

MINUTES
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS
June 7, 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

Greenland Planning Area

a. Doris Dorman Trust Residential CUP

Approved

LAND DEVELOPMENT HEARING

County

b. Twin Maples Acres Minor Sub Replat- Lots 2 & 3

Approved

VARIANCE HEARING

Fayetteville Planning Area

c. Sterling Variance for Street Frontage

Approved

LAND DEVELOPMENT HEARING

Greenland Planning Area

d. White River Landing Preliminary LSD

Tabled

1. ROLL CALL: *Roll call was taken. Members present include Robert Daugherty, Daryl Yerton, Kenley Haley, Philip Humbard and Joel Kelsey. Randy Laney and Walter Jennings were absent. A quorum was present.*

2. APPROVAL OF MINUTES: *Daryl Yerton made a motion to approve the minutes of May 3, 2018. Joel Kelsey seconded. All board members present 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 present were in favor of approving. Motion passed.*

4. NEW BUSINESS

CONDITIONAL USE PERMIT HEARING

Greenland Planning Area

a. Doris Dorman Trust Residential CUP

Residential Conditional Use Permit Request

Location: Section 07, Township 15, Range 30

Owner: Doris Dorman Trust
Engineer: Leonard Gabbard
Location Address: NW Campbell WC 65
Approximately +/- 18.93 acres/ 1 lot
Coordinates: Latitude: 35.99308823, Longitude: -94.19876800
Proposed Land Use: Single Family Residential
Project #: 2018-132 Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

REQUEST: The Doris Dorman Trust is requesting **Conditional Use Permit** approval to split 0.61 acres from a parcel of land that is approximately 19.10 acres in size and is currently zoned for Agriculture 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 Greenland Planning Area.

QUORUM COURT DISTRICT: District 14, Ann Harbison
SCHOOL DISTRICT: Greenland

FIRE SERVICE AREA: West Fork

INFRASTRUCTURE: **Water-** Washington Water Authority
Gas- Black Hills

Electric- Ozarks Electric **Natural**

Telephone- AT&T

Cable- Cox Communications

BACKGROUND/PROJECT SYNOPSIS:

The Doris Dorman Trust is seeking Residential Conditional Use Permit approval to split 0.61 acres from parcel 001-06712-000 in order to clear up the south property boundary line between 001-06712-000 and 775-18038-002.

A recent survey shows the deed line is not the fence line as originally thought by both property owners. The new property boundary line goes through an existing garage building belonging to the Betty Bohannon Family Revocable Trust, the property owner of 775-18038-002. A split of 0.62 acres was agreed upon by both property owners to allow the Betty Bohannon Family Revocable Trust to retain its structure.

The applicant's property is in the Greenland Planning Area. The property owned by the Betty Bohannon Family Revocable Trust is in the City of Greenland's jurisdiction.

The applicant's property is in an area that is zoned Agriculture and Single Family Residential with tract or parcel size being no less than 1 acre (Sec. 11-194). The 0.61 acre proposed split does not fit into the standard county zoning and must be approved by the Planning Board and ratified by the Quorum Court.

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

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

Washington Water Authority services this property. The property is served off a 12" water main. Washington Water Authority had no further comments.

The Washington County Fire Marshal reviewed this proposal and had no comments. The West Fork Fire Department did not comment on this project.

Health Department Issues:

This project does not seek to occupy the 0.61 acre strip. No soil work was required.

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.

Roads/Sight Visibility/Ingress-Egress/Parking:

There is no construction being proposed on the 0.61 acre split. The Washington County Road Department had no comments.

Drainage:

No structures or other impervious surfaces are being proposed. The Washington County Engineer did not have comments.

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

Signage/Lighting/Screening Concerns:

There are no concerns with signage, lighting, or screening.

Addressing Concerns:

There were no comments from the Washington County 911 addresser.

Sheriff's Office Concerns:

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

City of Greenland Concerns:

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

COMPATIBILITY CONCERNS:

Surrounding Uses:

The immediate surrounding uses are a mix of residential and agricultural uses.

