

**MINUTES OF THE
REGULAR MEETING OF THE
WASHINGTON COUNTY QUORUM COURT**

Thursday, August 16, 2018
6:00 p.m.
Washington County Quorum Court Room

2018 SEP 24 PM 2:17
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

FILED

JP Bill Ussery called the meeting to order.

A motion to elect JP Ussery to preside over the meeting in Judge Joseph Wood's absence was made by JP Bowman and seconded by JP Lundstrum. A motion that nomination cease and JP Ussery be elected by acclamation was made by JP Pond and seconded by JP Deavens. A voice vote was called and all members present voted to approve the motion.

JP Robert Dennis led the prayer and pledge.

Members present were JP Daniel Balls, JP Harvey Bowman, JP Alicia Deavens, JP Robert Dennis, JP Lisa Ecke, JP Ann Harbison, JP Tom Lundstrum, JP Eva Madison, JP Sue Madison, JP Joel Maxwell, JP Joe Patterson, JP Butch Pond, JP Fred Rausch and JP Bill Ussery. JP Joseph Kieklak was absent.

A motion to remove agenda items 15.1 and 16.1 was made by JP Harbison and seconded by JP Pond. A voice vote was called and all members present voted to approve the motion. A motion to approve the agenda as amended was made by JP S Madison and seconded by JP Lundstrum. A voice vote was called and all members present voted to adopt the amended agenda.

A motion to suspend the rules and read all ordinances by title only was made by JP S Madison and seconded by JP E Madison. A voice vote was called and the motion passed with majority vote. JP Lundstrum opposed.

During citizen's comment time, JP Harbison, John McLarty, JP Bowman, Clell Ford, Annee Littell, and Connie Crisp spoke about the Open Space Plan. A motion to suspend the rules and extend the public comment time to allow two more citizens to speak was made by JP Pond and seconded by JP Harbison. There were no more public comments; therefore, JP Pond and JP Harbison withdrew their motions.

A motion to approve the July 19th minutes was made by JP S Madison and seconded by JP Deavens. A voice vote was called and all members present voted to approve the minutes.

Treasurer Bobby Hill presented the Treasurer's Report to the Quorum Court. There were comments made by JP Harbison, JP S Madison, and JP Maxwell.

JP Ussery gave the Judge's Report. He presented to the Court the Comptroller's Report for July. He gave an update on the Crisis Stabilization Unit, which JP Maxwell spoke on the benefits it will offer and explained the process. JP Ussery presented the County Library Board appointment of Travis Warren. A motion to appoint Travis Warren to serve on the County Library Board was made by JP Pond and seconded by JP Harbison. A voice vote was called and all members present voted to approve the appointment.

JP Maxwell introduced agenda item 9.1. The County Library requested a line-item transfer of \$3160 from 3008-0610-2001 to 3008-0610-2009. This will replace outdated and inoperable workstations. A motion to approve the line-item transfer was made by JP Maxwell and seconded by JP Harbison. A voice vote was called and all members present voted to approve the line-item transfer.

JP Maxwell introduced agenda item 10.1. County Attorney Lester read the ordinance by title only, "AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$30,314.77 AND APPROPRIATING ADDITIONAL REVENUES OF \$30,314.77 IN VARIOUS FUNDS FOR 2018". A motion to adopt the ordinance was made by JP Maxwell and seconded by JP Harbison. A roll call vote was called and all members present voted to adopt the ordinance.

Ordinance 2018-32, AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$30,314.77 AND APPROPRIATING ADDITIONAL REVENUES OF \$30,314.77 IN VARIOUS FUNDS FOR 2018, was adopted.

JP Maxwell introduced agenda item 11.1. County Attorney Lester read the ordinance by title only, "AN ORDINANCE RECOGNIZING AND APPROPRIATING REVENUE OF \$16,351 IN THE GENERAL FUND". A motion to adopt the ordinance was made by JP Maxwell and seconded by JP Deavens. There was a comment made by JP E Madison. There was no public comment. A roll call vote was called and all members present voted to adopt the ordinance.

Ordinance 2018-33, AN ORDINANCE RECOGNIZING AND APPROPRIATING REVENUE OF \$16,351 IN THE GENERAL FUND, was adopted.

JP E Madison made a point of order request because agenda item 10.1 public comment was not requested. A motion to expunge the vote on agenda item 10.1 and to allow the public to comment was made by JP E Madison and seconded by JP S Madison. A voice vote was called and all members present voted to approve the motion. County Attorney Lester read the ordinance by title only, "AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$30,314.77 AND APPROPRIATING ADDITIONAL REVENUES OF \$30,314.77 IN VARIOUS FUNDS FOR 2018". A motion to adopt the ordinance was made by JP Maxwell and seconded by JP Deavens. There was no public comment. A roll call vote was called and all members present voted to adopt the ordinance.

