway providing access to the development exceeds the maximum grade allowed by fire code. However, the local fire chief has agreed that as long as the driveway is improved to comply with the width requirement of 20 feet, and is paved with asphalt, they will allow the steep grade. There is an approved hammer head turnaround for emergency vehicles.

Since the RV trailers are in varying stages of being remodeled by the applicants, the county fire marshal, as well as the state fire marshal and the state electrical inspector requires each of the RV trailers to have the wiring inspected and certified by a master electrician before they may be occupied by the public. The state electrical inspector will conduct a final inspection at Final Large Scale Development phase.

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 residential kitchen is not to be used to commercial purposes or further review by the fire marshal will be required.

**Health Department:**

This project proposes to utilize two individual septic systems, one for the residence and one for the business. Both must be permitted by the Arkansas Health Department.

This project also proposed to utilize a commercial pool and hot tub. The pool is required to have an 8 ft. deck and a 4 ft. fence around it.

The pool and hot tub must both be approved and permitted by the Arkansas Health Department before either may be occupied by the public. If the applicants decide to put the hot tub in at a later date it must be inspected and approved by the Health Department prior to being occupied by the public.

The proposed septic system for the business must accommodate the proposed loading rate from the business.

Each RV trailer requires 75 GPD, for a total of 600 GPD for 8 RV trailers. This gallonage is with the stipulation that there is no plumbing in any of the RV trailers and no laundry associated with the business is done on site.

The backwash from the pool and/or hot tub must not be discharged into the septic system or across the absorption field.

The project must be in full compliance with the Arkansas Health Department rules and regulations, with permits in place, before the business may be occupied by the public.

**Electric:**

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

The applicants are in the process of remodeling all 8 of the RV trailers, including re-wiring. The wiring in each of the RV trailers must be inspected and certified by a master electrician prior to being occupied by the public. Additionally, the wiring from the electric meter to the electrical pedestals must be inspected and certified by a master electrician prior to being occupied by the public.

**Drainage:**

A Drainage Report was submitted. The Washington County Contracted Engineer has reviewed this report and found it to be adequate.

**Signage/Lighting/Screening Concerns:**

There is an existing sign on the front of the building, facing the south. No additional signage is allowed to be placed without review by the Planning Dept. 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).

**City of Lincoln Concerns:**

The City of Lincoln 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 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.

The proposal will be low impact. As there will only be 8 RV trailers, with a maximum of 2 occupants each, Staff does not expect the traffic to impact the surrounding community. There is no expected odor, and minimal noise.

**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:

- b. 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 RV Park business use is compatible to agricultural/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 if the septic and electrical issues are addressed and meet Washington County's minimum standards.

**Future Land Use Plan**

The County Future Land Use Plan for this area shows no designation at this location.

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 (if sight distance, electrical, and Health Department issues are addressed and meet Washington County minimum standards).

The City of Lincoln 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. Three comments have been received: two opposed and one conditionally in-favor of the development.

One was simply labeled "Opposed" with no comments provided. The second was opposed based on the concerns that if the development is permitted the business will grow much larger, unchecked and unregulated. Then the same neighbor submitted another comment form in-favor of the development, noting the support was conditional that the applicants follow planning rules and regulations in the future if any additional development is ever desired.

Staff had a conversation with this neighbor, explaining the process by which the planning dept. reviews and makes recommendations. And a new condition has been included limiting the business to 8 RVs. If more RVs are desired in the future then they will be required to come back through the planning review and planning board approval process.

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

**STAFF RECOMMENDATION: Staff recommends approval of the proposed Flamingo Springs 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 (clubhouse, RV trailers, pool, hot tub) may be occupied by the public.
2. The entrance drive must be constructed to 20' wide driving surface.
3. The entrance drive must be paved with asphalt 20' wide.
4. A hammerhead turnaround is required.
5. The entrance drive shall be designated as fire lane.
6. No parking is allowed along the entrance drive.
7. All access roads and parking area drives must have a 38' turn radius at minimum.
8. 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).
9. A kitchen is not allowed as part of the commercial component of this development.
10. The residential kitchen may not be used for commercial purposes.
11. Exit lights/emergency lights and fire extinguishers are required.
12. The Fire Marshal will inspect all improvements prior to the building being occupied.
13. The applicant must comply with any Health/Safety/Fire Code recommendations made by the project engineer and/or the county fire marshal.
14. The building must meet Arkansas State Fire Code.
15. The applicant's engineer is to set the final occupancy load, and ensure the building meets Arkansas State Fire Code.
16. A statement at Final LSD will be required that states the buildings are in compliance with AR State Fire Code and ADA regulations.
17. The electrical wiring inside each of the RV trailers must be inspected and approved by the state electrical inspector before they can be occupied by the public.

**Health Department Conditions:**

1. All applicable permitting through the Arkansas Health Department must be approved before any of the buildings may be occupied by the public.
2. The proposed septic system for the business must receive approval from the Health Department before it is installed.
3. The proposed septic system for the business must be inspected and approved by the Health Department prior to occupation of the proposed building.
4. 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).
5. The pool must have an 8 ft. deck around it.
6. The pool must have a 4 ft. fence around it.
7. Project must be in compliance with the regulations of the Arkansas Department of Health.
8. The septic system is not sized appropriately to handle the commercial laundry. All the commercial laundry must be done off site, or the septic system must be upgraded.
9. The hot tub must be reviewed, inspected, and approved by the Health Department before it is occupied by the public.

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

1. The posted speed limit must be decreased to 35 mph at the site location.
2. No signage or parking is allowed within Washington County's road right-of-way (ROW), and none is shown on the submitted plans.
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. No additional signage is allowed to be placed without review by the Planning Dept.
3. A sign warning of the blind corner and the proximity of the commercial driveway is required to be placed to the north of the blind corner, facing such that it is visible to southbound traffic. The sign must not exceed 24 sq. ft. in size.
4. The warning sign and its placement must be reviewed by Planning Staff before it is installed.
5. 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.
6. Any proposed future signage may not exceed 24 sq. ft. in size and must not be directly lit.
7. 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.
8. All outdoor storage, and dumpster if desired in the future, must be screened with opaque material (gates must be opaque too).

**Utility Conditions:**

1. Any damage or relocation of utilities will be at the expense of the owner/applicant.
2. The electrical wiring from the electric meter out to each RV trailer must be inspected and approved certified by the state electrical inspector before any of the RV trailers may be occupied by the public.