County's Land Use Plan:

According to the County's Land Use Plan:

SECTION III. PHYSICAL DEVELOPMENT

A. LAND USE CONSIDERATIONS

1. RESIDENTIAL

- a. To provide for development of residential areas at appropriate densities.
- b. Update, administer and enforce subdivision regulations; and develop, adopt, and enforce zoning and related regulations and codes;
- c. Require development to be connected to utilities and utilize zoning as a means to guide the progression of development;
- d. Protect the character and integrity, and property values, of single-family, residential areas;
- e. Protect residential neighborhoods from inappropriate non-residential influences through the use of regulatory controls;
- f. Ensure land use and development patterns which provide for the most efficient and effective use of available utilities and services, including fire protection; and,

- g. Maintain an adequate county road plan and standards to guide and accommodate traffic movement; to develop differing categories of roads; and to protect rights-of-ways for planned, future roads.

Site Visit:

A site visit was conducted by Planning Staff on 05/29/2018. 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.

Planning Staff will update the Board of any comments.

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

Planning Conditions:

1. This property split must be processed through both the City of Greenland and the County. Greenland's approval is required before the County can process this split administratively.

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

1. 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.

Environmental Conditions:

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

Utility Conditions:

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

Additional and Standard Conditions:

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office.
2. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
3. Lots that are over one-half acre in size will need to be addressed after the home location is known.
4. This CUP must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - This project does not require additional Planning Board review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

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

Public Comment

Leonard Gabbard, Surveyor at JLS representing both of the applicants, addressed the Board, "I think it is very amicable the way they are trying to work together to solve this. The Dorman Trust wanted me to ask a question, I would like to address it to one of you all, maybe Nathan would be the one to answer it. They

were concerned about the ability to split the property that is left. I have told Mr. Dorman that they would be able to do that as long as they meet the requirements of the authority having jurisdiction be it the County in this case. I think the city planning area is involved.”

Nathan Crouch, Planning Director, answered, “If the CUP is approved then we will process a planning area split. It will go through the city first and then come through the county planning office.”

Dan Dorman, Applicant for the project, addressed the Board, “When the Bohannon’s showed me the problem we decided to try to figure it out. What I thought we could do is a lotline adjustment. I thought it would be pretty easy administratively but I found out that it is not that simple. That was my idea to do a lotline adjustment and just be done with it. But if what we are doing here in essence is the same as a lotline adjustment, it would not affect our ability to split off. I would hate to be limited even by one; I don’t want to give away a split to get this done, if that is possible.”

Nathan Crouch explained, “When we first looked at this we realized that we wouldn’t be able to do a lotline adjustment since after the lotline adjustment is completed part of property would be inside the city and part would be out. It would be an assessor issue, so this is the reason we are going through this process. I spoke with the Mayor of Greenland, Mayor Groom, and he decided that it would be too cumbersome and costly to annex that piece of land. As far as counting towards the split count, I believe it will count towards the split count. You still have several splits left. You are not reaching the maximum yet, you still have two left after this. On a property as small as this one you couldn’t split it down too many more times anyway. You have a split count of one now and three more that you can do. That doesn’t necessarily limit you to the three more. That is just administratively. Beyond that you could come back here and we can revisit this then.”

Dan Dorman inquired, “So if you are giving me assurance I have at least three left right now, I think that will work on that piece. Again you are saying I can come back on that piece?”

Nathan Crouch went on, “You can come back and split two more times administratively through our office as long as they are one acre.”

Dan Dorman asked, “When you say split two more times, three pieces?”

Nathan Crouch replied, “Correct.”

Dan Dorman inquired, “To do a lotline adjustment, what was it going to take?”

Nathan Crouch responded, “We wouldn’t be able to do the lotline adjustment, because one parcel was in the city and one was out and they would be assessed differently through the Assessor’s Office and it just doesn’t go that way.”

Bob Daugherty, Planning Board Vice-Chairman, clarified, “Dan, you can always come back and get more splits with a minor subdivision. It would just have to come before the Planning Board. You are going to be limited to the two which would give you three parcels. If you wanted more then you would present it and it just be under the minor subdivision.”

Nathan Crouch added, “One thing that Sita mentioned and we are just speculating here but in the future if you want to split it and it were for family, by chance, family splits don’t count towards the split count so we could do those administratively.”

Dan Dorman stated, “It probably would not be a family split; it would be just for sale. I think that works. Thank you.”

William Myers, owns four acres between the two Dorman properties, addressed the Board, “Initially I thought I was going to come here and raise strenuous objections because if you look at the first page of this my name is on it three times. I do not own a garage out there, where it refers to me owning a garage. I learned as a second lieutenant, before many of you guys were born, that if there is a document with your name on it you better check every detail to make sure it is correct or you could potentially have problems. I think that has all been straightened out that I am not involved in this except as a neighbor. You mentioned my name when you were reciting up here but I couldn’t quite hear it, what did you say about me?”

