

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

March 29, 2018

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

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

CONDITIONAL USE PERMIT HEARING

County

a. Hunt-Rogers CUP Revision

Approved

LAND DEVELOPMENT HEARING

County

b. Stephen-Mars Minor Subdivision

Approved

CONDITIONAL USE PERMIT HEARING

Fayetteville Planning Area

c. Old Wire Services & Recreational Facilities CUP

Tabled

LAND DEVELOPMENT HEARING

Fayetteville Planning Area

d. Old Wire Services & Recreational Facilities Preliminary LSD

Tabled

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

2. APPROVAL OF MINUTES: *Kenley Haley made a motion to approve the minutes of February 22, 2018. Daryl Yerton 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 HEARING

County

a. Hunt-Rogers CUP Revision

Conditional Use Permit Revision Request

Location: Section 35, Township 18, Range 29

Owner: JB Hunt LLC

Applicant: Bill Luce

Location Address: 21448 N. Parsons Rd WC 91

Approximately: 194.36 acres/ 1 lot Proposed Land Use: Heavy Industrial

Coordinates: Latitude: 36.18836113, Longitude: -94.04475189

Project #: 2018-053 Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

REQUEST: Revision of the existing Conditional Use Permit (CUP 2016-001) approval, which allowed the use of a materials office, to allow the use of an additional multi-purpose building to house offices, a training room, and a mechanic shop to work on large dump trucks & equipment, on a property that is approximately 194 acres in size.

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

PLANNING AREA: This project is not in a planning area. It is located solely within Washington County's jurisdiction.

FUTURE LAND USE: Heavy Industrial

QUORUM COURT DISTRICT: District 5, Joe Patterson **FIRE SERVICE AREA:** Elkins VFD

SCHOOL DISTRICT: Elkins

INFRASTRUCTURE: Water- Mt. Olive **Electric-**Ozarks Electric **Natural Gas-** Source Gas

Telephone- Windstream **Cable-** N/A

BACKGROUND/ PROJECT SYNOPSIS:

The owner of this property is JB Hunt, LLC. The applicant is Bill Luce, General Contractor, on behalf of Hunt-Rogers Materials/Rogers Group. The architect is Terry Cooper. This CUP revision doesn't require LSD permitting due to the area of the proposed development, including building, parking, and septic areas, being less than one (1) acre.

Hunt Rogers Materials Office is requesting Conditional Use Permit *revision* approval to allow an additional office building on the 194 acre property. The area is zoned to allow Agricultural & Single Family Residential uses (1 unit/acre) by right. The subject property is grandfathered into zoning compliance since the quarry has been operating since before Washington County zoning was in effect. However, its zoning is modified with an existing Conditional Use Permit (CUP # 2016-001) to allow the use of the office building (Materials Office).

This property is located off Parsons Road (WC-91). The proposed building is approximately 4,151 sq ft total, with 1,348 sq for offices/training, and 2,809 sq ft for the maintenance shop.

(Please see the applicant's attached letter of explanation).

TECHNICAL CONCERNS:

Fire Issues:

The Washington County Fire Marshal reviewed the proposal and provided the following comments/requirements:

1. Show locations of hot water heater, furnace, and any other ignition sources.
2. Show the cleaning of flammable liquids/waste. –Address that in the letter. (metal can for oil soaked rags, etc.)
3. Show no smoking signs & fire extinguishers
4. Show ventilation plans for the garage
5. Show knox box
6. Show address number
7. Show the landings on the walk through doors, and where the landings are – remove the parking spaces

Sewer/Septic:

The proposed development area is somewhat centrally located on the front part of the property, so there aren't any available "undisturbed" areas close to the building for a septic field (see attached site photo).

So the septic strategy is to have the septic tank pumped regularly.

The schedule for pumping the septic tank must be submitted to Planning staff and approved by the Health Department.

Utilities

Water/Plumbing Issues:

Springdale Water provided no comments.

It is assumed there will be no issues with providing water service to the proposed building as there is current water service to the adjacent Materials Office.