**Additional and Standard Conditions:**

1. The connection between the building and the handicapped parking spaces, as well as the restrooms, must be ADA compliant.
2. Pay engineering fees (engineering fees have not been calculated yet). This total will be calculated at the Final LSD phase for this project 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, RV trailers, 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. Only 8 RV trailers are allowed at this time. If additional RVs or facilities are desired in the future a proposal must be submitted to the Planning Dept and subsequent planning review and planning board approval will be required.
6. This CUP must be ratified by the Quorum Court.
7. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
8. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - This project does require additional Planning Board review (Preliminary & Final Large Scale Development).

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

*Kenley Haley expressed concern regarding the utility hookups for the RV's which are to remain stationary. It was confirmed that there would be no wheels on the RV's and no water hookups. The length of stay and the question of whether it would be a rental property or a vacation destination were brought up.*

*Audra Bailey, Attorney for the applicants, addressed the Board, "I want to make sure that we express our appreciation for the staff. They have worked extraordinarily hard to make sure that this project is safe and is good for the county and we appreciate that. As I am certain it is said, every single time that you all see a project, this truly is a unique project. This is not going to be a situation where people will stay long term. The minimum rental amount is ninety-five dollars a night, if they want to stay an entire week, more power to them; we are for all for that. I doubt very seriously that it will turn into an RV Park like you all*



are thinking. We realize that there are conditions to the staff's recommendation and we are more than willing to follow any and whatever recommendations of governing body in order to pass this. Thanks."

Kenley Haley expressed her concerns and suggested that a condition be established in order to prevent an extended length of stay at the site. Following a discussion the members were all in agreement that a condition be appended stating that the maximum lease would have a sunset clause of 30 days. The applicants also accepted.

No Public Comment.

Public Comment Closed.

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

### **LAND DEVELOPMENT HEARINGS**

County

#### **e. Flamingo Springs Preliminary LSD**

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

Location: Section 14, Township 14 North, Range 32 West

Owners/Applicants: Zach & Laura Kraus

Surveyor/Engineer: Glenn Carter

Location Address: 15474 Greasy Valley Rd.

Approximately +/- 19.81 acres

Proposed Land Use: Commercial RV Park

Coordinates: Latitude: 35.89072830, Longitude: -94.35861882

Project #: 2017-263

Planner: Nathan Crouch email: [ncrouch@co.washington.ar.us](mailto:ncrouch@co.washington.ar.us)

**REQUEST:** Flamingo Springs is requesting **Preliminary Large Scale Development** approval to allow an RV park with 8 vintage RV trailers for rent, a clubhouse, and a commercial pool and hot tub, on a property that is approximately 20.23 acres in size, and currently zoned for Agricultural and Single Family Residential Uses. This Preliminary LSD request addresses the individual site elements, whereas the CUP addressed the zoning change.

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

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

**QUORUM COURT DISTRICT:** District 13, Joel Maxwell

**FIRE SERVICE AREA:** Prairie Grove Rural VFD

**SCHOOL DISTRICT:** Lincoln

**INFRASTRUCTURE:** **Water-** Lincoln Water Hills Energy    **Electric-** Ozarks Electric    **Natural Gas-** Black Hills Energy

**Telephone-** Prairie Grover Telephone

**Cable-** N/A

#### **BACKGROUND/ PROJECT SYNOPSIS:**

The owners of this property and applicants for this request are Zach & Laura Kraus. The surveyor/engineer is Glenn Carter. This property is located off Greasy Valley Road, WC-8.

The applicants are requesting **Preliminary Large Scale Development** approval, in tandem with CUP approval, to allow the individual structures and site elements associated with the RV campground business on a property that is approximately 20.23 acres in size.

Most of the construction, including renovation of the vintage RV trailers, is already complete. The owners didn't understand Washington County had permitting requirements before they began construction. And now they are requesting CUP & Pre-LSD approval to come into compliance. The business is not currently in operation, but the residence is occupied.

The Quonset hut building is considered a mixed occupancy building by the fire marshal, as it is partially the applicant's residence and partially the clubhouse for the business. It is 2320 sq. with a deck on the back. There is a commercial pool already constructed, with room for 6 RV trailers to be placed around the pool and an additional 2 RV trailers to be placed along the tree line to the north of the pool. The applicants are proposing a commercial hot tub as well. Additionally, there is an entrance drive, fire turn around, parking, and a fenced area around the pool. There is an existing septic system to service the residence, and a proposed septic system to service the bathrooms and shower. The commercial and residential uses cannot both utilize the same septic system. The business must have its own septic system.

The applicants propose to do the commercial laundry at a nearby laundromat.

**Please see the applicant's letter for more detail.**

This Preliminary LSD request is to allow the buildings proposed for this business (Quonset building, 8 RV trailers, pool, hot tub, two individual septic systems, driveway, etc.).

### **TECHNICAL CONCERNS:**

#### **Road:**

This project accesses off Greasy Valley Road, WC-8. One entrance is proposed. There is an existing culvert. However, the existing entrance must be improved and widened (per fire code) which will require an additional culvert to be installed.

Staff was unable to locate a posted speed limit sign. Washington County ordinance states that, on a paved county road, if the speed limit is not posted it is automatically 50 mph. In a 50 mph zone the sight distance requirement is 555 feet of unobstructed sight visibility in each direction (measured from the centerline of the driveway). The project engineer calculated the sight distance at 259.44 ft. to the north, and 388.57 ft. to the south.

The entry to the development is located near a blind corner. This issue has come to the road department's attention. The Washington County Road Department has reevaluated the speed limit at this location and has determined a lower speed limit at this location is warranted. They will post a 35 mph speed limit at this location, which has a 390 ft. sight distance requirement.

The sight distance is still inadequate based on the sight distance table the Planning office uses, even with the decreased speed limit

Even at 35 mph the sight distance is inadequate. The speed would have to be lowered to 25 mph for sight distance to be met. **See sight distance diagram.**

However, due to the remote location and the low traffic volume that travels this road, Planning Staff feels the blind corner can be made safer with a sign warning drivers of the upcoming driveway. The sign shall be placed to the north of the blind corner, facing such that southbound drivers will see it within a safe distance (required sight distance measured from the corner) before the corner. The sign shall not exceed 24 sq.

No signage or parking is allowed within Washington County's road right-of-way (ROW), and none is shown on the submitted plans.