Sita Nanthavong, Planner, cited, “I stated that ‘property owned by William Myers was the property with the new encroachment. This is incorrect. The correct property is property owned by the Betty Bohannon Family Revocable Trust’.”

William Myers remarked, “Great then you corrected it. I am not being encroached on and I don’t think I am encroaching on anybody else. Then I am going to go home. Thank you folks. Have a great evening.”

Public Comments Closed

Daryl Yerton made a motion to approve the **Doris Dorman Trust Residential CUP** subject to staff recommendations. Kenley Haley seconded. All board members present were in favor of approving. Motion passed.

LAND DEVELOPMENT HEARING

County

b. Twin Maples Acres Minor Sub Replat-Lots 2 & 3

Minor Subdivision Replat Request

Location: Section 28, Township 17, Range 31

Owners: Rocky L. & Tina Frye

Engineer: Alan Reid & Associates

Location Address: 17723 & 17737 Twin Maple Drive

Approximately +/- 1.85 acres/ 2 lots

Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.12483237, Longitude: -94.29404474

Project #: 2018-131

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

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision Approval Twin Maples Acres Minor Subdivision Replat of Lots PRD2 and PRD3. The request is to adjust a lot line between the two lots.

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 1, Tom Lundstrum

FIRE SERVICE AREA: Wheeler Rural

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE: Water- Washington Water Authority
Natural Gas- Black Hills Corp

Electric- Ozarks Electric
Cable- Cox Communications
Telephone- ATT

BACKGROUND/ PROJECT SYNOPSIS:

The Applicants, Rocky and Tina Frye, are requesting Minor Subdivision Replat approval for Lots PRD2 and PRD3 of Twin Maples Acres Subdivision.

The lot line between Lots PRD2 and PRD 3 would be moved south by ten (10) feet.

This would cause a wood shed to be within setback of the newly formed Lot PRD 2A. A variance for allow this building to reside within the building setback is also being requested.

The new acreage for the adjusted parcels are as follows:

Original Lot PRD2 0.92 ± acres	Adjusted Lot PRD2A 0.98± acres
Original Lot PRD3 0.92± acres	Adjusted Lot PRD3A 0.86± acres

Please see the attached documents for more detailed information.

TECHNICAL CONCERNS:

Sewer/Septic

This is a lot line adjustment. Soil analysis and/or septic design and permitting is not being required.

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 May 29, 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 Twin Maples Acres Minor Subdivision Replat of Lots PRD2 and PRD3 with the following conditions:

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. Have all signature blocks signed on 7 Final Plats - 2 for filing in the Circuit Clerk's office, 3 for the County Planning office, remainder for the developer. The Circuit Clerk is not accepting plats over 18" x 24" in size.

Washington County 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 **Twin Maples Acres Minor Sub Replat- Lots 2 & 3** subject to staff recommendations. Daryl Yerton seconded. All board members present were in favor of approving. Motion passed.*

VARIANCE HEARING

Fayetteville Planning Area

c. Sterling Variance for Street Frontage

Variance Request

Location: Section 32, Township 17, Range 29

Owners: Brent & Shauna Sterling

Engineer: Alan Reid & Associates

Location Addresses: 2966 Altus WC 353

Approximately: +/- 7.9 acres/ 1 lot

Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.10484393, Longitude: -94.08994390

Project #: 2018-159

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

REQUEST: The applicant is requesting a Variance from street frontage. The based on the acreage the required frontage is 100 feet. The applicant is proposing a "Planning Area Split", which will not come before the Planning Board, with each of the two proposed lots having 37.5 ft of street frontage.

The Variance request is to allow less than the required amount of street frontage on an exempt split inside Fayetteville's Planning Area.

CURRENT ZONING: Project lies within the County Zoned Area (Agricultural/Single-Family Residential 1 unit per acre). This project meets current zoning.

PLANNING AREA: This project is located within Fayetteville's Planning Area.

QUORUM COURT DISTRICT: District 15, Butch Pond

BACKGROUND/ PROJECT SYNOPSIS:

The property owner is requesting Variance from Sec. 11-79 (c)(3) to allow a reduced amount of street frontage. The code requires 100 ft of frontage on lots less than 5 acres, and 165 ft of frontage on lots 5 acres or larger.

