

**MINUTES**  
**WASHINGTON COUNTY ZONING BOARD OF ADJUSTMENTS**  
**August 27, 2020**  
5pm, Virtual Meeting via Zoom

DEVELOPMENT REVIEWED:

ACTION TAKEN:

**VARIANCE HEARING**

Fayetteville Planning Area

**a. Blackberry Ridge Subdivision Variance**

**Approved**

1. ROLL CALL: *Roll call was taken. Members present include Randy Laney, Robert Daugherty, Walter Jennings, Joel Kelsey, Jay Percy, Philip Humbard and Neil Helm. All Board Members were present.*

2. APPROVAL OF THE AGENDA: *Philip Humbard made a motion to approve the agenda as written. Neil Helm seconded. All board members were in favor of approving. Motion passed.*

3. NEW BUSINESS

**VARIANCE HEARING**

Fayetteville Planning Area

**a. Blackberry Ridge Subdivision Variance**

*Variance Request to allow the block length of the development to exceed 1400 feet and to allow the installation of swales instead of ditches along the roadside*

Location: Section 26, Township 17, Range 31

Applicant: Crafton & Tull

Location Address: W Weir WC 94

Approximately: +/- 87.93 acres / 65 lots

Coordinates: Latitude: 36.11710628, Longitude: -94.2430279

**Project #: 2020-126 Planner: Sita Nanthavong email: [snanthavong@co.washington.ar.us](mailto:snanthavong@co.washington.ar.us)**

**REQUEST:** The applicant is requesting a variance to allow the block length of the development to exceed 1400 feet and to allow the installation of swales instead of ditches along the roadside.

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

**PLANNING AREA:** City of Fayetteville

**FIRE SERVICE AREA:** Wheeler Rural

**QUORUM COURT DISTRICT:** 7, Sam Duncan

**SCHOOL DISTRICT:** Fayetteville

**INFRASTRUCTURE:** Water- Fayetteville Water  
Natural Gas- Black Hills Corp Telephone- AT&T

Electric- Ozarks Electric  
Cable- None

**BACKGROUND/ PROJECT SYNOPSIS:**

The applicant, Tenfield Planters, LLC, with representation from Crafton Tull, is requesting a variance to allow the block length of the development to exceed 1400 feet and to allow the installation of swales instead of ditches along the roadside. Sec. 11-88. - Residential lot and block standards for subdivision, paragraph (d2), states that "blocks shall be at least three hundred (300) feet long, but no longer than fourteen hundred (1,400) feet". The applicant is requesting a variance to allow the block length of the development to exceed 1400 feet. The applicant states that the longest block of the proposed subdivision is approximately 1600 feet. The applicant has developed the subdivision with a lot of thought to the project site's topography. The site rises approximately 100 feet up from W Weir Rd WC 94 and the main drive through development follows the hilltop. The applicant found it impractical to stub out an additional road. Appendix B, Figure 9 details the typical street section. The applicant is requesting a variance to allow

installation of shallow swales instead of defined ditches. The applicant fears that potential lot owners may find ditches unappealing. The swales have been designed to ensure adequate drainage.

**STAFF RECOMMENDATION:** Staff recommends approval of this variance request.

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

*Philip Humbard, Planning Board Member, stated, "I am a little concerned about the depth of the swales being only 12 inches. That would be all right after construction. After the grass got growing and everything. That just seems to be pretty minimum. They may have to come back and regrade those at some point."*

*Joseph Fifer, Engineer with Crafton & Tull for the proposed project, addressed the Board, "In keeping with the rural feel we wanted a shallow swale that the homeowner could easily maintain it. At the driveways. They will have a 12 inch culvert there that they'll most likely have to slope up and over, but because the road is up on top of the mountain. There's really very little drainage that will be conveyed through that swale. It's just the water off the road and at certain locations it's put into ponds on site. We are comfortable with it. If the grades needed to be adjusted for capacity reasons we'll make sure that the capacity is there."*

*Philip Humbard responded, "You may have to come in later and re-grade them to make them to where they'll actually drain. That is just my thought. You are probably right."*

*Keith Tenclieve, Developer for the proposed project, addressed the Board, "My family is hoping to be the first residents out here at Blackberry Ridge. We have several items on here. I just thought it would be helpful for the board to understand what we are trying to accomplish out here. This is really our attempt to create a rural and conservation type neighborhood. We are trying to combine both the best of front porch and back porch living from the house spacing to the trails. We are trying to create soft surface trails throughout there that you can see through the rendering that she is showing. The brown lines throughout the woods are trying to be trails and trying to create community areas and fishing ponds and things like that to create both a neighborhood and a rural flavor to show off the natural beauty of the area. You can see that all of the houses back up to the woods and really showcase that. We really think that this area of the county is a beautiful place and we are trying to show that off within a neighborhood setting. I'm on the phone if you have any questions for me. I'll chime in a time or two. Just know that I am available if you have any questions."*

#### *Public Comment*

*Justin Blake, Member of the public, addressed the Board, "My concern is the drainage at the bottom. I have seen three foot of water running down that road. You can put swales up there, you can put ponds, you can put whatever, but eventually those ponds are going to run over. The water is going to have to go somewhere and everybody that's downstream from that is going to get flooded. I've driven down that road and had water running in the bottoms of the doors of my pickup. The bridge has washed out several times down there. It's not a good thing for this area; it's not set up for it."*

*Sita Nanthavong responded, "The Washington County Road Department has been working with Crafton & Tull the engineers for the applicant. What they have come up with, unfortunately, is not short term. It will take time to complete all of this, but they are working towards paving all of that down there. Also, to work on the drainage. It will take time to do the drainage study to find out who will let them have easements so they can drain along the road all the way down to the creek. They're expecting for this to be anywhere from a two to three year project. They've started now with design and reassembling of their crews to purpose them in that area to start on the paving of the roads. Hopefully, the flooding will abate, but honestly we won't know until they complete whether or not it works."*

*Nathan Crouch, Planning Board Director, detailed, "In addition to a Conditional Use Permit and Preliminary Large Scale, and preliminary being more of a conceptual design of the subdivision. After preliminary is approved, if it does. Then, we move to construction plan review. At that time, our engineer and their engineers will get together and make sure that all the math works with the drainage area and the ditches that they're going to have to build down along Weir Road. No doubt there is a big drainage issue down there and Weir Road floods, but the County has committed to chip and seal that road down there. The applicant is going to cost share with the section between his two roads. In the construction plan review phase, after this, is whenever the engineers are going to get together and make all that drainage work. There are still drainage easements that need to be acquired from neighboring properties. Once they secure right-of-way from some of the neighbors down on Weir Road they will know exactly what they have to work with on the width of the right-of-way and they'll be able to build the larger ditches at that point. Thank you."*

*Joel Kelsey, Planning Board Chairman, inquired, "Nathan, what happens if they don't acquire the easements?"*

*Nathan Crouch replied, "Well, we've got 50 feet, 25 on each side of the centerline automatically, but the road isn't built that way. The road is pretty narrow and widens up and goes narrow again. After having been cut down with the road graders so much over the years it seems to be functioning as a storm-water conveyancer ditch itself. What they will need to do is go down there and acquire, and I said acquiring the right-of-way and the easements, the applicant is working on acquiring a drainage easement from some of the neighbors downstream, in order to get that water off this area, off his property and off Weir Road and down to the river. If all the drainage easements aren't acquired, then they are going to have to switch gears and get it all figured out. The construction plan review phase coming up next is when the engineers are going to start working on that."*

*Mary Alice Kelley, Neighbor on the Northside of the boundary line of the proposed project, addressed the Board, "I am actually the person who sold the property to Mr. Tenclieve. I really appreciate everything that he is doing to try to make it aesthetic and keep it a rural site, but what Justin Blake said is something that the County clearly needs to think about. This is my first opportunity to actually talk to the County about it, because I was not invited to the first County meeting for some reason. In the last five years we've had tremendous increases in the rainfall and the drainage problems. Anybody who has worked for the County for a while can remember that about three years ago when it rained it, actually almost took out my 150 year old barn because the County had put a culvert in at the wrong place. All the water was forced to go right next to my barn and it literally caused a 6 foot ditch. I mean six foot deep. That's a serious problem to think about in terms of what the water flow is going to happen. I appreciate the fact that thinking about how all the asphalt is going to make it easier, but in fact I think it may make it worse because the water will flow down that asphalt even quicker. Again, that property percolates extremely well, which is a good thing. Weir Road does not percolate. The Weir Road that's right at the very bottom where the two entrances are is pretty much a mud bog when it rains. When I say mud bog I mean that you can barely get even a four-wheel drive across it. I concur with Justin Blake, in that the water, and this is just a rainfall that nobody in Fayetteville even notices, but when we've had a heavy rainfall we do have actual three foot deep water and it digs out Adams Road to the point where you cannot even get past it. It literally cuts out huge portions of Adams Road. I could see how that could actually get worse. Whatever it is that the County does, and I hope I get invited to the engineering portions of this. All I really want you to do is to make sure that Mr. Tenclieve and Crafton & Tull are taking in all the consideration that they need to. To make ditches for the runoff not to wipe out the entire subdivision, wipe out Weir Road, wipe out the builder backs who live on the side of that property, and anybody else who should build in that area is literally going to be wiped out or washed out from the runoff. I don't understand what a swale is. I understand what a ditch is and 12 inches is nothing. Nothing. I am talking about we have a heavy rain it is more than 12 inches of ruts in Adams Road. The only reason why there is not ruts in Weir Road is because it is just mud that's more than 12 inches deep. I just want to make sure that the County and I know the County road graders understand this, because they are out there trying to keep the roads clear, but*

*everybody who is in on this planning needs to make sure that whatever it is that is done, is done so that that runoff does not become even more complicated. I have one question for you. When you keep saying that the runoff is going to go into the creek, you are not talking about Clear Creek are you? Clear Creek is on the Northside of my property.”*

*Nathan Crouch responded, “I am not sure which property is yours ma’am.”*

*Mary Alice Kelley clarified, “I am on the Northside. I am the North end of his property.”*

*Joel Kelsey interjected, “Are these concerns that need to be addressed when we get to the Planning Board Agenda since this is just a Variance?”*

*Mary Alice Kelley continued, “Right, and I am saying that if it isn’t good enough to funnel all that drainage, and it will be tons of gallons of water. That’s what I’m saying. It’s not just a nice little rain with runoff that the little ponds can take up. It’s not going to happen. It’s just going to be like a huge flood. When you say it runs into the creek, are you talking about whatever it is that’s a dry creek. There is a dry creek that’s down on the other side of Weir Road.”*

*Nathan Crouch replied, “I’m the one that mentioned the creek and I am not sure which creek. I am not sure of the name of it. We do have some of the engineers from the project on the line. Why don’t we let them address it?”*