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:**

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

**Fire:**

The driveway providing access to the development exceeds the maximum grade allowed by fire code. However, the local fire chief has agreed that as long as the driveway is improved to comply with the width requirement of 20 feet, and is paved with asphalt, they will allow the steep grade. There is an approved hammer head turnaround for emergency vehicles.

Since the RV trailers are in varying stages of being remodeled by the applicants, the county fire marshal, as well as the state fire marshal and the state electrical inspector requires each of the RV trailers to have the wiring inspected and certified by a master electrician before they may be occupied by the public. The state electrical inspector will conduct a final inspection at Final Large Scale Development phase.

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 residential kitchen is not to be used to commercial purposes or further review by the fire marshal will be required.

**Health Department:**

This project proposes to utilize two individual septic systems, one for the residence and one for the business. Both must be permitted by the Arkansas Health Department.

This project also proposed to utilize a commercial pool and hot tub. The pool is required to have an 8 ft. deck and a 4 ft. fence around it.

The pool and hot tub must both be approved and permitted by the Arkansas Health Department before either may be occupied by the public. If the applicants decide to put the hot tub in at a later date it must be inspected and approved by the Health Department prior to being occupied by the public.

The proposed septic system for the business must accommodate the proposed loading rate from the business.

Each RV trailer requires 75 GPD, for a total of 600 GPD for 8 RV trailers. This gallonage is with the stipulation that there is no plumbing in any of the RV trailers and no laundry associated with the business is done on site.

The backwash from the pool and/or hot tub must not be discharged into the septic system or across the absorption field.

The project must be in full compliance with the Arkansas Health Department rules and regulations, with permits in place, before the business may be occupied by the public.

**Electric:**

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

The applicants are in the process of remodeling all 8 of the RV trailers, including re-wiring. The wiring in each of the RV trailers must be inspected and certified by a master electrician prior to being occupied by the public. Additionally, the wiring from the electric meter to the electrical pedestals must be inspected and certified by a master electrician prior to being occupied by the public.

**Drainage:**

A Drainage Report was submitted. The Washington County Contracted Engineer has reviewed this report and found it to be adequate.

**Signage/Lighting/Screening Concerns:**

There is an existing sign on the front of the building, facing the south. No additional signage is allowed to be placed without review by the Planning Dept. 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).

**City of Lincoln Concerns:**

The City of Lincoln 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.

**NEIGHBOR COMMENTS/CONCERNS:**

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this project proposal. Three comments have been received: two opposed and one conditionally in-favor of the development.

One was simply labeled “Opposed” with no comments provided. The second was opposed based on the concerns that if the development is permitted the business will grow much larger, unchecked and unregulated. Then the same neighbor submitted another comment form in-favor of the development, noting the support was conditional that the applicants follow planning rules and regulations in the future if any additional development is ever desired.

Staff had a conversation with this neighbor, explaining the process by which the planning dept. reviews and makes recommendations. And a new condition has been included limiting the business to 8 RVs. If more RVs are desired in the future then they will be required to come back through the planning review and planning board approval process.

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

**CHECKLIST:**

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

<b>Important Information Checklist</b>			
	Inadequate	Acceptable	Complete
City/Planning Area Issues			✓
Planning Issues/Engineering Issues		✓	✓
Road Issues		✓	
Fire Code Issues		✓	
Utility Issues		✓	
Health Department Issues		✓	
Other Important Issues		✓	
<b>General Plat Checklist</b>			
	Inadequate	Acceptable	Complete
General Information			✓ 28
Existing Conditions		✓	
Proposed Improvements	✓		
Info to supplement plat		✓	

**STAFF RECOMMENDATION: Staff recommends approval of the proposed Flamingo Springs 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 (clubhouse, RV trailers, pool, hot tub) may be occupied by the public.
2. The entrance drive must be constructed to 20' wide driving surface.
3. The entrance drive must be paved with asphalt 20' wide.
4. A hammerhead turnaround is required.
5. The entrance drive shall be designated as fire lane.
6. No parking is allowed along the entrance drive.
7. All access roads and parking area drives must have a 38' turn radius at minimum.
8. 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).
9. A kitchen is not allowed as part of the commercial component of this development.
10. The residential kitchen may not be used for commercial purposes.
11. Exit lights/emergency lights and fire extinguishers are required.
12. The Fire Marshal will inspect all improvements prior to the building being occupied.
13. The applicant must comply with any Health/Safety/Fire Code recommendations made by the project engineer and/or the county fire marshal.
14. The building must meet Arkansas State Fire Code.
15. The applicant's engineer is to set the final occupancy load, and ensure the building meets Arkansas State Fire Code.
16. A statement at Final LSD will be required that states the buildings are in compliance with AR State Fire Code and ADA regulations.
17. The electrical wiring inside each of the RV trailers must be inspected and approved by the state electrical inspector before they can be occupied by the public.

**Health Department Conditions:**

1. All applicable permitting through the Arkansas Health Department must be approved before any of the buildings may be occupied by the public.
2. The proposed septic system for the business must receive approval from the Health Department before it is installed.
3. The proposed septic system for the business must be inspected and approved by the Health Department prior to occupation of the proposed building.
4. 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).
5. The pool must have an 8 ft. deck around it.
6. The pool must have a 4 ft. fence around it.
7. Project must be in compliance with the regulations of the Arkansas Department of Health.
8. The septic system is not sized appropriately to handle the commercial laundry. All the commercial laundry must be done off site, or the septic system must be upgraded.
9. The hot tub must be reviewed, inspected, and approved by the Health Department before it is occupied by the public.

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

1. The posted speed limit must be decreased to 35 mph at the site location.
2. No signage or parking is allowed within Washington County's road right-of-way (ROW), and none is shown on the submitted plans.
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. No additional signage is allowed to be placed without review by the Planning Dept.
3. A sign warning of the blind corner and the proximity of the commercial driveway is required to be placed to the north of the blind corner, facing such that it is visible to southbound traffic. The sign must not exceed 24 sq. ft. in size.
4. The warning sign and its placement must be reviewed by Planning Staff before it is installed.
5. 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.
6. Any proposed future signage may not exceed 24 sq. ft. in size and must not be directly lit.
7. 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.
8. All outdoor storage, and dumpster if desired in the future, must be screened with opaque material (gates must be opaque too).

**Utility Conditions:**

1. Any damage or relocation of utilities will be at the expense of the owner/applicant.
2. The electrical wiring from the electric meter out to each RV trailer must be inspected and approved certified by the state electrical inspector before any of the RV trailers may be occupied by the public.