Electric:

Ozarks Electric commented the following:

General Comments:

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions.
Wes Mahaffey: (479) 263-2167, wmahaffey@ozarksecc.com

Additional Comments:

1. Need 30 ft utility easement along existing overhead power line.

Gas/Cable/Phone:

No comments/requirements were received by the Gas/Cable/Phone utilities.

Roads/Sight Visibility/Ingress-Egress/Parking:

This development proposes to use the existing entry/exit point off Parsons Rd.

Parking is shown around the building on the site plan, but the applicant explained that only the employees permanently stationed in that office building will likely use it. The other employees who use the building for training and safety meetings will most likely leave their vehicles parked at one of several other parking areas and walk to this building for the meetings.

Drainage:

The Washington County Contract Engineer stated that the drainage statement was adequate, and had no further comments on this proposed project.

Environmental Concerns:

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

Signage/Lighting/Screening Concerns:

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.

COMPATIBILITY CONCERNS:

Surrounding Density/Uses:

The surrounding uses are a mix of residential, agriculture, and the existing heavy industrial use on the project site.

While the proposed office building is not residential, staff feels that the applicant's request to add an office building to this existing industrial quarry site will be compatible with the surrounding uses with conditions.

The proposal will add little impact to the current quarry site. Traffic going to this office building will be limited mostly to employees. There is no expected additional noise associated with the addition of this building. Additionally, as the building will be internally located within the larger quarrying site, with an existing berm, staff does not believe this building will be visible to surrounding properties.

County's Land Use Plan (written document):

Staff feels that the additional traffic and nature of this proposed building will be the equivalent of adding a "light commercial" building to this existing heavy industrial site.

According to the County's Land Use Plan,

2. LIGHT COMMERCIAL

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

- a. Not incompatible with adjacent residential and agricultural uses; or by conditions placed on such to mitigate its impact.

Together with community facilities and compatible residential uses, this use typically serves as a buffer between general commercial and strictly residential uses. Staff feels that this project meets the goal of the County's Land Use Plan. The proposed office/workshop addition will add very little impact to the overall industrial quarry site.

This proposal is requesting to add a Light Commercial use (office building) to a property already permitted for an existing Heavy Industrial use (quarry).

SITE VISIT:

A site visit was conducted by planning staff on March 23, 2018. Please see attached site photo.

NEIGHBOR COMMENTS/CONCERNS:

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

No neighbor/public comments have been received.

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

STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Hunt-Rogers Conditional Use Permit *Revision*, with the following conditions:

Water/Plumbing/Fire Conditions:

1. Panic hardware is required on exit doors.
2. All access roads and parking area drives must have a 38' turn radius at minimum, and fire lanes and access roads must be compacted to support 75,000lbs in all weather conditions.
3. Fire lanes along the drive and within the parking area must be marked.
4. Applicant must submit a diagram of the required fire lane area. This must be reflected on the plans. Fire lane striping must be visible at all times, dust must be cleared when appropriate.
5. No kitchen is allowed. If a kitchen is desired in the future additional review by the Fire marshal will be required.
6. Exit lights/emergency lights and fire extinguishers are required. These are shown on the plans.
7. The Fire Marshal will inspect all improvements prior to the building being occupied.
8. The connection between the building and the handicapped parking spaces, as well as the restrooms, must be ADA compliant.
9. The applicant must comply with any Health/Safety/Fire Code recommendations made by the architect.
10. The building must meet Arkansas State Fire Code.
11. The applicant's architect is to set the final occupancy load, and ensure the building meets Arkansas State Fire Code, and is compliant with ADA standards.
12. A statement will be required that states the building is in compliance with AR State Fire Code and ADA regulations.
13. A Knox Box is required.

Health Department Conditions:

1. Project must be in compliance with the regulations of the Arkansas Department of Health.
2. Applicant must submit the schedule for pumping the septic tank.
3. The septic tank pumping schedule must be approved by ADH.

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

1. If any work is to be done within the County right-of-way, a permit is required.

Environmental Conditions:

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

Signage/Lighting/Screening Conditions:

1. 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.