Ordinance 2018-32, AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$30,314.77 AND APPROPRIATING ADDITIONAL REVENUES OF \$30,314.77 IN VARIOUS FUNDS FOR 2018, was adopted.

JP Maxwell introduced agenda item 12.1. County Attorney Lester read the ordinance by title only, "AN EMERGENCY ORDINANCE AUTHORIZING THE COUNTY TO DO BUSINESS WITH JOHN RAUSCH AND BUDDY COLEMAN D/B/A STRATEGIC REALTY/RAUSCH COLEMAN". A motion to adopt the ordinance was made by JP Maxwell and seconded by JP Harbison. There were comments made by various members of the Court, County Attorney Lester, and Chief of Staff Carl Gales. A call for the question was made by JP Bowman and seconded by JP E Madison. A voice vote was called and all members present voted to approve the call for the question. There was no public comment. A roll call vote was called and the votes were tallied as follow:

JP Balls- Yes
JP Bowman - Yes
JP Deavens - Yes
JP Dennis - Yes
JP Ecke - Yes
JP Harbison - Yes
JP Kieklak - Absent
JP Lundstrum - No
JP E Madison - No
JP S Madison - No
JP Maxwell - Yes

JP Patterson - Yes
JP Pond - Yes
JP Rausch - Abstain
JP Ussery – Yes

Ordinance 2018-34, AN EMERGENCY ORDINANCE AUTHORIZING THE COUNTY TO DO BUSINESS WITH JOHN RAUSCH AND BUDDY COLEMAN D/B/A STRATEGIC REALTY/RAUSCH COLEMAN, was adopted.

JP Ecke introduced agenda item 13.1. County Attorney Lester read the ordinance by title only for a second reading, “AN ORDINANCE REPEALING ARTICLE 3, SECTION 3 OF WASHINGTON COUNTY ORDINANCE NO. 1999-03 (CODIFIED AS WASHINGTON COUNTY CODE 192(C)(3))”. A motion to suspend the rules and move the ordinance to a third and final reading was made by JP Ecke and seconded by JP Harbison. A roll call vote was called and the votes were tallied as follow:

JP Balls- No
JP Bowman - Yes
JP Deavens - Yes
JP Dennis - Yes
JP Ecke - Yes
JP Harbison - Yes
JP Kieklak - Absent
JP Lundstrum - No
JP E Madison - No
JP S Madison - No
JP Maxwell -No
JP Patterson -Yes
JP Pond -Yes
JP Rausch -Yes
JP Ussery -Yes

The motion to suspend the rules did not pass for a third and final reading. This will be placed on next month’s agenda.

JP Pond introduced agenda item 14.1. JP Pond read the ordinance by title only for a second reading, “AN ORDINANCE DENYING A CONDITIONAL USE PERMIT DENIED BY THE PLANNING AND ZONING BOARD (OLD WIRE SERVICES AND RECREATIONAL)”. A motion to suspend the rules and move the ordinance to a third and final reading was made by JP E Madison and seconded by JP S Madison. A voice vote was called and the motion passed with majority vote. JP Harbison opposed. County Attorney Lester read the ordinance by title only for a third and final reading, “AN ORDINANCE DENYING A CONDITIONAL USE PERMIT DENIED BY THE PLANNING AND ZONING BOARD (OLD WIRE SERVICES AND RECREATIONAL)”. A motion to adopt the ordinance was made by JP Pond and seconded by JP S Madison. There were comments made by various members of the Court and County Attorney Lester. A call for the question was made by JP Bowman and seconded by JP Balls. A voice vote was called and all members present voted to approve the call for the question. During public comment, the Applicant’s Attorney, JR Carroll spoke against denying the CUP and answered questions from the Court. Tim Foster, Kaylah Atungulu spoke in favor of denying the CUP. A call for the question was made by JP Harbison but failed to receive a second. Jody McAlister spoke in favor of denying the CUP. A roll call vote was called and the votes were tallied as follow:

JP Balls- Yes
JP Bowman - Yes
JP Deavens - Yes

JP Dennis - No
JP Ecke - Yes
JP Harbison - Yes
JP Kieklak - Absent
JP Lundstrum - No
JP E Madison - Yes
JP S Madison -Yes
JP Maxwell - Abstain
JP Patterson - Yes
JP Pond -Yes
JP Rausch - Yes
JP Ussery - Yes

Ordinance 2018-35, AN ORDINANCE DENYING A CONDITIONAL USE PERMIT DENIED BY THE PLANNING AND ZONING BOARD (OLD WIRE SERVICES AND RECREATIONAL), was adopted.