**Additional and Standard Conditions:**

1. The connection between the building and the handicapped parking spaces, as well as the restrooms, must be ADA compliant.
2. Pay engineering fees (engineering fees have not been calculated yet). This total will be calculated at the Final LSD phase for this project 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, RV trailers, 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. Only 8 RV trailers are allowed at this time. If additional RVs or facilities are desired in the future a proposal must be submitted to the Planning Dept and subsequent planning review and planning board approval will be required.
6. This CUP must be ratified by the Quorum Court.
7. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
8. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - This project does require additional Planning Board review (Preliminary & Final Large Scale Development).
  -

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

*No Public Comment.*

*Public Comment Closed.*

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

Fayetteville Planning Area

**f. Eastern Park Subdivision Final Subdivision**

***Final Subdivision Request***

Location: Section 32, Township 17 North, Range 29 West

Owner/Applicant: L&F Construction, LLC

Surveyor/Engineer: CDE Design Engineers

Location Address: 4436 E. Mission Blvd

Approximately +/- 7.66 acres / 14 lots.

Proposed Land Use: 12 Single Family Residential (1 lot for septic and 1 lot for detention)

Coordinates: Latitude: 36.097785, Longitude: -94.097156

Project #: 2018-002

Planner: Nathan Crouch email: [ncrouch@co.washington.ar.us](mailto:ncrouch@co.washington.ar.us)

**REQUEST:** The applicant is requesting Final Subdivision approval of Eastern Park Subdivision to create a subdivision with 12 residential lots, one lot for the detention area, and one lot for the decentralized sewer system, on 4 parcels totaling approximately 7.66 acres in size.

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

This project received Conditional Use Permit approval on November 13, 2014 from Washington County to allow a density of approx. 2.3 units/acre (this area is zoned to allow Agricultural or Single Family Residential 1 unit/acre uses by right).

All conditions of CUP 2014-018, and Preliminary Subdivision 2015-122 must be adhered to for this project. **(see attached approval letter).**

**PLANNING AREA:** The subject property is located within Fayetteville's Planning Area. This project received Preliminary Plat Approval on June 8, 2015 from Fayetteville. All conditions approved by the City of Fayetteville apply to this proposed project.

**QUORUM COURT DISTRICT:** District 15, Butch Pond.

**FIRE SERVICE AREA:** Goshen VFD

**SCHOOL DISTRICT:** Fayetteville School District

**INFRASTRUCTURE:**

**Water-** Fayetteville Water

**Electric-** Ozarks Electric

**Natural Gas-** SourceGas

**Telephone-** AT&T

**Cable-** Cox

**BACKGROUND/ PROJECT SYNOPSIS:**

This project was submitted as a Conditional Use Permit in 2014. It was tabled several times and came before the Planning Board in September 2014. At that meeting, the Planning Board denied the density request. The applicant lowered the proposed density and appealed that decision to the Quorum Court. The Quorum Court voted to approve the CUP in November 2014. This project has been through the City of Fayetteville for Preliminary Subdivision Plat approval which was granted June 8, 2015 with conditions. All conditions approved with the CUP and Fayetteville's Preliminary Plat apply to this project. This project was tabled at the applicant's request at the July 30, 2015 and August 27, 2015 Washington County Planning Board Meetings in order to work on outstanding concerns. It was removed from the October 1, 2015 meeting agenda. This project was resubmitted, but then tabled at the November 5, 2015, December 10, 2015, February 4, 2016 and March 3, 2016 Planning Board Meetings at the applicant's request.

The applicant for this project is L&F Construction, Inc. The engineer is Ferdi Fourie, Civil Design Engineers, Inc.

The applicant is requesting Final Subdivision Plat approval for Eastern Park Subdivision which includes 12 residential lots, one lot for the detention area, and one lot for the decentralized sewer system, on a parcel that is 7.66 acres in size.

The property is located within Fayetteville's Planning Area, east of the city limits, and within the one-mile planning area. There is one entrance off Highway 45 (E. Mission Blvd.) accessing this development.

This parcel did have one existing residence that has been removed.

The residential lots are proposed to utilize a Decentralized Sewer System (DSS).

### **TECHNICAL CONCERNS:**

#### **Septic**

This project proposes to utilize a decentralized septic system (DSS) for all 12 of the residential lots.

During the Preliminary Large Scale Development phase the applicant requested a variance from the Washington County code regarding the SCADA system for decentralized sewer systems. The SCADA system is an alert system that sends a phone call or text to an emergency contact in case of a system malfunction. The applicant proposed and was approved (April 7, 2016) for a similar system with the same notification capability.

#### **Washington County code:**

Sec. 11-99.1. - Community sewer systems. Modified

(a) "Community sewer systems," also known as "decentralized sewer systems," are defined as follows: Any system serving two (2) or more individual lots for the collection and disposal of domestic or industrial wastewater of a liquid nature, including various devices for the collection, conveyance and treatment of the treated wastewater effluent and the monitoring of the affected groundwater quality and the management of the associated solid waste byproducts (septage and sludge).

(b) To ensure compatibility in the event of annexation, all community sewer systems located within two (2) miles of any incorporated city shall be designed as "gravity flow" unless the city most likely to annex the area where the system is located prefers otherwise. The Public Utility Coordinator shall make this determination after consulting with the cities involved.

(1) Gravity flow means water or waste water flowing through a higher elevation to a lower elevation due to the force of gravity without aid of individual lot interceptor tanks. This shall not exclude lift stations.

#### **(c) All community sewer systems shall contain a SCADA (Supervisory and Data Acquisition) system as follows:**

##### **(1) Automatic call-out or text to emergency contact number during alarm event.**

(d) Prior to construction plan approval pursuant to section 11-74, proof of application from the Arkansas Department of Environmental Quality showing a permit has been applied for and is deemed administratively complete shall be submitted to the Public Utility Coordinator.

(e) Prior to receiving final plat approval pursuant to section 11-75, proof of the operation permit from the Arkansas Department of Environmental Quality shall be submitted to the Public Utility Coordinator.

(f) This section shall be enforceable by appropriate civil action by the County Judge.

(g) All community sewer systems are required to have a back-up generator in the event of power outage, said generator to be approved by the Washington County Public Utilities Coordinator.

This was a very complex and complicated project during the CUP, Preliminary Subdivision, and Construction Plan phases, however, staff does feel that the major concerns were addressed at that time, and is comfortable with it at this time.