*Joseph Fifer specified, “The creek we were referencing is south of Weir Road. As far as the swales go, the only places we’re asking for the variance are where you see the sidewalk up on top of the hill. The roads that come down the hill towards Weir Road and in the cross section that we are proposing to construct on Weir Road is the County recommended ditch width, depth and all that. You see near the sidewalks, there’s no runoff from offsite coming across there. It’s just what is draining off the road. None of the runoff that the neighbors have been mentioning is going to be conveyed at any point through the swales. The issue is on Weir Road and we are proposing to do what the County recommends.”*

*Tom Hennelly, Engineer with Crafton & Tull for the proposed project, addressed the Board, “The 12 inch ditch that we’re talking about is only within the subdivision. We are only collecting the water that comes off of those ridges, which are very small drainage areas. The depth of those swales have been sized so that they’ll handle what’s running off of the home sites only. I think it’s important to note that the development as a whole is being designed so that it meets the County’s drainage requirements with the detention. At the points of discharge there is only going to be the amount of runoff of those discharge points are going to be exactly what it is right now. We’ve got outlet structures that are sized to control that runoff, to be honest, any existing issues along Weir Road, this is the opportunity to address those issues. The fact that this development is going in and Mr. Tenclieve has agreed to cost share with the County to help improve Weir Road. Historically, what’s gone on is that the County has gone in there and graded the road out. The road gets graded, and it gets graded and all of a sudden now you’ve got a road below the ground level. It only makes sense that what these residents are seeing is happening because the water is combining in the road and the road is the low point. With these improvements that we are talking about to Weir Road the road will actually get built back up. There will be ditches established on either side of that road. I am not talking about 12 inch ditches. I am talking about designated roadside swales that are sized to handle the runoff that’s coming to them so that you can keep the road from being inundated with water and keep the water where it needs to be and bring it through drainage structures to the creek south of Weir Road. I just wanted to clarify that because it sounded like there was a lot of confusion between 12 inch ditches along Weir Road or the fact that Weir Road was flooding now. Which it is. We are not denying that. We are just saying that through the course of this development Weir Road is going to become a better condition than what it is today.”*

*Nathan Crouch added, “I heard one person talk about asphaltting Weir Road and I just wanted to clarify*

*that they're proposing to chip and seal it."*

*Public Comment Closed*

*Randy Laney made a motion to approve **Blackberry Ridge Subdivision Variance** subject to staff recommendations. Neil Helm seconded. All board members were in favor of approving. Motion passed.*

**4. Adjourn**

*Zoning Board of Adjustments adjourned.*

Minutes submitted by: Juliana Mendoza

Approved by the Planning Board on:

\_\_\_\_\_ Date: \_\_\_\_\_  
Joel Kelsey, Planning Board Chairman

**MINUTES**  
**WASHINGTON COUNTY PLANNING BOARD**  
**August 27, 2020**  
Following the ZBA Meeting, Virtual Meeting via Zoom

DEVELOPMENTS REVIEWED: ACTION TAKEN

**CONDITIONAL USE PERMIT HEARING**

Fayetteville Planning Area

**a. Blackberry Ridge Subdivision CUP** **Approved**

**LAND DEVELOPMENT HEARINGS**

Fayetteville Planning Area

**b. Blackberry Ridge Preliminary Subdivision** **Approved**

County

**c. Minor Subdivision Replat Lot 214 Wedington Woods Unit II** **Approved**

Lincoln Planning Area

**d. Minor Subdivision Replat Tract B Longwith Acres** **Approved**

County

**e. Maxine Carney Minor Subdivision** **Approved**

County

**f. Minor Subdivision Replat Lots 3 & 4 War Eagle Cove** **Approved**

County

**g. Plunkett Replat of Summers Original Subdivision** **Approved**

**CONDITIONAL USE PERMIT HEARINGS**

County

**h. Frizzell Family Homes Residential CUP** **Tabled**

County

**i. Ken's Auto Sales CUP** **Tabled**

Greenland Planning Area

**j. Ball Metal Fabrication & Hotrods CUP** **Approved**

1. ROLL CALL: *Roll call was taken. Members present include Randy Laney, Walter Jennings, Robert Daugherty, Philip Humbar, Neil Helm, Jay Percy and Joel Kelsey. All Board Members were present.*

2. APPROVAL OF MINUTES: *Philip Humbar made a motion to approve the minutes of June 11, 2020 and July 23, 2020. Randy Laney seconded. All Board Members were in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA: *Philip Humbar made a motion to approve the amended agenda as presented to reflect that item h. Frizzell Family Homes CUP has been tabled at the request of the applicant. Neil Helm seconded. All board members were in favor of approving. Motion passed.*

4. NEW BUSINESS

**CONDITIONAL USE PERMIT HEARINGS**

Fayetteville Planning Area

**a. Blackberry Ridge Subdivision CUP**

***Conditional Use Permit Request***

Location: Section 26, Township 17, Range 31

Applicant: Crafton & Tull

Location Address: W Weir Rd WC 94

JP District: Sam Duncan, District 7

Approximately: +/- 87.93 acres / 65 lots

Coordinates: Latitude: 36.11710628, Longitude: -94.24930279

**Project #: 2020-125**

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

**REQUEST:** Tenfield Planters LLC is requesting **Conditional Use Permit** approval allow lots in the proposed Blackberry Ridge subdivision to be less than one (1) acre in an area where agricultural and single family uses are allowed by right.

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

**PLANNING AREA:** Fayetteville

**FIRE SERVICE AREA:** Wheeler

**QUORUM COURT DISTRICT:** District 7, Sam Duncan

**SCHOOL DISTRICT:** Fayetteville

**INFRASTRUCTURE: Water-** Fayetteville Water

**Telephone-** AT&T

**Electric-** Ozarks

**Cable-** None

**Natural Gas-** Black Hills

**BACKGROUND/PROJECT SYNOPSIS:**

The applicant, Tenfield Planters, LLC, with representation from Crafton Tull, is seeking Conditional Use Permit approval to allow lots in the proposed Blackberry Ridge Subdivision to be less than one (1) acre per lot. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The project parcel is in the City of Fayetteville planning area. The subject parcels (001-17343-000 & 001-17315-000) are approximately 88 acres (more or less) total in size and are owned by Tenfield Planters, LLC. The project is located off of W Weir Road WC 94 on the west side of the City of Fayetteville near Wheeler Road WC 84. The applicant is proposing to develop a subdivision known as Blackberry Ridge Subdivision consisting of 66 lots. There are lots within the proposed subdivision that are less than an acre in size. Since the density is less than one (1) acre, the applicant is requesting a Conditional Use Permit to allow a smaller density. Please see the attached documents for more detailed information.

**TECHNICAL CONCERNS:**

**Utilities:**

Ozarks Electric is the provider for this area. These are their comments/concerns:

1. Any damage or relocation of existing facilities will be at owner’s expense.
2. All lot corners must be marked with stakes clearly identifying the lot number and all utility easement widths and road crossing requirements will be defined on the plat before Ozarks will begin construction.
3. All off site easements that are needed for Ozarks to extend electrical service to the subdivision property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. All conduits placed for the road crossings will be installed by the developer and must be 4 inch schedule 40 conduits at 48 inch in depth at final grade and marked with a post to identify the end of conduits. Conduits must extend past the edge of any obstructions so that they are accessible during construction. The number of conduits at the crossing will be determined by each utility provider that will be using the conduits at the road crossing. (Bare minimum of 5 Pipes)
5. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat. All conduits for road crossings and specific widths of U.E., Lot size, St. Light location and address to Lots must be shown on final plat before Ozarks Electric will sign the final plat.
6. Subdivisions will be built using Ozarks Electric Policy 45 (Developer is responsible for a percentage of the total cost of construction which is determined at the time the engineering design



- for electrical service) There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
7. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
  8. Developer must notify Staking Tech. if they are interested in Ozarks Street Lights or if they will be installing their own. If interested in Ozarks Street Light a picture will be provided if asked. Will need St. Light location on final plat. If developer decide to go with their own contact Cooperative representative below.
  9. Please contact Ozarks Electric when construction begins on subdivision and again when construction is within three months of completion.  
Mike Phipps at 479-684-4696 OR (mphipps@ozarksecc.com)
  10. Crafton Tull will need to contact Mike Phipps for utility crossings. Possible charge to developer if 3 phase power needs to be extended to site.

AT&T provides phone service for this area. They did not have comments/concerns.

City of Fayetteville provides water for this area. These are their comments/concerns:

1. The proposed 4" waterline connection through the subdivision is adequate for domestic water meters.
2. If fire hydrants are required per the fire marshal review, additional offsite upgrades will be necessary to the existing 4" waterlines.
3. Detailed engineering review of the waterline plans will be performed when a grading/utility permit application is submitted to the City.

**Fire Issues:**

The Washington County Fire Marshal did not have comments/concerns.

**Health Department Issues:**

The Health Department had no concerns/comments.

**Road Issues:**

The Washington County Road Department had the following concerns/comments:

1. Any work in the County Right of Way will require a permit. Please contact the Road Department.
2. There is to be no parking in the Washington County right of way at any time.

**Drainage:**

1. All requests and concerns by the County Engineer must be addressed and found satisfactory.

**Environmental Concerns:**

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:**

1. No signage is allowed within Washington County's road right-of-way (ROW).

**Lighting:**

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 (see attached diagram).

**Screening:**

1. The applicant must utilize an opaque screening method.

**Sheriff's Office Concerns:**

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

**COMPATIBILITY CONCERNS:**



**Surrounding Uses:**

The surrounding uses are primarily residential/agricultural.

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

According to the County's Land Use Plan:

**Section III. Physical Development**

**A. LAND USE CONSIDERATIONS**

**1. RESIDENTIAL**

Several goals surfaced as paramount in the PARA Task Force meetings and in a meeting held by the Quorum Court. These include:

- a. Provision of a safe living environment that offers quiet, privacy, and a rural flavor and atmosphere;
- b. Provision of quality residential development of good design, developed in a manner accessible by an adequate street system to avoid costly infrastructure extensions;
- c. Protection of residential areas from incompatible adjacent land uses;
- d. Protection of property values; and
- e. Provision of safe and adequate access to residential areas, installed in a manner to accommodate emergency and other services.

To achieve these objectives, it is essential to:

- 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.

Staff feels that even with lots less than one (1) acre, the proposed subdivision may still be compatible with the surrounding existing densities. Out of the 66 proposed lots, 35 are approximately less than one (1) acre in size. The smallest proposed lot is approximately 0.60 acres in size. Per Sec 11-88, Residential lot and block standards for subdivisions, item (a), the minimum a lot size may be in 10,000 square feet or 0.22 acres. The proposed smaller lot sizes are well above the minimum requirement. Within the area, there are approximately 15 parcels under one (1) are within a half mile radius of the proposed subdivision. There are 81 parcels under one (1) acre within a one (1) mile radius, and 780 within a two (2) mile radius. Additionally, there are roughly ten (10) established subdivisions within a one (1) mile radius. Some of these established subdivisions contain lots under one (1) acre.

