

MINUTES
WASHINGTON COUNTY PLANNING BOARD
October 1, 2020
5:00 pm, via Zoom

DEVELOPMENT REVIEWED:

ACTION TAKEN:

CONDITIONAL USE PERMIT HEARINGS

County

a. Bradley Residential CUP

Removed

County

b. Ken's Auto Sales CUP

Approved

County

c. 62 Motor City CUP

Approved

LAND DEVELOPMENT HEARING

County

d. Magnolia Acres Final Subdivision

Approved

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

2. APPROVAL OF MINUTES: *Robert Daugherty made a motion to approve the minutes of August 27th, 2020. Randy Laney seconded. All board members were in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA: *Walter Jennings made a motion to approve the agenda as amended in order to remove Item a. Bradley Residential CUP. Randy Laney seconded. All board members were in favor of approving. Motion passed.*

4. NEW BUSINESS

CONDITIONAL USE PERMIT HEARINGS

County

a. Bradley Residential CUP

Residential Conditional Use Permit Request

Location: Section 09, Township 17, Range 31

Applicants: Michael & Sharon Bradley

Location Address: 3345 Wildcat Creek WC 851

JP District: Lance Johnson, District 1

Approximately: +/- 9.15 acres / 2 lots

Coordinates: Latitude: 36.16242827, Longitude: -94.29297681

Project #: 2020-220

Planner: Nick Little email: nlittle@co.washington.ar.us

Walter Jennings made a motion to approve the agenda as amended in order to remove Item a. Bradley Residential CUP. Randy Laney seconded. All board members were in favor of approving. Motion passed.

County

b. Ken's Auto Sales CUP

Conditional Use Permit Request

Location: Section 02, Township 17, Range 28

Applicant: Kenny 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

APPLICANT'S REQUEST

The applicant is requesting conditional use permit approval to operate an auto sales dealership on a parcel that is zoned for agricultural/single family residential uses with a maximum of one (1) unit per acre.

SITE INFORMATION

Land Owner:	Mauricio Castillo	Parcel Number:	001-13612-003
Site Location:	21969 Hwy 412, Springdale 72764	Planning Area:	None
Acreage:	7.84 acres +/-	QC District:	5, Patrick Deakins
Current Zoning:	Agriculture/Single-Family Residential 1 unit per acre	School District:	Springdale
FIRM:	05143C0125F	Fire District:	Nob Hill
Wetland:	No	Watershed:	None

UTILITIES

Electricity:	Ozark Electric	Gas:	None
Cable:	None	Phone:	AT&T
Water	Madison County Water		

BACKGROUND/SYNOPSIS

This project was on the agenda and was heard at the Planning Board meeting on August 21, 2020. The project was tabled by the Planning Board so the applicant could clarify some questions the Board members had.

- Is the Applicant the property owner?
 - No, the Applicant is not the property owner. The applicant is the property owner's nephew.
 - Mr. Castillo has given Planning a signed document stating he will be leasing the area to the applicant.
- Are there any regulations within the County's ordinances require business to be owner occupied?
 - No. A property owner may allow anyone to utilize their property for a commercial use. For example:
 - Cell Towers – The property owner is not the applicant for these projects.
 - Small businesses – There are some small businesses within the County have, within the last 5 years, had their CUP approved and the property owner and business operator are different entities.
- Who is responsible for the CUP?
 - Ultimately, the property owner is since they are the ones who own the property.

The applicant, Keny Sosa, is requesting conditional use permit approval to operate an auto sales 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.

COMPATIBILITY

Surrounding Land Use and Zoning

<i>Direction from Site</i>	<i>Land Use</i>	<i>Zoning</i>
North	Public Use (Highway 412)	Ag/SF Res 1 unit/ac
South	Agricultural	Ag/SF Res 1 unit/ac
East	Residential	Ag/SF Res 1 unit/ac
West	Residential/Vacant	Ag/SF Res 1 unit/ac

Existing Condition of Property

The subject property is zoned Ag/SF Res 1 unit/ac and has a residential/agricultural use. It is located on the south side of Highway 412. The properties in the area are mostly agricultural uses with residential structures on the parcels. Along the western side of the property is a residence belonging to the property owner. Aside from this structure, there are 2-3 small sheds. The rest of the property is inhabited by trees and shrubs.

County’s Land Use Plan

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 subject area is located within a part of the county that is heavy in agricultural and residential uses. The project borders Hwy 412 which is classified by the Arkansas Department of Transportation (AR Dot) as “other principle artery” which sees anywhere from 10,000 to 13,000 vehicles a day. The office for the vehicle dealership will be placed away from the southern and western border of the property. It will be placed along the eastern portion of the property. The project itself will be situated in the northeast portion of the property. The northern boundary is flush with Hwy 412. The eastern boundary has a large metal building on the adjacent property.

Future Land Use / Zoning Designation

The parcel is not in a city planning area. There is not a Future Land Use for the project parcel. The current zoning for the project parcel is Ag/SF Res 1 unit/ac. If the project is approved, the zoning will stay the same, but with a conditional use allowance.

Neighbor Comments and Concerns

Pursuant to Sec 11-204, Sec 11-71 (2a), and Sec 11-101b of the Washington County Code of Ordinances, notifications were sent by certified letter to all adjoining property owners within 300 feet. Staff has

received one comment voicing concern about the project. Please see the attached document for the full comments. They are concerned about erosion and run-off due to the project parcel not being level and potentially requiring fill dirt to level the area. Planning Staff will update the Board should any further comments be received.