The Engineering Division of the Arkansas State Health Department, Arkansas Department of Environmental Quality, City of Fayetteville Engineering and Water, as well as Construction Plan review by



the Washington County Road Department and Contracted Engineer all took place after Preliminary approval.

Staff is waiting for the County's Contracted Engineer to complete his review of the latest as-built drainage submittal. Staff will recommend approval of the Final Subdivision Plat contingent upon the County Engineer's approval of that drainage report.

### **Electric/Gas/Phone/Cable**

Although Final Subdivision requests do not go to Technical Review, below are the comments from Preliminary Subdivision review.

This property is serviced by Ozarks Electric, Source Gas, AT&T, and Cox Communications. Generally any damage or relocation of utilities will be at cost to the developer.

Ozarks Electric: Ozarks Electric submitted general comments and requested road crossings and additional easements to be shown on the plat. It appears these easements and crossings are shown and correct.

AT&T: No comment was received from AT&T.

Cox Cable: No comment was received from Cox Cable.

SourceGas: No comment was received from SourceGas.

### **Water & Fire**

This property is serviced by City of Fayetteville water. There is an existing waterline located on Hwy 45 (E. Mission Blvd.).

The nearest hydrant is located at Hwy 45 and E. Ashley Lane, which is approximately ¼ mile to the west of the proposed entrance to this property. The gpm fire flow for that hydrant is 974 gpm. At Preliminary Subdivision review a new hydrant was proposed near the entrance of the subdivision, and two additional hydrants to be located within the development.

The Washington County Fire Marshal asked that an engineered fire flow for the proposed hydrants be submitted at Preliminary Subdivision review. They were submitted and found to be adequate.

The Washington County Fire Marshal has stated that the hydrants shown on the plans are adequate. The road is proposed to be 28' wide which allows for parking on one side of the road. The side of the road where the hydrant is located must be marked as "no parking", and there must be a 20' section of "no parking" across the street at the hydrant locations. This has been shown on the plat.

The turn radius is required to be a minimum 38', and this is shown on the plat. The turn-arounds shown on the plat are adequate.

### **Addressing**

Addresses must be shown on the plat for all lots less than one-half acre. The note per the Subdivision Checklist that lots over one-half acre will be addressed when the home location is known will be added to the plat before the applicant begins acquiring signatures, if the Final Plat is approved. These addresses will be applied for and labeled on the Final Plat at that time.

### **Environmental**

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.

### **Fayetteville's Preliminary Plat Approval**

This project has received City of Fayetteville Preliminary Approval by the Planning Commission on June 8, 2015. Staff is awaiting Fayetteville's approval of this Final Plat.

All conditions of the City of Fayetteville's approval and any addition conditions placed at final plat review must be completed.

### **Road**

One entrance is proposed off Hwy 45 (E Mission Blvd). As this is a state highway, the applicant was required to obtain proper permits from AHTD before constructing the entrance. No direct residential lot access onto Hwy 45 is constructed or will be allowed (all lots must have access the proposed interior street). In addition, there is a small residential drive, Trough Springs Drive, to the north of this property. No access is constructed or will be allowed onto that road, and this is noted on the plat.

A statement showing that the sight distance at the entrance was received by the engineer for this project. The sight distance meets/exceeds county standards.

The Washington County Road Department requires that the right-of-way (ROW) carry through the proposed cul-de-sac, this is shown on the plat. They also stated that with the currently proposed plat, the streets will be classified as Class II residential, per county regulations.

No signage or structures may be placed in the County ROW. No trees are to be planted in the ROW.

A note has been added to the plat that states "Washington County does not maintain sidewalks, streetlights, fencing, common areas, or detention/retention ponds".

### **Drainage**

Final Drainage Report must be reviewed and approved by the County Contracted Engineer. Final Plat approval is contingent upon receiving that approval.

### **Planning**

All conditions approved with CUP 2014-018 must be completed.

The engineer for the project has submitted a planting proposal for the required trees (retained 2 existing trees per lot, and add 3 additional trees per lot-not necessarily 3 additional trees on each lot, but within the overall development).

**If any of the trees to be retained are damaged or removed during construction, additional trees must be planted to replace them at a rate of 3 new trees to 1 existing. Strong preference is placed on retaining existing trees.**

Care must be taken when installing the privacy fence that none of the trees along the property line are damaged or removed.

An agreement with a neighbor to the south to maintain certain large trees was formalized in writing (with specific tree locations show).

**CHECKLIST:**

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

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

**STAFF RECOMMENDATION:** Staff recommends approval of Eastern Park Subdivision Final Plat with the following conditions:

**Sewer/Septic & Public Utility Conditions:**

- 1. All conditions placed by State Health Department shall be completed.**
- 2. All conditions placed by Arkansas Department of Environmental Quality shall be completed.**
- A buffer shall be maintained that is at least 100' from the drip lines, but not the treatment plant according to the City of Fayetteville and ADH.
- Washington County Code regulating Community Sewer Systems (Sec. 11-99.1. - Community sewer systems. Modified) must be completed as set out in the following (with the exception of the type of emergency notification system per the approved VARIANCE):

Sec. 11-99.1. - Community sewer systems. Modified

(a) "Community sewer systems," also known as "decentralized sewer systems," are defined as follows: Any system serving two (2) or more individual lots for the collection and disposal of domestic or industrial wastewater of a liquid nature, including various devices for the collection, conveyance and treatment of the treated wastewater effluent and the monitoring of the affected groundwater quality and the management of the associated solid waste byproducts (septage and sludge).

(b) To ensure compatibility in the event of annexation, all community sewer systems located within two (2) miles of any incorporated city shall be designed as "gravity flow" unless the city most likely to annex the area where the system is located prefers otherwise. The Public Utility Coordinator shall make this determination after consulting with the cities involved.

(1) Gravity flow means water or waste water flowing through a higher elevation to a lower elevation due to the force of gravity without aid of individual lot interceptor tanks. This shall not exclude lift stations.

(c) All community sewer systems shall contain a SCADA (Supervisory and Data Acquisition) system as follows:

(1) Automatic call-out or text to emergency contact number during alarm event.

(e) Prior to receiving final plat approval pursuant to section 11-75, proof of the operation permit from the Arkansas Department of Environmental Quality shall be submitted to the Public Utility Coordinator.

(f) This section shall be enforceable by appropriate civil action by the County Judge.

(g) All community sewer systems are required to have a back-up generator in the event of power outage, said generator to be approved by the Washington County Public Utilities Coordinator.