**Site Visit:**

A site visit was conducted by Planning Staff on 07/07/2020. The proposed lease area is in a very remote location surrounded by farmland and residential lots. Staff had concerns regarding W Weir Rd WC 94 and whether or not it would be able to service an additional 66 lots and potentially an extra 100 vehicles a day. The County Road is narrow in areas and made of compacted dirt. Upon conferring with the Washington County Road Department and the applicant, a three (3) year plan was developed to pave a portion of W Weir Rd WC 94 and Adams Rd WC 707 to assist with the potential increase in traffic.

**Neighbor Comments and Concerns:**

All neighbors within 300 feet of the boundary of this property were notified by certified mail on July 9, 2020. The project was tabled for the July 23<sup>rd</sup> Planning Board Meeting. A courtesy letter detailing the project with new dates were mailed to the same neighbors on August 13, 2020. The comments received from the July 9<sup>th</sup> mailing are included in this Staff Report. Since the August 13<sup>th</sup> mailing, Staff has not received any

further comments from surrounding neighbors or any interested parties. Planning Staff will update the Board should any further comments be received.

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

**Utilities:**

*Ozarks Electric*

1. Any damage or relocation of existing facilities will be at owner's expense.
2. All lot corners must be marked with stakes clearly identifying the lot number and all utility easement widths and road crossing requirements will be defined on the plat before Ozarks will begin construction.
3. All off site easements that are needed for Ozarks to extend electrical service to the subdivision property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. All conduits placed for the road crossings will be installed by the developer and must be 4 inch schedule 40 conduits at 48 inch in depth at final grade and marked with a post to identify the end of conduits. Conduits must extend past the edge of any obstructions so that they are accessible during construction. The number of conduits at the crossing will be determined by each utility provider that will be using the conduits at the road crossing. (Bare minimum of 5 Pipes)
5. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat. All conduits for road crossings and specific widths of U.E., Lot size, St. Light location and address to Lots must be shown on final plat before Ozarks Electric will sign the final plat.
6. Subdivisions will be built using Ozarks Electric Policy 45 (Developer is responsible for a percentage of the total cost of construction which is determined at the time the engineering design for electrical service) There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
7. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
8. Developer must notify Staking Tech. if they are interested in Ozarks Street Lights or if they will be installing their own. If interested in Ozarks Street Light a picture will be provided if asked. Will need St. Light location on final plat. If developer decide to go with their own contact Cooperative representative below.
9. Please contact Ozarks Electric when construction begins on subdivision and again when construction is within three months of completion.  
Mike Phipps at 479-684-4696 OR (mphipps@ozarksecc.com)
10. Crafton Tull will need to contact Mike Phipps for utility crossings. Possible charge to developer if 3 phase power needs to be extended to site.

*AT&T*

1. Please contact AT&T for future needs if phone service is desired.

*City of Fayetteville Water*

1. The proposed 4" waterline connection through the subdivision is adequate for domestic water meters.
2. If fire hydrants are required per the fire marshal review, additional offsite upgrades will be necessary to the existing 4" waterlines.
3. Detailed engineering review of the waterline plans will be performed when a grading/utility permit application is submitted to the City.

**Fire Safety:**

*Fire Marshal*

1. Though the Fire Marshal did not submit conditions, the applicant should seek to confer with the Fire Marshal to ensure that all lots are able to be serviced adequately in the event of a fire or other emergency.

*Wheeler Volunteer Fire Department*

1. Though the Wheeler Fire Department did not submit conditions, the applicant should seek to confer with them to ensure that all lots are able to be serviced adequately in the event of a fire or other emergency.

**Health Department:**

1. Please contact the Arkansas Department of Health should the need for septic arise in the future.

**Washington County Road Department:**

1. Any work in the County Right of Way will require a permit. Please contact the Road Department.
2. There is to be no parking in the Washington County right of way at any time.
3. Continue to work with the Washington County Road Department in regards to paving and drainage concerns.

**Drainage:**

1. All concerns noted by the Washington County Engineer must be addressed before final approval of this project may be given.

**Environmental Concerns:**

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:**

1. No signage is allowed within Washington County's road right-of-way (ROW).

**Lighting:**

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 (see attached diagram).

**Planning:**

1. Please submit the GPM Fire Flow (item 7 on the CUP checklist). This must be received before final approval of this project may be given.
2. Please submit the soil analysis to ensure that all lots will be able to support individual septic systems. This must be received before final approval of this project may be given. Should any "buildable" lots be deemed unsuitable for septic and lots need to be reconfigured, the applicant may need to resubmit their plans and possibly come before the Planning Board again and have their revised plans approved.

**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 (fees will be calculated once the info is available from the post office). This total will be calculated for this project once all invoices are received.
2. Pay any engineering fees. This total will be calculated for this project once all invoices are received.
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. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. Per Washington County ordinance Sec 11-75 (7): All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State, or local or approvals, if any, whether known or unknown to the Board or the Developer.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

*Washington County Senior Planner, Sita Nanthavong, presented the staff report for the Board Members. Randy Laney, Planning Board Vice Chairman, inquired, "What percentage of the property is preserved as green space and who will control that set aside green space?"*

*Keith Tenclieve replied, "That is a good question. That's really the main reason for even having to file for this Conditional Use Permit. We have 60 homes and 90 acres. It's somewhere around 20, 22, or 25 acres*

that we're going to donate to the POA. The reason being, and part of the vision is that, and again I am trying to move out here, I want a place that not just one person has access to. That is why we are creating so much land for POA and not just putting it in a lot where we could not have to file for a Conditional Use Permit. We are trying to do that so people can actually explore it together and use the trails. Kids and particularly kids, but all of us really can get away from a screen and actually explore nature. That's what we're trying to do that's the vision behind what we are doing, and also I think addresses your question."

Randy Laney asked, "So just to be clear, you said 60 acres will be lots, if you will, if you added them all together out of the 90?"

Keith Tenclieve answered, "I don't have the number right in front of me as far as how many acres will be dedicated to lots. There are several of the lots that are well over an acre. I don't think it would be a stretch to say that what the average is somewhere in that ballpark. The overall density is 1.5 acres per home if you think of it that way."

Joel Kelsey added, "If you are donating 22-25 to the POA that's around 20-25 percent which I think is what Randy was looking for. The amount that's going to be dedicated to green space. Is that correct?"

Keith Tenclieve stated, "Yes sir. That will be donated to the POA. I am going off memory with that number. If my engineers have that number in front of them they're welcome to speak up."

Joseph Fifer suggested, "I don't have that off the top of my head either. If you'd like it we can pull some plans out here and try to calculate what those POA lots would be."

Randy Laney added, "I've got what I wanted. Thank you. When we came up with zoning in the County this was what we hoped would happen is people would organize green space and larger tracts and develop something that would accommodate the natural lay of the land. I think it's a great project."

No Public Comment

Public Comment Closed

Randy Laney made a motion to approve the **Blackberry Ridge Subdivision CUP** subject to staff recommendations. Jay Percy seconded. All Board Members were in favor of approving. Motion passed.

## **LAND DEVELOPMENT HEARINGS**

### Fayetteville Planning Area

#### **b. Blackberry Ridge Preliminary Subdivision**

##### *Preliminary Subdivision Request*

Location: Section 26, Township 17, Range 31

Applicant: Crafton & Tull

Location Address: W Weir Rd WC 94

JP District: Sam Duncan, District 7

Approximately: +/- 87.93 acres / 65 lots

Coordinates: Latitude: 36.11710628, Longitude: -94.24930279

**Project #: 2020-124**

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

**REQUEST:** The applicant is requesting Preliminary Subdivision Approval of Blackberry Ridge Subdivision to create a subdivision with 66 residential lots. The subject parcel is approximately 88 acres in size.

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

**PLANNING AREA:** City of Fayetteville

**QUORUM COURT DISTRICT:** 7, Sam Duncan

FIRE SERVICE AREA: Wheeler Rural

SCHOOL DISTRICT: Fayetteville

INFRASTRUCTURE: Water- Fayetteville Water Electric- Ozarks Electric  
Natural Gas- Black Hills Corp Telephone- AT&T Cable- None

BACKGROUND/ PROJECT SYNOPSIS:

The applicant, Tenfield Planers LLC, with representation from Crafton Tull, is requesting Preliminary Subdivision and a variance for approval to allow an 88 acre parcel to be split into 66 lots ranging from 0.60 acres to 5.74 acres in size. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The project parcel is in the City of Fayetteville planning area. The subject parcels (001-17343-000 & 001-17315-000) are approximately 88 acres (more or less) total in size and are owned by Tenfield Planters, LLC. The project is located off of W Weir Road WC 94 on the west side of the City of Fayetteville near Wheeler Road WC 84. Please see the attached documents for more detailed information.

TECHNICAL CONCERNS:

Utilities:

Ozarks Electric is the provider for this area. These are their comments/concerns:

1. Any damage or relocation of existing facilities will be at owner's expense.
2. All lot corners must be marked with stakes clearly identifying the lot number and all utility easement widths and road crossing requirements will be defined on the plat before Ozarks will begin construction.
3. All off site easements that are needed for Ozarks to extend electrical service to the subdivision property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. All conduits placed for the road crossings will be installed by the developer and must be 4 inch schedule 40 conduits at 48 inch in depth at final grade and marked with a post to identify the end of conduits. Conduits must extend past the edge of any obstructions so that they are accessible during construction. The number of conduits at the crossing will be determined by each utility provider that will be using the conduits at the road crossing. (Bare minimum of 5 Pipes)
5. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat. All conduits for road crossings and specific widths of U.E., Lot size, St. Light location and address to Lots must be shown on final plat before Ozarks Electric will sign the final plat.
6. Subdivisions will be built using Ozarks Electric Policy 45 (Developer is responsible for a percentage of the total cost of construction which is determined at the time the engineering design for electrical service) There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
7. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
8. Developer must notify Staking Tech. if they are interested in Ozarks Street Lights or if they will be installing their own. If interested in Ozarks Street Light a picture will be provided if asked. Will need St. Light location on final plat. If developer decide to go with their own contact Cooperative representative below.
9. Please contact Ozarks Electric when construction begins on subdivision and again when construction is within three months of completion.  
Mike Phipps at 479-684-4696 OR (mphipps@ozarksecc.com)
10. Crafton Tull will need to contact Mike Phipps for utility crossings. Possible charge to developer if 3 phase power needs to be extended to site.

AT&T provides phone service for this area. They did not have comments/concerns.