County Services, Public Works, and Finance & Budget did not meet this month due to lack of an agenda.

JP Ecke gave an update on Personnel – There was discussion on the ordinance to repeal and review of the handbook. There was a comment made by JP E Madison and JP Maxwell.

JP Maxwell gave an update on Jail/LE/Courts – There was discussion on jail overcrowding, pre-trial detainee’s time and cost while in jail. Public Defender’s Office spoke on the process of their office. Received feedback from the Sheriff’s Office about what the best choices are for the overcrowding at the jail.

During “Other Business” JP S Madison spoke on the definition of agricultural uses. There was a comment made by Planning Director Nathan Crouch. JP E Madison spoke on the temporary conditional use permit. There were comments made by Planning Director Nathan Crouch and County Attorney Lester. JP E Madison also wanted to wish the Court’s long-time reporter Scarlet Sims the best; she took a job in Little Rock, AR. JP Dennis spoke on the overcrowding of the jail and thanked the West Fork 4H for the refreshments they provided for the Quorum Court meeting. JP Bowman spoke on the production of marijuana as agricultural. JP Harbison spoke on the compatibility of a neighborhood. There was a comment made by County Attorney Lester.

A motion to adjourn the meeting was made by JP Ecke and seconded by JP Deavens. The meeting was adjourned at 8:15 p.m.

Respectfully submitted by



Patty Burnett
Quorum Court Coordinator

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

2018 AUG 20 AM 10:48

FILED

ORDINANCE NO. 2018-32

APPROPRIATION ORDINANCE:

**BE IT ORDAINED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:**

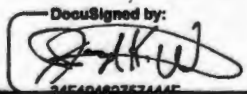
**AN ORDINANCE RECOGNIZING ADDITIONAL
REVENUES OF \$30,314.77 AND
APPROPRIATING ADDITIONAL REVENUES
OF \$30,314.77 IN VARIOUS FUNDS FOR
2018.**

ARTICLE 1. There are hereby recognized additional revenues
in the following revenue line items for 2018:

<u>Drug Enforcement-State:</u>			
State Drug Seizures	(3404-7408)	\$ 12,603.21	
Interest Income	(3404-7501)	<u>277.74</u>	12,880.95
<u>Drug Enforcement-Federal:</u>			
Federal Drug Seizures	(3405-7409)	\$ 17,251.48	
Interest Income	(3405-7501)	<u>182.34</u>	17,433.82
TOTAL REVENUES:			<u>\$ 30,314.77</u>

ARTICLE 2. There are hereby appropriated the total amount
of \$30,314.77 from the various County Funds to line items in the following budgets for 2018:

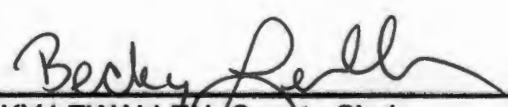
<u>Drug Enforcement-State Fund/Drug Enforcement State:</u>		
Small Equipment	(34040400-2002)	12,880.95
<u>Drug Enforcement-Federal Fund/Drug Enforcement Federal:</u>		
Small Equipment	(34050400-2002)	17,433.82
TOTAL APPROPRIATION:		<u>\$ 30,314.77</u>

DocuSigned by:

34F10102757444F

Joseph K. Wood, County Judge

8-20-18

Date



BECKY LEWALLEN County Clerk

Sponsor: Bill Ussery
Date of Passage: August 16, 2018
Votes For: 14 Votes Against: 0
Abstention: 0 Absent: 1

ORDINANCE NO. 2018-33

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

2018 AUG 20 AM 10:49

FILED

APPROPRIATION ORDINANCE

BE IT ENACTED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE RECOGNIZING AND
APPROPRIATING REVENUE OF \$16,351 IN THE
GENERAL FUND

ARTICLE 1. There is hereby recognized revenue of \$16,351
from State Farm Insurance in the General Fund (1000-8718) from Insurance Proceeds
regarding a totaled 2011 Jeep Grand Cherokee Vin #7338 for 2018.

ARTICLE 2. There is hereby appropriated the amount of
\$16,351.00 from the General Fund to the following Line Items of the Assessors 10000105
Operating budget for 2018.

<u>Assessor's General Budget</u>	
Vehicles (10000105.4005)	<u>\$16,351</u>
 TOTAL APPROPRIATION:	 <u>\$ 16,351</u>

DocuSigned by:

34F19482757444F...

JOSEPH K. WOOD, County Judge

8-20-18

DATE


BECKY LEWALLEN, County Clerk

Sponsor: Bill Ussery
Date of Passage: August 16, 2018
Votes For: 14 Votes Against: 0
Abstention: 0 Absent: 1

FILED
2018 AUG 20 AM 10:49
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON

ORDINANCE NO. 2018-34

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN EMERGENCY ORDINANCE AUTHORIZING THE COUNTY TO DO BUSINESS WITH JOHN RAUSCH AND BUDDY COLEMAN D/B/A STRATEGIC REALTY/RAUSCH COLEMAN.