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

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

**Water & Fire Conditions:**

1. The Washington County Fire Marshal has stated that the hydrants shown on the plans are adequate.
2. The road is to be 28' wide which allows for parking on one side of the road. The side of the road where the hydrant is located must be marked as "no parking", and there must be a 20' section of "no parking" across the street at the hydrant locations.
3. The turn radius is required to be a minimum 38', and this is shown on the plat. The turn-arounds shown on the plat are adequate.

**Addressing Conditions:**

1. Addresses must be shown on the plat for all lots less than one-half acre. The note per the Subdivision Checklist, that lots over one-half acre will be addressed when the home location is known, must be added to the final plat as well.

**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.

**Fayetteville's Preliminary Plat Approval Conditions:**

1. This project has received City of Fayetteville Preliminary Approval by the Planning Commission on June 8, 2015.
2. All conditions of the City of Fayetteville's approval and any addition conditions placed must be completed.
3. Approval of this project is contingent upon receiving City of Fayetteville's Final Approval by the Planning Commission.

**Road Conditions:**

1. No direct residential lot access onto Hwy 45 will be allowed (all lots must access the interior streets).
2. In addition, there is a small residential drive, Trough Springs Drive, to the north of this property. No access will be allowed onto that road.
3. The Washington County Road Department requires that the right-of-way (ROW) carry through the proposed cul-de-sac, this is shown on the plat.
4. The streets will be classified as Class II residential, per county regulations.
5. No signage or structures may be placed in the County ROW.
6. No trees are to be planted in the ROW.
7. A note shall be added to the final plat that states "Washington County does not maintain sidewalks, streetlights, fencing, common areas, detention/retention ponds, or any component of the decentralized sewer system".

**Drainage Conditions:**

1. **To be determined** once the County Contracted Engineer has a chance to fully review the final drainage report.
2. Final Subdivision Plat approval is contingent upon receiving approval by the County Contracted Engineer.

**Planning Conditions:**

1. All conditions approved with CUP 2014-018 must be completed.
2. Signage may not be placed in the County ROW. The applicant has stated that they may try to pursue an easement from the Highway Department, but understands it cannot be within the County ROW if a sign is placed.
3. The engineer for the project has submitted a planting proposal for the required trees (retained 2 existing trees per lot, and add 3 additional trees per lot-not necessarily 3 additional trees on each lot, but within the overall development).
4. If any of the trees to be retained are damaged or removed, additional trees must be planted to replace them at a rate of 3 new trees to 1 existing. Strong preference is placed on retaining existing trees.
5. Care must be taken when installing the privacy fence that none of the trees along the property line are damaged or removed.
6. An agreement with a neighbor to the south to maintain certain large trees was formalized in writing (with specific tree locations show). This agreement must be honored.
7. The privacy fence along the property boundary shall be kept in good repair.

**Standard Conditions:**

1. Washington County will not maintain common areas or park areas.
2. Pay Engineering Fees within 30 days of receipt of invoice. Any extension must be approved by the Planning Office. This will be calculated once all invoices are received.
3. 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.
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. Once all plat corrections have been completed, submit one corrected plat for review to the Planning Office prior to acquiring signatures on final plat.
6. Final Subdivision Plat approval by the Washington County Planning Board, all signatures, and filing with the Circuit Clerk will be required prior to any lots being sold.

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

*No Public Comment.*

*Public Comment Closed.*

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

County

**g. Huntsville Rd (Eastside Self Storage) Final LSD**

***Final Large Scale Development Request***

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

Owner/Applicant: Nathan and Jody Harris

Engineer: Blew & Associates

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 #: 2017-369**

**Planner: Nathan Crouch email: [ncrouch@co.washington.ar.us](mailto:ncrouch@co.washington.ar.us)**

**REQUEST: Huntsville Road Storage (Eastside Self Storage) is requesting Final Large Scale Development approval to allow a storage facility on a property that is approximately 4.22 acres in size,**

and zoned for Agricultural and Single Family Residential Uses, and has received CUP and Preliminary LSD approval.

**CURRENT ZONING:** Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre). **Project received Conditional Use Permit (CUP) and Preliminary Large Scale Development approvals (with conditions) on November 10, 2016. It was ratified on November 17, 2017 (CUP # 2016-325).**

**PLANNING AREA:** This project is located within the City of Fayetteville's Planning Area.

**QUORUM COURT DISTRICT:** District 15, Butch Pond      **FIRE SERVICE AREA:** Round Mountain

**SCHOOL DISTRICT:** Fayetteville

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

**BACKGROUND/ PROJECT SYNOPSIS:**

**Huntsville Road Storage (Eastside Self Storage)** is requesting **Final Large Scale Development** approval to allow the use of the newly constructed self-storage facility on parcel # 001-11229-000.

The storage facility consists of 3 storage unit buildings approximately 12,000 square feet each on 4.22 acres. The applicants proposed an amendment (approved May 5, 2017) to the approved CUP/Pre LSD, to remove one of the conditions of approval, to allow the removal of a fencerow of trees.

**TECHNICAL CONCERNS:**

**Water/Plumbing/Fire Issues:**

Fayetteville Water services this property. No onsite office building or restroom facilities are being requested.

The GPM fire flow was submitted and found to be adequate by the Fire Marshal.

The Washington County Fire Marshal's Office requires that two hydrants be placed on site in order to meet State Fire Code, and fire extinguishers are required to meet 75 feet of travel distance. These are shown on the plans, and were verified on-site during planning staff's final inspection.

The plans also now show a gate near the entrance of the proposal for access control and security. This gate is required to be siren activated, and specifications have been submitted.

No turn radius can be less than 38-feet throughout the proposal, and no parking is allowed on the entrance drive. No Parking signs are shown on the plans, and were verified on-site during staff's final inspection.

**Sewer/Septic:**

No restroom facilities are proposed for this project.

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

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

All other utility comments from CUP & Preliminary LSD have been addressed.

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

All of the Washington County Road Dept.'s comments/concerns from CUP & Pre LSD have been addressed.

**Drainage:**

Staff is waiting for the final Drainage Report to be submitted, and then reviewed by the County Engineer. No issues are anticipated. Staff will update the board at the hearing.

**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:**

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.

Upon final inspection, Staff noted that all outdoor lighting met these requirements.

**NEIGHBOR COMMENTS/CONCERNS:**

Neighbor notifications are not required for Final LSD. No neighbor comments have been received. Staff will update you at the meeting if any neighbor comments are received.