City of Fayetteville provides water for this area. These are their comments/concerns:

1. The proposed 4" waterline connection through the subdivision is adequate for domestic water meters.
2. If fire hydrants are required per the fire marshal review, additional offsite upgrades will be necessary to the existing 4" waterlines.
3. Detailed engineering review of the waterline plans will be performed when a grading/utility permit application is submitted to the City.

**Fire Issues:**

The Washington County Fire Marshal did not have comments/concerns.

**Health Department Issues:**

The Health Department had no concerns/comments.

**Road Issues:**

The Washington County Road Department had the following concerns/comments:

1. Any work in the County Right of Way will require a permit. Please contact the Road Department.
2. There is to be no parking in the Washington County right of way at any time.
3. Continue to work with the Washington County Road Department in regards to paving and drainage concerns.

**Drainage:**

1. All requests and concerns by the County Engineer must be addressed and found satisfactory.

**Environmental Concerns:**

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:**

1. No signage is allowed within Washington County's road right-of-way (ROW).

**Lighting:**

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 (see attached diagram).

**Screening:**

1. The applicant must utilize an opaque screening method.

**Sheriff's Office Concerns:**

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

**City of Fayetteville**

The City of Fayetteville did not submit concerns/comments. This project will be reviewed by the City through the City's own project review and approval process.

**SITE VISIT:**

A site visit was conducted by planning staff on July 7, 2020. The property is in a rural residential setting. There was nothing of concern.

**NEIGHBOR COMMENTS:**

All neighbors within 300 feet of the boundary of this property were notified by certified mail on July 9, 2020. The project was tabled for the July 23rd Planning Board Meeting. A courtesy letter detailing the project with new dates were mailed to the same neighbors on August 13, 2020. The comments received from the July 9th mailing are included in this Staff Report. Since the August 13th mailing, Staff has not received any further comments from surrounding neighbors or any interested parties. Planning Staff will update the Board should any further comments be 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 Blackberry Ridge Preliminary Subdivision.

The approval conditions are:

**Utilities:**

*Ozarks Electric*

1. Any damage or relocation of existing facilities will be at owner's expense.
2. All lot corners must be marked with stakes clearly identifying the lot number and all utility easement widths and road crossing requirements will be defined on the plat before Ozarks will begin construction.
3. All off site easements that are needed for Ozarks to extend electrical service to the subdivision property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. All conduits placed for the road crossings will be installed by the developer and must be 4 inch schedule 40 conduits at 48 inch in depth at final grade and marked with a post to identify the end of conduits. Conduits must extend past the edge of any obstructions so that they are accessible during construction. The number of conduits at the crossing will be determined by each utility provider that will be using the conduits at the road crossing. (Bare minimum of 5 Pipes)
5. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat. All conduits for road crossings and specific widths of U.E., Lot size, St. Light location and address to Lots must be shown on final plat before Ozarks Electric will sign the final plat.
6. Subdivisions will be built using Ozarks Electric Policy 45 (Developer is responsible for a percentage of the total cost of construction which is determined at the time the engineering design for electrical service) There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
7. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
8. Developer must notify Staking Tech. if they are interested in Ozarks Street Lights or if they will be installing their own. If interested in Ozarks Street Light a picture will be provided if asked. Will need St. Light location on final plat. If developer decide to go with their own contact Cooperative representative below.



9. Please contact Ozarks Electric when construction begins on subdivision and again when construction is within three months of completion.  
Mike Phipps at 479-684-4696 OR (mphipps@ozarksecc.com)
10. Crafton Tull will need to contact Mike Phipps for utility crossings. Possible charge to developer if 3 phase power needs to be extended to site.

#### *AT&T*

1. Please contact AT&T for future needs if phone service is desired.

#### *City of Fayetteville Water*

1. The proposed 4" waterline connection through the subdivision is adequate for domestic water meters.
2. If fire hydrants are required per the fire marshal review, additional offsite upgrades will be necessary to the existing 4" waterlines.
3. Detailed engineering review of the waterline plans will be performed when a grading/utility permit application is submitted to the City.

#### **Fire Safety:**

##### *Fire Marshal*

1. Though the Fire Marshal did not submit conditions, the applicant should seek to confer with the Fire Marshal to ensure that all lots are able to be serviced adequately in the event of a fire or other emergency.

##### *Wheeler Volunteer Fire Department*

1. Though the Wheeler Fire Department did not submit conditions, the applicant should seek to confer with them to ensure that all lots are able to be serviced adequately in the event of a fire or other emergency.

#### **Health Department:**

1. Please contact the Arkansas Department of Health should the need for septic arise in the future.

#### **Washington County Road Department:**

1. Any work in the County Right of Way will require a permit. Please contact the Road Department.
2. There is to be no parking in the Washington County right of way at any time.
3. Continue to work with the Washington County Road Department in regards to paving and drainage concerns.

#### **Drainage:**

1. All concerns noted by the Washington County Engineer must be addressed before final approval of this project may be given.

#### **Environmental Concerns:**

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:**

1. No signage is allowed within Washington County's road right-of-way (ROW).

#### **Lighting:**

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 (see attached diagram).

#### **Planning:**

1. Please submit the GPM Fire Flow (item 7 on the CUP checklist). This must be received before final approval of this project may be given.
2. Please submit the soil analysis to ensure that all lots will be able to support individual septic systems. This must be received before final approval of this project may be given. Should any "buildable" lots be deemed unsuitable for septic and lots need to be reconfigured, the applicant

may need to resubmit their plans and possibly come before the Planning Board again and have their revised plans approved.

**Standard Conditions:**

1. Washington County will not maintain any common areas.
2. Pay Engineering Fees and Mailing Fees within 30 days of project hearing. Any extension must be approved by the Planning Office. This will be calculated once all invoices are received.
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. 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. Lots that are over one-half acre in size will need to be addressed after the home location is known.
6. All general plat checklist items must be corrected.
7. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
8. Per Washington County ordinance Sec 11-75 (7): All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State, or local or approvals, if any, whether known or unknown to the Board or the Developer.
9. 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. Please contact the Circuit Clerk for acceptable plat sizes.

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

*No Public Comment*

*Public Comment Closed*

*Randy Laney made a motion to approve the **Blackberry Ridge Preliminary Subdivision** subject to staff recommendations. Jay Percy seconded. All Board Members were in favor of approving. Motion passed.*

County

**c. Minor Subdivision Replat Lot 214 Wedington Woods Unit II**

***Preliminary & Final Land Development Requests***

Location: Section 05, Township 16, Range 31

Engineer: Blew & Associates

Location Address: 16192 Sycamore Lane WC 2167

JP District: Sam Duncan, District 7

Approximately: +/- 2.40 acres / 1 lot

Coordinates: Latitude: 36.09720138, Longitude: -94.28877179

**Project #: 2020-175**

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

**REQUEST:** The applicant is requesting Preliminary and Final Minor Subdivision approval. The request is to allow one lot to be split into 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 7, Sam Duncan **FIRE SERVICE AREA:** Wedington Rural

**SCHOOL DISTRICT:** Farmington

**INFRASTRUCTURE:** Water- Washington Water Authority Electric- Ozarks Electric

Natural Gas- Black Hills Telephone- AT&T      Cable- None

**BACKGROUND/ PROJECT SYNOPSIS:**

The applicant, Richard Coggin, is requesting a minor subdivision replat for Lot 214 in the Wedington Woods Unit II subdivision. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The project parcel is not in a planning area. The proposal is located on the eastern side of Sycamore Ln WC 2167 in the Wedington Woods Unit II subdivision. Lot 214 is approximately 2.28 acres in size. The applicant would like to split this into the following configuration:

Original	Proposed
Lot 214 – 2.28 acres	Lot 1 – 1.00 acres
Lot 2 – 1.28 acres	

Proposed Lot 2 does not have frontage along Sycamore Ln WC 2167 and will be accessible by a 30 foot access easement along the northern side boundary of Proposed Lot 1. Proposed Lot 2 will utilize the same driveway entrance as Proposed Lot 1.

**TECHNICAL CONCERNS:**

**Sewer/Septic**

1. Soil analyses has not been conducted

**Utilities**

*Ozarks Electric:*

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that must 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 At (479)263-2167 Or [wmahaffey@ozarksecc.com](mailto:wmahaffey@ozarksecc.com)

*Washington Water Authority:*

1. Please contact Washington Water Authority for permitting and service.

*AT&T:*

1. Please contact AT&T for phone service or phone issues.

**Fire Marshal**

1. The Washington County Fire Marshal has reviewed this project and no further comments.

**Fire Service**

1. Please contact the Wedington Fire Department for fire safety questions and concerns.

**Road Issues:**

The Washington County Road Department had the following concerns/comments:

1. 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.

**Drainage:**

1. The Washington County Contracted Engineer does not review Minor Subdivision requests.

**Environmental Concerns:**

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)

**Sheriff's Office Concerns:**

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

**SITE VISIT:**

A site visit was conducted by planning staff. 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. To date, staff has no comments either in favor or opposition of the project. Staff will update the Planning Board at the meeting should any comments be 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			<b>N/A</b>
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 this project with the following conditions:

**Sewer/Septic**

1. The applicant must provide a favorable soil analysis before final approval may be given.

**Utilities**

*Ozarks Electric:*

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that must 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 At (479)263-2167 Or [wmahaffey@ozarksecc.com](mailto:wmahaffey@ozarksecc.com)

*Washington Water Authority:*

1. Please contact Washington Water Authority for permitting and service.

*AT&T:*

1. Please contact AT&T for phone service or phone issues.

**Fire Marshal**

1. The Washington County Fire Marshal has reviewed this project. Any concerns should be addressed to the Fire Marshal.

**Fire Service**

1. Please contact the Wedington Rural Fire Department for fire safety questions and concerns.

**Road Department**

The Washington County Road Department had the following concerns/comments:

1. 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.

**Environmental Concerns**

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)

**Washington County Addressing**

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

**Planning Department**

1. The items missing from the Minor Subdivision Checklist must be added/corrected to the final plat.

**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. Per Washington County ordinance Sec 11-75 (7): All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State, or local permits or approvals, if any, whether known or unknown to the Board or the Developer.
4. Have all signature blocks signed on a minimum of 7 Final Plats - 2 for filing in the Circuit Clerk's office, 3 for the County Planning office, remainder for the developer. The Circuit Clerk is not accepting plats over 18" x 24" in size.