Addressing Conditions:

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

Utility Conditions:

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

Ozarks Electric General Comments:

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

Additional and Standard Conditions:

1. Pay mailing fees (not yet calculated). Mailing fees are due within 30 days of the project hearing date.
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. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. This CUP must be ratified by the Quorum Court.
5. **No work may begin for this project until it receives Conditional Use Permit approval, is ratified by the Quorum Court, and all plan changes are completed and approved by Planning Staff.**
6. **It is the applicant's responsibility to contact the Planning Office when inspections are needed.**
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - This project does not require additional Planning Board review. Once approved, the Conditional Use Permit will expire 18-months after it is ratified if construction never begins.

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

No Public Comments.

Public Comments Closed.

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

LAND DEVELOPMENT HEARING

County

b. Stephen-Mars Minor Subdivision

Minor Subdivision Request

Location: Section 30, Township 16, Range 31

Owner: Larry R. Stephens

Engineer: Atlas Professional Land Surveying

Location Address: Bethel Blacktop WC 62

Approximately +/- 4.03 acres/ 1 lot

Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.03022315, Longitude: -94.30515651

Project #: 2018-044

Planner: Sita Nanthavong

email: snanthavong@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision Approval for Stephens-Mars Minor Subdivision. The request is to split a 4.03 acre tract to create two separate tracts.

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

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

QUORUM COURT DISTRICT: District 7, Alicia Deavens

FIRE SERVICE AREA: Prairie Grove Rural

SCHOOL DISTRICT: Farmington

INFRASTRUCTURE: Water- Washington Water Authority Electric- Ozarks Electric
Natural Gas- None Telephone- Prairie Grove Telephone Cable- Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

Stephens-Mars Minor Subdivision is requesting Preliminary and Final Minor Subdivision Plat approval to allow an existing parcel to be split into two separate tracts.

The existing parcel does not have structures on it. It is accessible from Bethel Blacktop WC 62.

The parcel (001-12389-000) is owned by the Larry R. Stephens and is surveyed at being 4.03 acres in size.

Current configuration of the original parcel:

- Parcel 001-12389-000, 4.03 acres; no permanent structures exist

Proposed configuration:

- Tract A – 1.45 acres
- Tract B – 2.58 acres

This project proposes to split one larger tract into two smaller tracts. One of these tracts is less than 5 acres. This project must process as a Minor Subdivision because it does not meet the exemption requirements.

Please see the attached documents for more detailed information.

TECHNICAL CONCERNS:

Sewer/Septic

Soil Analyses of the proposed parcels were conducted on March 16, 2018. Both proposed tracts were found to be adequate for single family standard septic system.

Electric/Phone/Gas

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

Water

Washington Water Authority had no comment.

Addressing

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

Environmental

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

Road

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

SITE VISIT:

A site visit was conducted by planning staff on March 23, 2018. Staff has no concerns.

NEIGHBOR COMMENTS:

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

Currently, there are no comments from neighbors.

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

CHECKLIST:

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

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

STAFF RECOMMENDATION: Staff recommends Preliminary and Final Plat Minor Subdivision approval of Stephens-Mars Minor Subdivision with the following conditions:

Utility Conditions:

1. The septic system(s) must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to occupation of the residence(s).
2. Any damage or relocation of utilities will be at the expense of the owner/applicant.

Environmental Conditions:

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

Standard Conditions:

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

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

Daryl Yerton, Planning Board Member, asked, "The access driveway that goes back to serve the other houses, is that drive suitable to serve additional residences?"

Sita Nanthavong replied, "That I do not know, I am going to assume that since it goes all the way to the back and services the houses to the north that it should be."

Tim West, engineer for the project, addressed the Board, "They plan to access both lots off the existing driveway. It 10 ft. wide asphalt access driveway."

Public Comment

David Martin Stanbuck, JR., neighbor to the north of project, addressed the Board, "I don't know this fella here but that road is not suitable. It is actually broken down and I am not sure what the minimums are but this 1.45 acres has three easements on it, two actually. The road is not suitable for more traffic. I have been repairing it myself over the years. I am opposed to it. One house would be great; putting two houses in there I don't think it's a good plan. Thank you."