**CHECKLIST:**

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

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

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed Huntsville Road Storage (Eastside Self Storage) Final Large Scale Development proposal, contingent upon receiving Fire Marshal inspection approval and County Contract Engineer as-built drainage report approval, 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. The entrance gate is required to be siren activated.
6. 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.
7. No turn radius can be less than 38-feet throughout the proposal
8. No parking is allowed on the entrance drive.
9. 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.
10. All drives must be a minimum of 26-feet wide.
- 11. The Fire Marshal will inspect all improvements prior to the building being occupied.**

**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.

**Drainage Conditions:**

1. The final drainage report must be approved by the county engineer and the City of Fayetteville.
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 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 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. The applicant must leave the existing vegetation intact on the north property line.
3. 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.

**Additional and Standard Conditions:**

1. 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.
2. **All conditions approved with project 2016-325 and 2016-326 shall apply to this project.**
3. Pay engineering fees. This total will be calculated once all invoices are received.
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. 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.
6. Hours of operation must be generally as stated (7:00 am- 8:00 pm).
7. The Landscape Maintenance and Grounds-Keeping Maintenance Schedule must be generally followed as proposed.

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

*No Public Comment.*

*Public Comment Closed.*

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

Goshen Planning Area

**h. Habberton Wedding Chapel Preliminary LSD**

*Preliminary Large Scale Development Re-Approval Request*

Location: Section 27, Township 17 North, Range 29 West

Owner/Applicant: Rocking TJ Enterprises LLC

Surveyor/Engineer: Milholland Company

Location Address: 17531 Habberton Rd

Approximately +/- 3.94 acres

Proposed Land Use: Wedding Venue

Coordinates: Latitude: 36.11690585, Longitude: -94.05558920

Projects #: 2016-073

Planner: Nathan Crouch e-mail at [ncrouch@co.washington.ar.us](mailto:ncrouch@co.washington.ar.us)

**REQUEST:** Habberton Wedding Chapel is requesting **Preliminary Large Scale Development re-approval** to allow wedding chapel and reception hall structures on a property that is approximately 3.92 acres in size, and currently zoned for Agricultural and Single Family Residential Uses.

The CUP and Preliminary LSD were approved at the April 7, 2016 planning board meeting. The CUP has an 18 month expiration (Oct 7, 2017), but has been extended to April 5, 2018 with the two 90-day extensions granted by the planning director. However, the Preliminary LSD has to be "activated" (begin

construction) within 12 months which never happened due to health issues. The Pre LSD has a 36 month expiration, but the applicant never began construction so it expired after 12 months.

The current request is for the Planning Board to re-approve the Pre LSD in order to restart the clock. The proposal has not changed, so it has not been re-reviewed by planning staff, hasn't been through technical review again, and the neighbors haven't been re-notified. Planning Staff is simply bringing this Pre LSD back to you to consider re-approving it since health issues prevented the applicant from beginning construction.

The previously approved CUP was for the wedding chapel and the reception hall, but a phasing plan was approved as well. The phasing plan was to build the reception hall first then build the chapel approximately a year later. Both the Reception Hall & Chapel were addressed with the Pre LSD, but architect-stamped plans were not provided for the chapel since the plan was to build it a year later. So before the chapel construction begins plans would have to be submitted for Fire Marshal and Engineer review/approval.

The Pre LSD you are considering now is for the Reception Hall (which will host weddings for approximately the 1<sup>st</sup> year) and the Chapel. But architect plans must be submitted/approved before chapel construction may begin.

The reception hall and the chapel will essentially have to each have their own Final LSD reviews/approvals since they'll be constructed at different times.

The following is the original staff report from April, 2016, with the minutes from that meeting attached.

**CURRENT ZONING:** Project is located within the County Zoned area (Agriculture/Single-Family Residential 1 unit per 2 acres), and is contingent on CUP 2016-072 being approved.

**PLANNING AREA:** This project is located within Goshen's planning area.

**QUORUM COURT DISTRICT:** District 1, Butch Pond      **FIRE SERVICE AREA:** Goshen VFD

**SCHOOL DISTRICT:** Springdale

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

**BACKGROUND/ PROJECT SYNOPSIS:**

As stated in the CUP request, **Habberton Wedding Chapel** is requesting **Preliminary Large Scale Development** approval to allow a wedding chapel and reception hall on a property that is approximately 3.92 acres in size, and currently zoned for Agricultural and Single Family Residential Uses.

This project does not require formal approval by the City of Goshen as they are not proposing a split, but the County will receive the City's comments and consider possible conditions via the CUP process.

The developer proposes phasing the site improvements into 2 phases:

- Phase 1: Construct the Reception Hall and all site improvements and supportive infrastructure, except the Chapel.
  - The Reception Hall and Chapel are both addressed with this Preliminary Large Scale Development proposal and it is presumed that Final Large Scale Development approval will be sought for Phase 1.
- Phase 2: Construct the Wedding Chapel within 1 year from CUP approval.

- When the applicant wishes to construct the chapel, they will be required to submit architectural plans to the Planning Office and Fire Marshal for approval. Once these plans are approved, construction on the chapel may commence. Once chapel construction is complete, the applicant must submit for and receive Final Large Scale Development approval for the chapel specifically.
  - If the footprint of the Chapel changes, or any additional site elements are proposed, Phase 2 may be subject to a revised Preliminary Large Scale Development procedure.

**Please see the applicant's Letter of Explanation (attachment D-10) for more detail.**

**TECHNICAL CONCERNS:**

**Water:**

The applicant participated in a cost-share program, with a number of the neighbors, to extend a 2" Fayetteville Water main line down Habberton Rd. to Wilson Lane. The Site Plan shows a private water line will run from the water meter, located adjacent to Habberton Rd., 950 linear feet to the proposed barn.

**Fire:**

The Washington County Fire Marshal and the Fire Chief at Goshen VFD have reviewed the proposal. Tanker Support will be employed when responding to fire emergencies at this location. The nearest fire hydrant is approx. 1.25 miles away to the south, at the intersection of AR Hwy 45 and Habberton Rd.