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

*No Public Comment*

*Public Comment Closed*

*Randy Laney made a motion to approve the **Minor Subdivision Replat Lot 214 Wedington Woods Unit II** subject to staff recommendations. Philip Humbard seconded. All Board Members were in favor of approving. Motion passed.*

**Lincoln Planning Area**

**d. Minor Subdivision Replat Tract B Longwith Acres**

***Preliminary & Final Land Development Requests***

Location: Section 34, Township 15, Range 32

Applicant: Jenkins Surveying

Location Address: 12672 S HWY 45

JP District: Willie Leming, District 13

Approximately: +/- 6.91 acres / 2 lots

Coordinates: Latitude: 35.93941365, Longitude: -94.37607962

**Project #: 2020-178**

**Planner: Nick Little email: [nlittle@co.washington.ar.us](mailto:nlittle@co.washington.ar.us)**

**REQUEST:** The applicant is requesting Preliminary and Final Minor Subdivision Replat Approval of Tract B of Longwith Acres Subdivision. The request is to split a 6.43 acre platted subdivision lot into two tracts; one being 3.72 acres and the other being 2.71 acres.

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

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

**QUORUM COURT DISTRICT:** District 13, Willie Leming.

**FIRE SERVICE AREA:** Lincoln Rural - no comments were received from Lincoln Rural Fire Department, and Kyle Curry, Washington County Fire Marshal does not review Minor Subdivisions (4 lots or less).

**SCHOOL DISTRICT:** Lincoln                      **PARCEL #:** 324-10002-000

**INFRASTRUCTURE:** Water– Lincoln Water    Electric- Ozarks Electric    Telephone- PG Telco    Cable- PG Telco

**BACKGROUND/ PROJECT SYNOPSIS:**

The property owners are Matt & Lora Longwith. The applicant for this project is Steve West. The surveyor is Dan Jenkins of Jenkins Surveying. The applicant is requesting to divide a 6.43 acre platted subdivision lot into two tracts that will be 2.71 and 3.72 acres. The intended purpose of this split is for the property owner to sell the 2.71 acre tract to the applicant. There are no structures on the property at this time. Parcel 324-10002-000 is located on the east side of Arkansas Highway 45 in a rural area southeast of the City of Lincoln. Lincoln's Planning Area is located against the northern boundary of parcel 324-10002-000. This proposed property division could not be processed administratively due to the parent parcel being a platted subdivision lot. The requested split must therefore process as a minor subdivision replat. This Minor Subdivision will create 2 tracts. Neither tract has direct road frontage onto Highway 45, but the highway's right-of-way extends to the western boundary of both new tracts. There is also a 60' access easement drawn on this project's plat that gives access to both newly created tracts.

- Tract B-1 – 3.72 acres
- Tract B-2 – 2.71 acres

**TECHNICAL CONCERNS:**

**Sewer/Septic**

Steve West only plans to develop Tract B-2, the 2.71 acre tract, for residential purposes. Linda Mayo Tillery, a Designated Representative of the Arkansas Health Department stated that "the soil was suitable for a Standard Septic System" on Tract B-2. Tract B-1 will remain undeveloped at this time.

**Electric/Phone**

Wes Mahaffey of Ozarks Electric has requested 30' Utility Easements along all overhead powerlines on this parcel. Any damage or relocation of existing facilities.

PG Telco had no comments regarding this project.

**Water**

Herb England, Water Supervisor for the City of Lincoln, submitted comments concerning this project. The comments state that there are two water taps available; one for each new tract. Sewage is not available at this location.

**Addressing**

There is currently a 911 address associated with this parcel: 12672 S Hwy 45, Lincoln, AR, 72744. In order to relocate the position of the current point or acquire an additional address, the applicant will have to complete a 911 Address Application through this office.

**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. Any tile that may be installed will need to be sized by the road department.

**Tract B-1** has 247.91' road frontage onto Arkansas Hwy 45.

**Tract B-2** has 295' road frontage onto Arkansas Hwy 45.

The applicant will need to contact the Arkansas Department of Transportation before any work is done in the right-of-way for any state roads or highways.

**SITE VISIT:**

A site visit was conducted by planning staff on August 5, 2020. Please see attached images from that visit.

**NEIGHBOR COMMENTS:**

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. There were no comments received from any neighbors at the time of staff report. Staff will update the Planning Board at the meeting if any additional comments are received.

**CHECKLIST:**

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

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 Preliminary and Final Plat Minor Subdivision approval of MSD Replat Tract B Longwith Acres with the following conditions:

**Septic Conditions:**

1. Any septic system construction shall be approved by the ADH, installed and then inspected by ADH prior to occupation of the residence(s).

**Utility Conditions:**

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 At (479)263-2167 or [wmahaffey@ozarksecc.com](mailto:wmahaffey@ozarksecc.com)



5. 30' U.E. along existing overhead powerlines on the parent parcel.

**Road Conditions:**

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

**Environmental Conditions:**

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

**Standard Conditions:**

1. Pay neighbor notification mailing fees (\$29.96) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 8/17/2020).
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. All general plat checklist items must be corrected.
5. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
6. Have all signature blocks signed on 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.
7. All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State or local permits or approvals, if any, whether known or unknown to the Board or the Developer.

*Washington County Planner, Nick Little, presented the staff report for the Board Members.*

*No Public Comment*

*Public Comment Closed*

*Randy Laney made a motion to approve the **Minor Subdivision Replat Tract B Longwith Acres** subject to staff recommendations. Philip Humbar seconded. All Board Members were in favor of approving. Motion passed.*

County

**e. Maxine Carney Minor Subdivision**

***Preliminary and Final Land Development Requests***

Location: Section 33, Township 17, Range 31

Applicant: Reid & Associates

Location Address: Harmon WC 31

JP District: Sam Duncan, District 7

Approximately: +/- 10.89 acres / 3 lots

Coordinates: Latitude: 36.10982471, Longitude: -94.29610136

**Project #: 2020-179**

**Planner: Nick Little email: [nlittle@co.washington.ar.us](mailto:nlittle@co.washington.ar.us)**

**REQUEST:** The applicant is requesting Preliminary and Final Minor Subdivision Approval of the Maxine Carney Minor Subdivision. The request is split a 10.89 acre parcel into three-3.63 acre tracts.

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

**PLANNING AREA:** This project is not located within a Planning Area; it is located solely within the

County's jurisdiction.

**QUORUM COURT DISTRICT:** District 7, Sam Duncan.

**FIRE SERVICE AREA:** Wedington Rural - no comments were received from Wedington Rural Fire Department, and Kyle Curry, Washington County Fire Marshal does not review Minor Subdivisions (4 lots or less).

**SCHOOL DISTRICT:** Farmington

**PARCEL #:** 001-17481-000

**INFRASTRUCTURE:** Water– Washington Water Authority Electric- Ozarks Electric Telephone- AT&T Cable – Cox Communications Natural Gas – Black Hills Energy

**BACKGROUND/ PROJECT SYNOPSIS:**

The property owner is Maxine Carney. The Applicant is Real Estate Agent Warren Adcock. The surveyor is Alan Reid & Associates. The applicant is requesting to split a 10.89 acre parcel into three-3.63. The intended purpose of this split is to sell the individual lots for residential and/or agricultural use. There are no existing structures on the property. Parcel 001-17481-000 is located on the west side of Harmon Road WC 31. The site is about .4 miles south of the intersection of Harmon Road and Wheeler Heights Road WC 861. This proposed property division could not be processed administratively due to multiple lots being created that are less than 5 acres each. The requested split must therefore process as a minor subdivision. This Minor Subdivision will create 3 new lots. All three lots have ample road frontage onto Harmon Road WC 31.

**Current Configuration**

Parcel 001-17481-000 – 10.89 acres

**Proposed Configuration**

Tract A – 3.63 acres

Tract B – 3.63 acres

Tract C – 3.63 acres

**TECHNICAL CONCERNS:**

**Sewer/Septic**

At the time of this staff report, no soil/perk tests have been received by Planning Staff for this project. The applicant will need acceptable soil test results on all new tracts. The applicant has expressed to Planning Staff that he's began the process of getting the soil tests done.

**Electric**

Wes Mahaffey of Ozarks Electric has requested 30' Utility Easements along all overhead powerlines on this parcel. Any damage or relocation of existing facilities will be at the owner's expense.

**Water**

According to Zak Johnston, P.E. with Washington Water Authority, the project property is served off of an 18" water main that parallels Harmon Road. If water service is desired on any of the new tracts, applicants will need to contact Washington Water Authority.

**Addressing**

There is not currently a 911 address associated with this parcel. If any future 911 Addresses are needed, the applicant will need to acquire them through the Planning office.

**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. Any tile that may be installed will need to be sized by the road department.

**Tract A** has 516.12' road frontage onto Harmon Road WC 31.

**Tract B** has 222.87' road frontage onto Harmon Road WC 31.

**Tract C** has 383.05' road frontage onto Harmon Road WC 31.

**SITE VISIT:**

A site visit was conducted by planning staff on August 5, 2020. Please see attached images from that visit.

**NEIGHBOR COMMENTS:**

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. There were no comments received from any neighbors at the time of staff report. Staff will update the Planning Board at the meeting if any additional 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			<b>N/A</b>
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 Preliminary and Final Plat Minor Subdivision approval of the Maxine Carney Minor Subdivision with the following conditions:

**Septic Conditions:**

1. Any septic system construction shall be approved by the ADH, installed and then inspected by ADH prior to occupation of the residence(s).

**Utility Conditions:**

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 At (479)263-2167 or [wmahaffey@ozarksecc.com](mailto:wmahaffey@ozarksecc.com).
5. 30' U.E. along existing overhead powerlines on the parent parcel.

**Road Conditions:**

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

**Environmental Conditions:**

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

**Standard Conditions:**

1. Pay neighbor notification mailing fees (\$47.08) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 8/18/2020).
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. All general plat checklist items must be corrected.
5. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
6. Have all signature blocks signed on 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.
7. All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State or local permits or approvals, if any, whether known or unknown to the Board or the Developer.

*Washington County Planner, Nick Little, presented the staff report for the Board Members.*

*No Public Comment*

*Public Comment Closed*

*Philip Humbar made a motion to approve the **Maxine Carney Minor Subdivision** subject to staff recommendations. Neil Helm seconded. All Board Members were in favor of approving. Motion passed.*

County

**f. Minor Subdivision Replat Lots 3 & 4 War Eagle Cove**

***Preliminary and Final Land Development Requests***

Location: Section 20, Township 18, Range 28

Applicant: James Layout Services, LLC

Location Address: 22590 Lake View WC 504

JP District: Patrick Deakins, District 5

Approximately: +/- .51 acres / 2 lots

Coordinates: Latitude: 36.20822622, Longitude: -93.98455158

**Project #: 2020-180**

**Planner: Nick Little email: [nlittle@co.washington.ar.us](mailto:nlittle@co.washington.ar.us)**

**REQUEST:** The applicant is requesting Preliminary and Final Minor Subdivision Replat Approval of Lots 3 & 4 of War Eagle Cove subdivision. The request is to adjust the shared property line of these two platted subdivision lots to make Lot 3A larger.