Greg Long, neighbor to the east of proposed project, addressed the Board, "When I purchased it was supposed to be in a subdivision. That is what we were told when we bought it. That is why it had the covenants for the minimum 2500 sq. ft. and that is the reason I bought the two acres. I have a five and a two, basically to keep someone from crowding one side or the other. I am really opposed to it and like he said the road, he could probably do it but I don't know how good it would be. It was pretty thrown in there; they didn't do a real good job when they put the road in to start with. The water gathers at the road right there and stands in that ditch pretty good when it rains. Thank you."

Daryl Yerton inquired, "Do you have any idea where those covenants might be?"

Greg Long answered, "I didn't bring a copy; I didn't know for sure if I was going to make it, but I can probably dig those up. That is what we understood. It was a subdivision. You couldn't split the lots and you couldn't build but one structure per lot."

Debra Carlisle, neighbor right across from the proposed project, addressed the Board, "I am not opposed. I had one question I wanted to make sure about the water system. My mom was told there were no more water taps. Our water pressure isn't great now so I just wanted to make sure that there would still be sufficient water pressure and that there would be no impact on that. I am unopposed I just wanted to check in on the water. Thank you."

Public Comment Closed.

Daryl Yerton reopened the question regarding the covenants, clarifying that Washington County does not review or enforce subdivision covenants. The planning staff only applies County ordinances and not subdivision covenants when reviewing a project within a subdivision.

Walter Jennings, Planning Board Member, asked, "Regarding the water pressure, is that handled by Beaver Water District?"

Sita Nanthavong replied, "It is handled by Washington Water Authority. We were told that they would not issue water taps unless the water pressure was up to a certain level. That is between the developer, the

applicant and Washington Water Authority.”

Walter Jennings asked, “The drive is a private drive, so that is not a county maintained road, is that correct?”

Sita Nanthavong answered, “That is correct. It is a private residential drive.”

Philip Humbar, Planning Board Member, inquired, “Do we have jurisdiction on how wide those have to be?”

Nathan Crouch responded, “Both of these lots have frontage onto the public road, whether they take access off that private drive that would be up to the developer and the owners. As far as this split goes they have frontage on to the public road so it meets the requirement.”

Bob Daugherty, Planning Board Vice-Chairman, advised, “Greg, if there are covenants just contact an attorney. That is something that you have to handle out of this purview.”

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

Fayetteville Planning Area

c. Old Wire Services & Recreational Facilities CUP

(tabled due to insufficient resubmittal)

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 +/- 19.40 acres/1 lot

Proposed Land Use: Commercial Rentals

Coordinates: Latitude: 36.12103716, Longitude: -94.10753190

Project #: 2017-199

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

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

LAND DEVELOPMENT HEARING

Fayetteville Planning Area

d. Old Wire Services & Recreational Facilities Preliminary LSD

(tabled due to insufficient resubmittal)

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 +/- 19.40 acres/1 lot

Proposed Land Use: Commercial Rentals

Coordinates: Latitude: 36.12103716, Longitude: -94.10753190

Project #: 2017- 235

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

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

5. Other Business

- Discussion of Current Development and Planning Department activities.
- Staff Training-Sita and Juliana recently attended a week long NFIP (National Floodplain Insurance Program) class in Little Rock.
- Reminder of upcoming meetings: **May 3rd and June 7th**
- Any other Planning Department or Planning Board business.

Sita Nanthavong provided an update to the Planning Board Members regarding the Old Wire Services & Recreational Facilities project, stating that the Planning Department tabled the project due to insufficient resubmittal and are set for the May 3rd, 2018, Planning Board and Zoning Board of Adjustments Meeting as long as they provide all information that is requested in a timely manner.

Nathan Crouch also informed the Board Members of the recent resignation of the current Planning Director, Jim Kimbrough, as of April 6, 2018. He also confirmed that the White River Landing CUP denial was overturned. The Large Scale Development request was not yet submitted but would still need to be presented before the Planning Board.

6. Old Business

7. Adjourn

Daryl Yerton moved to adjourn. Joel Kelsey 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