The County Fire Marshal requested that:

1. All exits must be marked with Exit signs. **(Shown on the Site Plan)**
2. Panic hardware is required on all exit doors. **(Shown on the Site Plan)**
3. All Egress doors must meet 2012 *Arkansas* International Fire Code. **(Addressed)**
4. Label ADA entrances to both buildings on the site plan. **(Will be shown on the updated Site Plan)**
5. Submit detail of the "Mechanical Room" showing hot water heater, ac unit, and any other machinery. **(Architect stated the Mechanical Room will be a "design/build" situation; Approved by Fire Marshal)**
6. No parking is allowed on the access drive or the turnaround. **(Shown on the Site Plan)**
7. No extended (event) parking in the area labeled "Delivery Parking". **(Shown on the Site Plan)**

The applicant has submitted everything the Fire Marshal has requested, addressing all fire safety concerns.

The access drive and parking lot is designed by geo-tec professional to support a 75,000lb Fire truck.

The proposed Reception Hall has no facilities for cooking (such as a kitchen). All food will be catered.

**Septic:**

The septic system design specifies two 1,000 gallon septic tanks, and one 500 gallon dose tank. The septic system was approved by Melissa Wonnacott, of the Arkansas Department of Health, on 11-5-2015, and permitted by the Arkansas Department of Health.

The alternate septic field is adjacent to the overflow parking area, directly north of the parking lot. The developer has agreed to place a barrier (boulders, parking curbs, etc.) to keep vehicles from driving/parking on the septic field.

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

Ozarks Electric commented that 1 phase power is available, but if 3 phase power is needed the developer will be charged full cost to extend it approximately 2 miles to the site.

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

No comments were received from Source Gas, Cox Communications, or AT&T.

**Roads/Traffic Impact/Parking/Sight Visibility/:**

The County Road Department commented that a 24" drainage pipe must be installed in the access drive at the connection to Habberton Road. Additionally, before work is to be done in the county road right-of-way, a permit must be obtained from the County Road Dept.

The applicant's engineer submitted a Traffic Impact statement, stating a typical event will generate approximately 76 cars, arriving over a 30 minute time span. The proposed parking lot is sized to accommodate 60 cars (3 handicap spaces), with overflow parking in the field directly to the north of the lot.

According to the formula we have used in the past for other assembly uses, based on this square footage, 58 parking spaces is required. Therefore the parking lot's 60 spaces is adequate.

The applicant's engineer also submitted a Sight Distance Compliance statement (see attachment C-12). Sight distance is adequate.

**Drainage:**

The Washington County Contract Engineer stated that his concerns were addressed with the latest drainage report submittal.

**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:**

All outdoor lighting, including security lighting, or lighting meant to illuminate the proposed sign, must be shielded and downlit. Outdoor lighting must not cause disturbance to drivers or neighbors, and must be shielded from the neighboring properties (see attached lighting diagram, C-13).

The applicant has proposed signage that will be no larger than 24 sq. ft. No additional signage is allowed to be placed.

The proposed dumpster must be fenced. The fencing, and gate, shall be opaque material. Washington County Planning will inspect the fencing. Staff is not recommending additional screening at this time.

The reception hall will be a barn, exhibiting rural character, and the proposed parking is to be gravel. The wedding chapel, proposed to be built within one year from project approval, will be situated behind the barn and not visible from Habberton Rd. Staff feels that these site elements are not out of context in a rural setting.

**City of Goshen Concerns:**

The City of Goshen has submitted no comments at this time.

**Phasing:**

The intent of this Preliminary Large Scale Development request is to address the proposed site elements, including the reception hall (barn) and the chapel. However, no building plans have been submitted for the chapel. When the applicant decides to move forward with construction of the chapel, Architect's plans and Final Large Scale Development review will be required.

**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 the development.

One neighbor comment has been received, “opposed” to the development. The comments are primarily concerning fire safety. A copy of the comment form has been sent to the County Fire Marshal and Goshen Fire Chief for their opinions and opportunity to address the comments individually.

Staff will update the Planning Board at the meeting with a response to the “opposed” comments received and additional comments that are received.

**CHECKLIST:**

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

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

No Checklist items remain. However, there are a number of spelling errors that must be corrected. A list has been sent to the Applicant.

**STAFF RECOMMENDATION:** If the CUP is approved (Agenda Item C), staff recommends approval of the proposed Habberton Wedding Chapel Preliminary Large Scale Development with the following conditions:

**Phasing:**

1. Phase 1: Construct the Reception Hall and all site improvements and supportive infrastructure, except the Chapel.
  - o The Reception Hall and Chapel are both addressed with this Preliminary Large Scale Development proposal and it is presumed that Final Large Scale Development approval will be sought for Phase 1.
2. Phase 2: Construct the Wedding Chapel within approximately 1 year from CUP approval.
  - o When the applicant wishes to construct the chapel, they will be required to submit architectural plans to the Planning Office and Fire Marshal for approval. Once these plans are approved, construction on the chapel may commence. Once chapel construction is complete, the applicant must submit for and receive Final Large Scale Development approval for the chapel specifically.

- If the footprint of the Chapel changes, or any additional site elements are proposed, Phase 2 may be subject to a revised Preliminary Large Scale Development procedure.

**Fire Conditions:**

1. Proposal must meet 2012 *Arkansas* International Fire Code.
2. Label ADA entrances to both buildings on the site plan.

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

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

1. The Washington County Road Department requires an apron to connect entrance drives to the County Road. The apron(s) must be paved (asphalt or concrete) and at least 20' x 20'. This must be completed prior to Final LSD. Any extensions must be approved by the Washington County Road Department Superintendent.
2. All entrance drives and parking areas must support 75,000lbs in all weather conditions.
3. 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.
4. No parking is allowed within Washington County's road right-of-way (ROW).
5. The connection from the handicapped parking to the building entrance must be ADA compliant.
6. Access easement and utility easements are required from the right-of-way to the project site.

**Environmental Conditions:**

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

**Utility Conditions:**

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

**Signage/Lighting/Screening Conditions:**

1. 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. The proposed sign shall not exceed 24 sq. ft. in size.
3. Signage cannot be placed in the County Right-of-Way.
4. Any 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. Please refer to the diagram in the staff report attachments.
5. The proposed dumpster must be screened with opaque fencing material, including the gate. Washington County Planning will inspect the fencing.

**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. This CUP must be ratified by the Quorum Court.
3. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
4. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

- This project requires additional review (Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.
5. Project should be generally developed as stated by the applicant in their explanation letter.

**Additional Conditions**

1. Full architectural plans for the chapel must be submitted and approved prior to any construction taking place.

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

*No Public Comment.*

*Public Comment Closed.*

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

**5. Other Business**

- February 22, 2018
- March 29, 2018

**6. Old Business**

**7. Adjourn**

*Joel Kelsey 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