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

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

**QUORUM COURT DISTRICT:** District 5, Patrick Deakins

**FIRE SERVICE AREA:** Nob Hill Rural - no comments were received from Nob Hill Rural Fire Department, and Kyle Curry, Washington County Fire Marshal does not review Minor Subdivisions (4 lots or less).

SCHOOL DISTRICT: Springdale

PARCEL #: 528-02844-000 / 528-02845-000

INFRASTRUCTURE: Water– Springdale Water Electric- Ozarks Electric Telephone- AT&T

**BACKGROUND/ PROJECT SYNOPSIS:**

The property owners and applicants are Paul & Doris Smith. The surveyor is Matt James of James Layout Services, LLC. The applicant is requesting to adjust the shared property line between Lots 3 & 4 of War Eagle Cove in order to make Lot 3A larger. The intended purpose of this split is for the property owner to sell the larger lot for residential services. There are no existing structures specifically on the project parcels, but the property owner’s home encroaches the northern property line of Lot 4. Parcel 528-02845-000 and 528-02844-000 are located on the east side of Lake View Drive WC 504. The site is near the intersection of W War Eagle Road WC 507 and Lake View Drive in the far northeastern portion of the county. The site sits about 300’ from Beaver Lake. This proposed property division could not be processed administratively due to the parent parcel being a platted subdivision lot. The requested split must therefore process as a minor subdivision replat. This Minor Subdivision Replat will create 2 new lots. Both lots will have road frontage onto Lake View Drive WC 504.

**Current Configuration**

Lot 3 - .25 acres  
Lot 4 - .26 acres

**Proposed Configuration**

Lot 3A - .32 acres  
Lot 4A - .19 acres

**TECHNICAL CONCERNS:**

**Sewer/Septic**

A soil inspection was done on Lot 3, which will be the larger of the two. The land there was found suitable for a standard septic system. Existing septic system inspections were done on the applicant’s system, as well as the neighbor to the south’s existing system. No odor or malfunction was detected. The soil wasn’t tested on Lot 4 because it will remain undeveloped at this time.

**Electric**

Wes Mahaffey of Ozarks Electric has requested 30’ Utility Easements along all overhead powerlines on this parcel. Any damage or relocation of existing facilities will be at the owner’s expense.

**Water**

Project parcels are served by Springdale Water. There were no comments or concerns from the water department at the time of the staff report.

**Addressing**

There is not currently a 911 address associated with this parcel. A power/utility pole is located just outside of the western boundary of Lot 3 with the address 22590 Lake View Drive WC 504. If any future 911 Addresses are needed, the applicant will need to acquire them through the Planning office.

**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. Any tile that may be installed will need to be sized by the road department.

**Lot 3A** has 64.1’ road frontage onto Lake View Drive WC 504.

**Lot 4A** has 90.14’ road frontage onto Lake View Drive WC 504.

**SITE VISIT:**

A site visit was conducted by planning staff on August 6, 2020. Please see attached images from that visit.

**NEIGHBOR COMMENTS:**

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. There were no comments received from any neighbors at the time of staff report. Staff will update the Planning Board at the meeting if any additional 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			<b>N/A</b>
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 Preliminary and Final Plat Minor Subdivision approval of MSD Replat Lots 3 & 4 War Eagle Cove with the following conditions:

**Septic Conditions:**

1. Any septic system construction shall be approved by the ADH, installed and then inspected by ADH prior to occupation of the residence(s).

**Utility Conditions:**

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 At (479)263-2167 or [wmahaffey@ozarksecc.com](mailto:wmahaffey@ozarksecc.com)
5. 30' U.E. along existing overhead powerlines on the parent parcel.

**Road Conditions:**

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

**Environmental Conditions:**

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

**Standard Conditions:**

1. Pay neighbor notification mailing fees (**\$107.00**) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 8/18/2020).
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. All general plat checklist items must be corrected.
5. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
6. Have all signature blocks signed on 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.
7. All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State or local permits or approvals, if any, whether known or unknown to the Board or the Developer.

*Washington County Planner, Nick Little, presented the staff report for the Board Members.*

*Philip Humbarb inquired, "Has the septic system design been studied or approved is it going to be studied? The comments said it shall be approved. I didn't know. It seems like they may be getting the cart before the horse if it doesn't perk."*

*Nick Little replied, "I believe that there was a perk test done on the larger lot and it passed. I think it's all good."*

*Nathan Crouch asked, "Nick, the perk test that had favorable perk rates, that's on the lot that they are selling, correct?"*

*Nick Little answered, "Yes, correct, the larger lot 3A."*

*Nathan Crouch stated, "Then I believe that meets the ordinance."*

*No Public Comment*

*Public Comment Closed*

*Randy Laney made a motion to approve the **Minor Subdivision Replat Lots 3 & 4 War Eagle Cove** subject to staff recommendations. Neil Helm seconded. All Board Members were in favor of approving. Motion passed.*

County

**g. Plunkett Replat of Summers Original Subdivision**

***Preliminary and Final Land Development Requests***

Location: Section 16, Township 15, Range 33

Applicant: Reid & Associates

Location Address: 10467 Boston WC 680

JP District: Willie Leming, District 13

Approximately: +/- 2.62 acres / 1 lot

Coordinates: Latitude: 35.98031678, Longitude: -94.48716890

**Project #: 2020-184**

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

**REQUEST:** The applicant is requesting Preliminary and Final Minor Subdivision Approval of Plunkett Minor Subdivision Replat of Summers Original Subdivision. The request is to split a 3.34 acre parcel into three tracts of 1.0, 1.0, and 1.34 acres each.

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

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

**QUORUM COURT DISTRICT:** District 13, Willie Leming



**FIRE SERVICE AREA:** Cincinnati- no comments were received from the Cincinnati Fire Department, and Kyle Curry, Washington County Fire Marshal does not review Minor Subdivisions (4 lots or less).

**SCHOOL DISTRICT:** Lincoln                      **PARCEL #:** 825-37481-000

**INFRASTRUCTURE:** Water– Lincoln Water    Electric- Ozarks Electric    Telephone- PG Telco

**BACKGROUND/ PROJECT SYNOPSIS:**

On behalf of the property owner, Mike Plunkett, Alan Reid and Associates has requested to split Block 13 of the Summers Original Subdivision. The subdivision represents the original city limits of Summers, Arkansas. Since the old Summers city limits is now a platted subdivision complete with lots, blocks, streets and alleys, and road and railroad rights-of-way, splitting a lot or block in the subdivision requires the subject property to be re-platted. Many of the streets, alleys, and rights-of-way were never constructed or used. In addition to re-platting the lot, the applicant is requesting to vacate the platted right-of-way along the segments that are immediately adjacent to and within the subject property, effectively increasing its acreage. However, easement vacation is not heard by the Planning Board, it is ruled on by the County Judge. It is a condition of approval for the vacation to be approved. If it is denied, the applicant must come back to the Planning Board and propose a new replat. See diagrams for more information.

**TECHNICAL CONCERNS:**

**Sewer/Septic**

Traditionally, a soil work report is required on all proposed lots, and an existing septic system inspection is required on any lots where there is an existing house/septic system.

Staff has not received soil/septic information yet, but has been in contact with the surveyor requesting the information.

**Utilities-**

**Ozarks Electric**

Overhead powerlines come onto the property from the north, to a field pole on proposed Lot 16. That overhead powerline has been put into a utility easement at the request of Ozarks Electric. Additionally, at Ozarks' request, the eastern frontage along Boston Street has been made a utility easement so utilities can provide service to all 3 proposed tracts.

**Prairie Grove Telephone**

No comments or concerns were provided to Staff.

**Lincoln Water**

Lincoln Water services this area, but provided no comments or concerns.

**Addressing**

There is currently one address assigned to the home on proposed Lot 16. There are no other homes on the property.

Both Lots 15 & 16 must be addressed once the home locations are 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. Any tile that may be installed will need to be sized by the road department.

**SITE VISIT:**

A site visit was conducted by planning staff on August 11, 2020. It was noted that the rights-of-way and alleyways the applicant is proposing to vacate are indeed not constructed.

Please see attached pictures of road access.

**NEIGHBOR COMMENTS:**

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed Minor Subdivision Replat request. No public comments have been received. 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.

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

**STAFF RECOMMENDATION:**

Staff recommends Preliminary and Final Minor Subdivision Replat approval of Plunkett Minor Subdivision Replat of Summers Original Subdivision with the following conditions:

**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. Provide soil work (perc test) information on the 2 proposed lots, and an existing septic system inspection on the existing system at the home on Lot 16.

**Ozarks Electric Conditions:**

1. Show the 15 ft utility easement along existing overhead power lines.
2. Make the eastern frontage along Boston Street a utility easement so utilities can provide service to all 3 tracts.

**Road Conditions:**

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

**Environmental Conditions:**

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

**Standard Conditions:**

1. Pay neighbor notification mailing fees (\$38.52) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to the surveyor on 8/19/2020).
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. All general plat checklist items must be corrected.

5. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
6. Have all signature blocks signed on 7 Final Plats - 2 for filing in the Circuit Clerk's office, 3 for the County Planning office, remainder for the developer.
7. All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State or local permits or approvals, if any, whether known or unknown to the Board or the Developer.