WHEREAS, A.C.A. §14-14-1202 requires the Quorum Court to find that it is in the best interest of the County and that unusual circumstances exist before a family member of an elected official can do business with the County; and,

WHEREAS, the County recently requested statements of qualifications from individuals and firms interested in providing contract Project Development Services to the County; and,

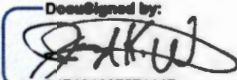
WHEREAS, following the review and grading of said statements, the County would like to do business with Strategic Realty/Rausch Coleman for Project Development Services based on the services they can provide.

WHEREAS, John Rausch is the son of JP Fred Rausch and Buddy Coleman is the father-in-law of JP Fred Rausch.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:


ARTICLE 1. The Quorum Court hereby finds that it is in the best interest of the County, and that unusual circumstances exist, such that the County is authorized to do business with, and utilize the services of, John Rausch and Buddy Coleman, d/b/a Strategic Realty/Rausch Coleman.

ARTICLE 2. Emergency Clause: It is hereby determined that it is in the best interest of the citizens of the County for this ordinance to be effective immediately; and the general health, safety and welfare of the citizens are affected by such for the reasons as set out above; therefore, an emergency is declared to exist and this ordinance shall be, and it, effective from the date of passage.

DocuSigned by:

31E10A82757444E

JOSEPH K. WOOD, County Judge

8-20-18
DATE



BECKY LEWALLEN, County Clerk

Sponsor: Bill Ussery
Date of Passage: August 16, 2018
Votes For: 10 Votes Against: 3
Abstention: 1 Absent: 1

FILED
2018 AUG 20 AM 10:45
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON COUNTY AR

ORDINANCE NO. 2018-35

**BE IT ENACTED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:**

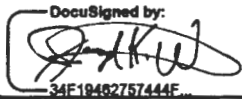
**AN ORDINANCE DENYING A CONDITIONAL USE
PERMIT DENIED BY THE PLANNING AND
ZONING BOARD.**

WHEREAS, the Planning and Zoning Board denied a Conditional Use Permit on May 3, 2018 for the Old Wire Service and Recreational Facilities; and,

WHEREAS, following the appeal hearing requested by the applicant, the Washington County Quorum Court hereby denies the Conditional Use Permit, with conditions, for Old Wire Service and Recreational Facilities.

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM
COURT OF WASHINGTON COUNTY, ARKANSAS:**

ARTICLE 1. That the Conditional Use Permit for Old Wire Service and Recreational Facilities is hereby denied.

DocuSigned by:

34F19482757444E...

JOSEPH K. WOOD, County Judge

8-20-18

DATE



BECKY LEWALLEN, County Clerk

Sponsor: Butch Pond
Date of Passage: August 16, 2018
Votes For: 11 Votes Against: 2
Abstention: 1 Absent: 1



WASHINGTON COUNTY PLANNING OFFICE

2615 Brink Dr.
Fayetteville, AR 72701
(479) 444-1724
(479) 973-8417

Agenda Item

D

Meeting: May 3, 2018
Project: Old Wire Service & Recreational
Facilities CUP
Project Number: 2017-199
Planner: Sita Nanthavong
snanthavong@co.washington.ar.us

ZONING – CONDITIONAL USE PERMIT REQUEST

The determination as to whether a conditional use permit will be granted is subjective to a degree.
The Zoning Board of Adjustments may act on issues discussed in the criteria checklist when making decisions in these matters.

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: City of Fayetteville Planning Area

QUORUM COURT DISTRICT: District 15, Butch Pond

FIRE SERVICE AREA: Goshen VFD

SCHOOL DISTRICT: Fayetteville

INFRASTRUCTURE: Water- Fayetteville

Electric- Ozarks Electric

Natural Gas- Black Hills

Telephone- AT&T

Cable- Cox Communications

BACKGROUND/PROJECT SYNOPSIS:

The project was tabled at the Washington County Planning Board on January 11, 2018 by the Planning Board members. Please see page 6 through 18 from the included excerpt of the Minutes from the January 11, 2018 Planning Board meeting for more details.

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 and has no further comments.

If the proposed future drive connection is ever constructed, Mr. Moore would again review the drainage at the time.

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:

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

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 Preliminary Large Scale Development has been approved by the Planning Board.**
- 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.**

PRIOR PLANNING BOARD/ZONING BOARD OF ADJUSTMENTS ACTION:

_____	CUP Approved
_____	CUP Ratified
<u>May 3, 2018</u>	Denied
_____	Tabled