This Variance has been reviewed and approved by the City of Fayetteville.

STAFF RECOMMENDATION

Staff recommends approval of the Brent Sterling Street Frontage Variance.

Washington County Planning Director, Nathan Crouch, presented the staff report for the Board Members.

Daryl Yerton, Planning Board Member, inquired, "Are they planning on having two driveways?"

Nathan Crouch responded, "They are going to use the same driveways, sir. The driveway is existing, as you can see it branches down. If I go into the survey you can see how the property line goes up the driveway there. They are creating the new lot to sell so the property line essentially is going to go right down the middle of the driveway."

Daryl Yerton asked, "Will there be an access easement?"

Nathan Crouch answered, "I believe so, yes."

Alan Reid, Engineer for the project, addressed the Board "Actually this was approved at the consent agenda at the last Planning Commission meeting in the City of Fayetteville. They received approval from their Planning Commission last Monday."

Nathan Crouch clarified, "I was unable to speak with the planner that worked it, and the other planner that reviewed the case while I was on the phone said "It looks like it would be approved, I don't see why it wouldn't". There were no notes on why it wouldn't be. Is there an access easement coming down the middle right there? I can't see it with all the diagramming on that."

Alan Reid responded, "I guess, there is another drawing that was given to Fayetteville there is a blowup of just the driveway itself showing an easement over the driveway. There will be shared easement agreements on survey. They will both have to contribute to the upkeep and everything like that. The main thing was that they had to do another water meter. Fayetteville will have to sign off on the water meter setting and the water line as being within their code but they did give them a variance on their frontage which is the only one they really needed."

No Public Comments

Public Comments Closed

Daryl Yerton made a motion to approve the Sterling Variance for Street Frontage subject to staff recommendations. Joel Kelsey seconded. All board members present were in favor of approving. Motion passed.

LAND DEVELOPMENT HEARING

Greenland Planning Area

d. White River Landing Preliminary LSD

(To be tabled at the request of the applicant)

Preliminary Large Scale Development Request

Location: Section 09, Township 15, Range 30

Owners: Terry Wayne & Lavona Presley

Engineer: Bates & Associates

Location Address: 5241 Shaeffer WC 69

Approximately: 10.31 acres/ 1 lot

Proposed Land Use: Private Recreational Space

Coordinates: Latitude: 35.98965276, Longitude: -94.16338163

Project #: 2018-133

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

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

5. OTHER BUSINESS

- Discussion of Current Development and Planning Department activities
- Nathan Crouch has been promoted to Washington County Planning Director
- Reminder to Elect Chairperson and Vice-Chairperson at next regular meeting
- Reminder of upcoming regular Planning Board Meetings:
 - July 12, 2018
 - August 23, 2018

Nathan Crouch addressed the Board, "So I have been meeting with the Fire Marshal and we are going over the Arkansas State Fire Code, and we have just been making a couple notes on what the fire code says versus what we have been enforcing in the past, and it looks like we might be able to use that in order to add to our Minor Subdivision at the same time while we are removing the Minor Subdivision from Planning Board review. I think that removing the Minor Subdivision from Planning Board Review has been a goal for a little while. Just wanted to let you know we are still working on it. We have hit this deal with the Fire Code and so we are going to wrap it up into the same ball. While we are at it we have issued a few Temporary CUP's over the last several months. The code for a Temporary CUP says up to fifteen consecutive days up to four times a year. What we ended up doing is issuing one for 60 days and

they ran concurrently, and we ran in to some issues with that, and they got in and interpreted the code and obviously it says fifteen consecutive. With that being said there are some Temporary CUP's out there that we feel we can issue on a seasonal basis in order to keep people going with their seasonal stuff like Christmas tree sales, Pumpkin Patch, Corn Maze. Depending on who you ask it might or might not be an agricultural use. That doesn't necessarily limit it to the corn maze or the pumpkin patch. I just wanted to let you know we are working on those."

6. OLD BUSINESS

7. ADJORN

Daryl Yerton moved to adjourn. Joel Kelsey seconded. All Board members present were in favor of approving. Motion passed.

Planning Board adjourned.

Minutes submitted by: Juliana Mendoza

Approved by the Planning Board on:

_____ Date: _____
Kenley Haley, Planning Board Member