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

*Joel Kelsey noted, "The city is unincorporated which is why we have authority over this. The one thing I noticed on the original was the railroad right-of-way. I am assuming that the right-of-ways for the railroad are not an issue."*

*Nathan Crouch responded, "Indeed, it's been abandoned."*

*Randy Laney inquired, "Does that mean this approval is not conditioned on that abandonment?"*

*Nathan Crouch replied, "Well, it could kind of go both ways. Either way, I feel that the applicant still wants to split up their property. It might not be quite as marketable if they don't get the right-of-ways vacated. However, making the request to vacate the right-of-ways will come after this."*

*Randy Laney stated, "They wouldn't have the one acre though. The one acre presupposes..."*

*Nathan Crouch clarified, "They would still have the one acre. It just wouldn't all be usable due to building setbacks, but the boundaries would still be the same. Basically we're vacating the right-of-way just so they can push the building setbacks back to the edges of the property instead of going right down through the middle."*

*Joel Kelsey asked, "If we approve this, they are not having to go to the city or the railroad in order to take anything there?"*

*Nathan Crouch answered, "No sir. I believe this would be an action by the Judge."*

*Neil Helm, Planning Board Member, stated, "I've got some concerns about the title issues that are going to be created whenever these adjustments are made because you're mixing a lot of things up and assuming some things. I'd be concerned before I approved this that it would pass a title commitment."*

*Nathan Crouch responded, "Well I didn't reach out to a title company for advice, but we definitely can. I am not sure what type of cloud or other issue you are talking about. Are you talking about by removing the right-of-way, which they would have to then go and get new title work done? Or what's specifically the issue with the title work?"*

*Neil Helm replied, "All of the above. You're taking public property here and you are giving it to someone which adjoins. You can do that by judicial process."*

*Nathan Crouch explained, "What I have done is I reached out for advice from our Regional Planning Director at the Regional Planning Commission. He says that if the right-of-way is going down straddling the line then each of the properties on both sides of the right-of-way absorbed half. If it's going down like in this case in Summers where the parcels aren't coming up and joining each other there's a gap in the middle which is right-of-way. Then half of that would go on either side, but you'll notice on the west side, right here, where you have the right-of-way, all of the right-of-way is already on this property. He's not asking to get the right-of-way that's west of that dashed line property boundary. He's just looking to vacate the right-of-way that already occurs on his property in order to push the building setbacks back 10*

*ft., potentially off the property line. Rather than if there was a 30 ft. right-of-way then it would be 40 ft. off the property line just on that one side.”*

*Neil Helm commented, “I’m not sure where the railroad right-of-way is and getting the railroad to give up right-of-way is not like just pushing a button. It’s a genuine challenge.”*

*Joel Kelsey added, “Nathan, I think Neil’s got those same concerns, which is the reason why I asked about those questions at the first. In reference to taking city right-of-way and railroad right-of-way.”*

*Nathan Crouch pointed out, “In this area right here on south of block 10, this area appears to have had a similar action as this. Some of them don’t line up and some these have grown a little larger. This one right here where my arrow is, you can see the right-of-way, or maybe an alley or street or something right here, but it doesn’t occur down here. This won’t be the first right-of-way, alley or railroad vacation in this Summers Original Subdivision.”*

*Randy Laney added, “When you described the railroad right-of-way as abandoned, you aren’t speaking in a legal sense that they’ve filed a document abandoning it or they’ve just not paid any attention to it. What do you mean by abandon? I thought you meant in a legal way.”*

*Nathan Crouch replied, “I’m simply citing what the survey says right down here. That survey being stamped by our surveyor. I take it as a legal document.”*

*Randy Laney agreed, “Yeah, that’s why I was saying the exceptions ought to be that the right-of-ways are truly abandoned. If that’s the case, we wouldn’t issue approval which gets to Neil’s issue.”*

*Nathan Crouch mentioned, “Whenever I was driving up the road right here, I didn’t jump over any train tracks.”*

*Randy Laney noted, “No, I get it. I understand that.”*

*Joel Kelsey affirmed, “I am in agreements with them, Nathan. That’s why I asked the whole thing about the railroad track. I didn’t see any tracks in your pictures, but it goes back to what Neil said. It’s a railroad. Companies that I’ve worked with when you’re bumping right up next to the railroad. It’s the railroad is all I’m going to say.”*

*Philip Humbarb stated, “I’m pretty sure there’ll be a document somewhere that says they have abandoned it or relinquished rights to it or something. If not, then they will have to deal with the railroad.”*

*Nathan Crouch inquired, “Would you agree that would come up in title work?”*

*Philip Humbarb replied, “That would come up in the title work. All we are trying to say is that we don’t object to them doing this. It’s just a matter of that they’ve got to do it.”*

*Randy Laney agreed, “Exactly, that’s right. I’d say it’s conditioned upon that, but we can’t condition on title work. That’s a little fuzzier.”*

*Philip Humbarb added, “We don’t have a problem in them doing this as long as they can do it.”*

*Nathan Crouch asked, “The Board has the authority to add conditions on the spot. Shall we add that condition? That the applicant can follow through and get those right-of-ways vacated including the railroad.”*

*Neil Helm communicated, “I’m still not comfortable with what we’re going to be asking because I am not*

sure what the title people are going to require. That's a barrier that I see."

Philip Humbarad added, "If it requires something more than what they have, then they'll have to figure out how to get it."

Randy Laney suggested, "I think our exception would say, adequate documentation evidencing the vacation and abandonment of the right-of-way, or something of that effect."

Joel Kelsey affirmed, "I am comfortable with that addition."

Nathan Crouch stated, "Subject to vacating of the requested right-of-way and railroad right-of-way of an alley."

Randy Laney added, "Providing evidence. I would say providing documentation or further evidence of the abandonment or the vacation of. Something like that."

Philip Humbarad reiterated, "It will be up to them to get title work completed that would be satisfactory to a buyer."

Randy Laney established, "I am with Neil here. I just don't want to mislead them into thinking that we can wave a magic wand and all this title work goes away. We don't have that authority."

Joel Kelsey stated, "Agreed."

No Public Comment

Public Comment Closed

Philip Humbarad made a motion to approve the **Plunkett Replat of Summers Original Subdivision** subject to staff recommendations and understanding that we are not abandoning the right-of-way. We are just approving the plat as submitted. Randy Laney seconded. All other Board Members were in favor of approving. Motion passed.

## **CONDITIONAL USE PERMIT HEARINGS**

County

### **h. Frizzell Family Homes Residential CUP**

**(tabled at the request of the applicant)**

#### ***Residential Conditional Use Permit Request***

Location: Section 36, Township 15, Range 30

Applicant: Erin Yares

Location Address: 14048 Low Gap Road WC 100

JP District: Ann Harbison, District 14

Approximately: +/- 18.87 acres / 1 parcel

Coordinates: Latitude: 35.93252104, Longitude: -94.12480100

**Project #: 2020-174**

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

Philip Humbarad made a motion to approve the amended agenda as presented to reflect that item h. Frizzell Family Homes CUP has been tabled at the request of the applicant. Neil Helm seconded. All board members were in favor of approving. Motion passed.

County

### **i. Ken's Auto Sales CUP**

#### ***Conditional Use Permit Request***

Location: Section 02, Township 17, Range 28

Applicant: Keny Sosa

Location Address: 21969 E HWY 412  
JP District: Patrick Deakins, District 5  
Approximately: +/- 7.84 acres / 1 parcel  
Coordinates: Latitude: 36.17354922, Longitude: -93.94133582  
**Project #: 2020-177**                      **Planner: Sita Nanthavong**    email: [snanthavong@co.washington.ar.us](mailto:snanthavong@co.washington.ar.us)

**REQUEST:** Keny Sosa is requesting Conditional Use Permit approval to allow a commercial use in an area where agricultural and single family uses are allowed by right.

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

**PLANNING AREA:** None                      **QUORUM COURT DISTRICT:** District 5, Patrick Deakins

**FIRE SERVICE AREA:** Nob Hill                      **SCHOOL DISTRICT:** Springdale

**INFRASTRUCTURE:**    **Water-** Madison County                      **Electric-** Ozarks                      **Natural Gas-** None  
   **Telephone-** AT&T                                      **Cable-** None

**BACKGROUND/PROJECT SYNOPSIS:**

The applicant, Keny Sosa, is requesting conditional use permit approval to operate an auto sale dealership. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The project parcel is not in a planning area. The proposal is located on the eastern side of Washington County. It is situated on the south side of AR Hwy 412 and west of AR Hwy 303. The applicant would like to operate an auto sales dealership on a parcel that is approximately 7.84 acres on size. The auto sales dealership will be along the eastern side of the property and encompass no more than 43,200 square feet in size (approximately 0.99 acres). Due to the project size being less than one acre, the applicant will not need Large Scale Development approval. The auto dealership will operation Monday through Saturday with operating hours being 9:00am to 6:00pm. There will be one employee. Please see the attached documents for more detailed information.

**TECHNICAL CONCERNS:**

**Utilities:**

Ozarks Electric is the provider for this area. These are their comments/concerns:

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 At (479)263-2167 Or [wmahaffey@ozarksecc.com](mailto:wmahaffey@ozarksecc.com)

AT&T provides phone service for this area. They did not have comments/concerns.

Madison County provides water for this area. They did not have comments/concerns.

**Fire Safety:**

The Washington County Fire Marshal did not have comments/concerns.

Nob Hill Rural Fire Department is the fire department for this area and did not have comments/concerns.

**Health Department Issues:**

The Health Department had no concerns/comments.

**Road Issues:**

The Washington County Road Department had the following concerns/comments:

1. Any work in the County Right of Way will require a permit. Please contact the Road Department.

2. There is to be no parking in the Washington County right of way at any time.

**Drainage:**

1. All requests and concerns by the County Engineer must be addressed and found satisfactory.

**Environmental Concerns:**

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)

**Sheriff's Office Concerns:**

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

**COMPATIBILITY CONCERNS:**

**Surrounding Uses:**

The surrounding uses are primarily residential/agricultural.

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

According to the County's Land Use Plan:

SECTION III. PHYSICAL DEVELOPMENT

A. LAND USE CONSIDERATIONS

1. 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.

The area the subject property is situated along AR Hwy 412 on the eastern side of the County.

Staff feels that the location of the proposed auto sales lot along the north-eastern portion of the subject property should not be a detriment to surrounding neighbors. The traffic generated by the auto sales lot will not be greater than the traffic that already exists and flows along AR Hwy 412.

**Site Visit:**

A site visit was conducted by Planning Staff on 08/10/2020.

The subject parcel is in an area with high traffic from AR Hwy 412, but with little residential and commercial developments.

**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, Staff has not received any comments opposed or in favor of the project.

Planning Staff will update the Board should any further comments be received.

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

**Utilities:**

*Ozarks Electric*

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 At (479)263-2167 Or [wmahaffey@ozarksecc.com](mailto:wmahaffey@ozarksecc.com)
5. 30Ft. U.E. along all Ozark electric overhead line.

**AT&T**

1. Please contact AT&T for future needs if phone service is desired.

**Madison County Water**

1. Please contact Madison County for water service.

**Fire Safety:**

***Fire Marshal***

1. Though the Fire Marshal did not submit conditions, the applicant should seek to confer with the Fire Marshal to ensure that all lots are able to be serviced adequately in the event of a fire or other emergency.

***Nob Hill Rural Fire Department***

1. The Nob Hill Rural Fire Department did not submit conditions. The applicant should, however, seek to confer with the local fire department in regards to any fire and other safety questions.

**Health Department:**

1. The applicant did not plan on having septic or any type of water service. Should the applicant decide on water service later, they will need to seek permitting through the Arkansas Department of Health.

**Road:**

1. The subject property is located along a State Highway. All permitting in regards to connecting to AR Hwy 412 should be directed at the AR Department of Transportation.

**Drainage:**

1. All requests and concerns by the County Engineer must be addressed and found satisfactory.

**Environmental:**

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)

**Sheriff's Office:**

1. Please contact the Washington County Sheriff's Office for any safety concerns.

**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 (fees will be calculated once the info is available from the post office). This total will be calculated for this project once all invoices are received.
2. Pay any engineering fees. This total will be calculated for this project once all invoices are received.
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. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. Per Washington County ordinance Sec 11-75 (7): All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State, or local or approvals, if any, whether known or unknown to the Board or the Developer.

7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

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

*Joel Kelsey inquired, "Yes Sita, I've got a couple of questions. The actual applicant is not a property owner, correct?"*

*Sita Nanthavong replied, "He is not."*

*Joel Kelsey continued, "Okay is there anything against the property owner allowing him to put that up on their property like that?"*

*Sita Nanthavong responded, "We don't have anything like in the County. Not that I know of."*

*Joel Kelsey asked, "Do we know the number of cars he's planning to have there?"*

*Sita Nanthavong answered, "I do not have that number, but that is something I can come back with."*

*Neil Helm questioned, "Are you saying that the owner is not responsible for this CUP? That one of his tenants is?"*

*Sita Nanthavong stated, "I think ultimately the owner is responsible for the condition of their property, as far as maintaining it. From the way it sounds, potentially leasing it or allowing his friend to utilize the less than an acre along the eastern side that borders 412 as this auto sales."*

*Neil Helm inquired, "Are you sure we can do this?"*

*Joel Kelsey added, "Well that was going to be my next question. Why is the property owner not the applicant?"*

*Nathan Crouch explained, "If the property owner signs off on it, they can be an agent of the property owner. We have applicants come through requesting CUP's from time to time with the sale of property contingent upon getting those approvals. No doubt that applicant would ultimately be the property owner, but if there is an agreement between the property owner and the applicant, in my opinion, all we would need is a statement from the property owner, stating that they have permission to do that, and that they support the project. With that, we should be good. We could reach out to our County Attorney on this, which I don't believe we have, but we can make that either a condition of approval or we can table it until next month. It would be up to you."*

*Philip Humbard commented, "I'm having a little trouble with just the sketch too. Knowing exactly what's going on with this. It looks like it's on the east side of this property close to that other shop building. That's about all I can tell. It's got a random line behind the building that I don't really know where he is. Is there a fence there or something? I don't really know. I assume at the bottom is 412 and then you are looking to the top south. It looks like it might be 120 ft. to something. It might be 20 ft. or 60 ft. to the building? I don't know."*

*Sita Nanthavong replied, "I think that's the area they plan on using for the car lot. As long as it was less than acre they didn't have to go through Large Scale. Those are the dimensions that they put in. It's not to scale. This is obviously hand drawn."*

*Philip Humbard went on, "It looks like it is 80 ft. off the property line looks like maybe the corner of the building."*

Joel Kelsey added, "I don't know. I think there's a lot of questions there."

No Public Comment

Public Comment Closed

Neil Helm made a motion to table the **Ken's Auto Sales CUP** to get some resolution on the questions raised regarding the landowner being in support of the project as well as a better site plan sketch and letter of explanation. Randy Laney seconded. All Board Members were in favor of approving. Motion passed.

Greenland Planning Area

**j. Ball Metal Fabrication & Hotrods CUP**

***Conditional Use Permit Request***

Location: Section 18, Township 15, Range 30

Applicant: Travis Ball

Location Address: 10098 SW Campbell Road WC 65

JP District: Ann Harbison, District 14

Approximately: +/- 2.60 acres / 1 parcel

Coordinates: Latitude: 35.98271321, Longitude: -94.19946568

**Project #: 2020-186**

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

**REQUEST:** Conditional Use Permit approval to allow the construction and use of a metal fabrication and specialty auto mechanic shop on a parcel of land zoned to allow Agricultural and/or Single Family Residential (1 unit/acre) land uses by right, with any other land use types requiring Conditional Use Permit approval and ratification.

**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's planning area. The City submitted no comments.

**FUTURE LAND USE:** Light Industrial

**PARCEL #:** 001-07030-000

**QUORUM COURT DISTRICT:** District 14; Ann Harbison

**FIRE SERVICE AREA:** West Fork Rural

**SCHOOL DISTRICT:** Greenland

**INFRASTRUCTURE:**

**Water-** Washington Water Authority

**Electric-** Ozarks Electric

**Natural Gas-** Black Hills Corp

**Telephone-** Windstream

**Cable-** N/A

**BACKGROUND/ PROJECT SYNOPSIS:**

The owners of this property are Doyle and Amanda Reynolds. The applicant requesting this CUP is Travis Ball. This property is located in Greenland's Planning Area, off Campbell Rd., WC# 65. The purchase of the property is contingent upon receiving CUP approval and ratification from Washington County. This CUP request is to allow the applicant to construct and use an 8,000 sq. ft. metal fabrication and custom auto body shop on a property zoned to allow Agricultural and/or Single Family Residential (1 unit/acre) uses by right, with any other proposed uses requiring prior CUP approval and ratification. Associated parking, drives and fire lanes are also proposed. Two restrooms are also proposed. See applicant's letter for more information. (Attached)

**TECHNICAL CONCERNS:**

**Fire Code Issues:**

The Washington County Fire Marshal, Kyle Curry, provided no comments.

**Septic:**

Two restrooms are proposed. A soil analysis (perc test) with favorable results is required before this project can be fully approved.

**Utilities**

**Washington Water Authority:**

1. The property will be served from a 12" water main that runs approximately parallel to the proposed property boundary. Please call in locates before construction begins.
2. If the water main is found to be under any proposed drives/parking areas, i.e. permanent pavement, this section of water line will need to be retrofitted with a steel encasement designed by a Professional Engineer registered in the State of Arkansas.

**Ozarks Electric:**

Ozarks Electric provided the following 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 at (479) 263-2167 or wmahaffey@oazrksecc.com

**Black Hills Corp (Gas):**

No comments were submitted by Black Hills Corp.

**Windstream Communications:**

No comments were submitted by Windstream Communications.

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

1. Driveway installation requires a permit from the Washington County Road Department.
2. Any work within the right of way requires a permit from the Washington County Road Department.
3. If the existing driveway is to be paved or widened it will also require a permit. Call (479) 444-1610 to coordinate that permitting.

**Drainage:**

The Washington County Contract Engineer provided the following comments upon reviewing the proposal.

1. I would like to request a pre- and post-construction C value and pre- and post-construction 10-yr flow.
2. Please provide the width for the handicap parking stalls. One of the stalls need to be a van accessible parking space (11' min.) with the access aisle (5' min.) –or- an 8' min. van space with an 8' min. access aisle.
3. Please provide a grading plan to ensure sidewalk and handicap spaces are less than the maximum 2% slope.
4. Please provide a site grading plan with proposed and existing contours. I would like to verify that a pipe culvert is not needed under the proposed driveway.

**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 (see attached diagram for examples).

**City of Greenland Concerns:**

No comments were submitted by the City of Greenland.

**COMPATIBILITY CONCERNS:**

**Surrounding Uses:**

The surrounding uses are single family residential, agricultural, and interstate highway. The site does not contact any residences.

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

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

According to the County's Land Use Plan,

**SECTION III. PHYSICAL DEVELOPMENT**

**A. LAND USE CONSIDERATIONS**

**2. Light Commercial**

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

- h.** 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 designates this property as light industrial, which is a higher level of land use than light commercial. Staff feels that this proposed light commercial metal fabrication and auto body shop can be made compatible with the proposed conditions at the end of this report.

**SITE VISIT:**

A site visit was conducted by planning staff on August 10, 2020. Please see attached photos of road access.

**NEIGHBOR COMMENTS/CONCERNS:**

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. No public comments have been submitted to the Planning Dept at this time. If any comments are received Staff will update the Planning Board at the meeting.

**STAFF RECOMMENDATION:** Staff recommends the following conditions for this proposed Conditional Use:

**Fire Conditions:**

1. This development must be designed according to, and remain in compliance with, Arkansas State Fire Code.

**Septic Conditions:**

1. Soil analysis must be conducted and the soil analysis report must be submitted to the Planning Department.
2. The septic system must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to occupation of the building..
3. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either).

**Road Conditions:**

1. Driveway installation requires a permit from the Washington County Road Department.
2. Any work within the right of way requires a permit from the Washington County Road Department.
3. If the existing driveway is to be paved or widened it will also require a permit. Call (479) 444-1610 to coordinate that permitting.

**Drainage Conditions:**

1. Drainage plan must be approved by the County Contracted Engineer.

**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.

Washington Water Authority Conditions:

1. The property will be served from a 12" water main that runs approximately parallel to the proposed property boundary. Please call in locates before construction begins.
2. If the water main is found to be under any proposed drives/parking areas, i.e. permanent pavement, this section of water line will need to be retrofitted with a steel encasement designed by a Professional Engineer registered in the State of Arkansas.

Ozarks Electric Conditions:

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. Please contact Ozarks Electric if you have any questions.  
Wes Mahaffey at (479) 263-2167 or [wmahaffey@oazrksecc.com](mailto:wmahaffey@oazrksecc.com)

**Signage/Lighting/Screening Conditions:**

1. Signage cannot be placed in the County Right-of-Way.
2. Signage must be limited to 24 sq. ft. If the applicant desires to install a business sign, please submit a sketch, with dimensions, to the Planning Dept for review and approval prior to installation.
3. 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.
4. Any outdoor storage or outdoor trash dumpsters must be screened with an opaque fencing material, to include the gate.

**Standard Conditions:**

1. Pay neighbor notification mailing fees (\$38.52) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 8/19/2020).
2. Pay engineering fees within 30 days of project approval. Engineering fees will be calculated once all invoices are received by the Planning Department. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 9/13/11).
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. This CUP must be ratified by the Quorum Court.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - a. This project does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.
8. All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State or local permits or approvals, if any, whether known or unknown to the Board or the Developer.

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

Randy Laney inquired, "Why is it referred to as a used car lot in your staff recommendation? Is that a holdover from another app?"

Nathan Crouch replied, "Good gosh. Where does it say that? It is, and I apologize for that. It just snuck by me."

Randy Laney asked, "I just wanted to make sure. So you will change that to appropriately describe it?"

Nathan Crouch answered, "Absolutely, and the approval letter that'll go to the Quorum Court for ratification."

Randy Laney added, "Okay. I'm not trying to be picky."

Nathan Crouch stated, "Well, good catch."

Joel Kelsey added, "No, that's a good catch. I didn't see it."

No Public Comment

Public Comment Closed

Randy Laney made a motion to approve the **Ball Metal Fabrication & Hotrods CUP** subject to staff recommendations. Philip Humbarnd seconded. All other Board Members were in favor of approving. Motion passed.

## 5. Other Business

- Discussion of Current Development and Planning Department activities
- Reminder of upcoming regular Planning Board Meetings:
  - October 1, 2020
  - November 5, 2020

## 6. Old Business

## 7. Adjourn

Randy Laney moved to adjourn. Jay Percy 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: \_\_\_\_\_  
Joel Kelsey, Planning Board Chairman