Criteria for Conditional Uses

According to Sec 11-200(a) Criteria for allowance of conditional uses:

The Board shall hear and decide requests for a conditional use and may authorize such if it finds:

<i>Criteria</i>	<i>Staff Comments</i>
1 That a written application has been filed with the Planning Office and the appropriate fee has been paid.	The applicant has submitted a written application and has submitted the appropriate fee.
2 That the applicant has provided proof that each property owner as set out in section 11-204 has been notified by return receipt mail.	Notifications of public hearing was sent via certified receipt. Staff has copies of the certified receipts as proof.
3 That adequate utilities, roads, drainage and other public services are available and adequate or will be made available and adequate if the use is granted.	Adequate utilities are available or will be made available at the applicant or property owner's expense.
4 That the proposed use is compatible with the surrounding area.	The proposed use is not inherently compatible with the surrounding area due to zoning and majority of use. With conditions, the proposed use can be made more compatible.
5 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.	The proposed use is an auto sales dealership. This use is not considered dangerous by nature. AR Hwy 412 runs along the northern boundary of the property and is host to around 10,000 to 13,000 vehicles a day according to ARDOT. Staff feels that a few vehicles venturing to the project location will not impact the flow of traffic nor cause any type of public health nuisance. Staff feels that the general welfare of the general area will not be impacted by the project.
6 That the conditional use will not be injurious to the use and enjoyment of other property in the surrounding area for the purposes already permitted, nor substantially diminish and impair property values within the surrounding area.	The surrounding area is mostly agricultural by use and zoning. There are some light commercial uses within the area. Staff feels that a small auto dealership located away from any residences outside of its host property should not diminish or impair the property values.
7 That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding area for uses permitted in the zone.	The proposed project should not hamper the flow of normal traffic or impede the orderly development and improvement of the surrounding area. AR Hwy 412 sees as many as up to 13,000 vehicles a day. An extra dozen or two vehicles traveling to the project location should not cause any undue harm or block traffic.

SUMMARY OF AGENCY COMMENTS – TECHNICAL REVIEW

From 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

From the County Engineer

1. Please provide a pre- and post-construction C value and pre- and post-construction 10 year flow.
2. Please provide a site plan for the parking lot. Per ADA requirements this commercial business is required to have at least one van accessible handicap parking stall. A van accessible parking space is 11' (min.) wide with an adjacent access aisle (5' min.) -or- an 8' min. van space with an 8' min. access aisle.
3. Please provide a grading plan to ensure the handicap spaces are less than the maximum 2% slope.
4. Please provide a site grading plan with proposed and existing contours.
5. Please provide the type of driveway that is proposed (concrete, asphalt, etc.)

RECOMMENDATION & CONDITIONS

Staff has reviewed the CUP submittal documents and feel the proposed car sales lot can be made compatible with county ordinances with the following conditions:

Utility Conditions

Electricity – 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

Phone – AT&T

1. Please contact AT&T for telephone concerns and questions.

Water – Madison County

Please contact Madison County for water concerns and questions.

Fire Safety Conditions

Fire Marshal

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

Nob Hill Rural

1. Though the Nob Hill Rural Fire Department did not submit conditions, the applicant should seek to confer with the Fire Department to ensure that the project is able to be serviced adequately in the event of a fire or other emergency.

Sewer/Septic Conditions

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

Drainage Conditions

1. Please provide a pre- and post-construction C value and pre- and post-construction 10 year flow.
2. Please provide a site plan for the parking lot. Per ADA requirements this commercial business is required to have at least one van accessible handicap parking stall. A van accessible parking space is 11' (min.) wide with an adjacent access aisle (5' min.) -or- an 8' min. van space with an 8' min. access aisle.
3. Please provide a grading plan to ensure the handicap spaces are less than the maximum 2% slope.
4. Please provide a site grading plan with proposed and existing contours.
5. Please provide the type of driveway that is proposed (concrete, asphalt, etc.)

Environmental Conditions

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

Road Conditions

1. A permit from the Arkansas Highway and Transportation Department (AHTD) is required prior to any work being completed in the right-of-way.

Signage Conditions

1. All signs must be out of the right of ways.
2. Signs may not exceed 24 square feet in size.
3. Signs shall not be directly lit.

Lighting Conditions

1. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.

Screening Conditions

1. All outdoor storage areas and dumpsters, to include the gate, shall be screened with opaque material of a uniform type.
2. Any vegetation along the eastern portion of the bordering the neighboring parcel must remain or if removed, must be replaced with vegetation for screening/privacy purposes.

Planning Conditions

1. The Conditional Use Permit is specifically to allow an auto dealership only.
2. The applicant must address all technical review comments as the project proceeds through to completion.

Standard Conditions for All Projects

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. All CUPs 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, Planning Board Chairman, inquired "On that new design there is a 25 foot driveway that's separate from the entrance that comes into the housing. Has he obtained approval from the Highway Department for that driveway?"

Sita Nanthavong replied, "He has not. That's why there are no dimensions besides 24 feet in width because that is what he specifically wrote in his letter and on his site plan. Those dimensions and everything else would be up to the State Highway Department to impose."

Joel Kelsey went on, "Okay, so basically the only gravel there is going to be in front of that office building that they put there."

Sita Nanthavong responded, "From my understanding it's for sure the gravel area, but there is potential for gravel over the entire area if he has to level it out. A lot and that I do not know."

Public Comment

Brenda Jennings, Neighbor, addressed the Board, "I was the one that wrote the letter. I was just very concerned about the runoff. The pictures that were shown kind of makes it look more level than it is. That land is really not all that level. I've already had a lot of my property ruined by the people next door to them that's hauled in fill dirt and was promised that no damage be done to my property. I just wanted to know if it does cause damage what are my obligations or who's responsible for it?"

Joel Kelsey asked, "Nathan, is the County Attorney on and wanting to address that?"

Nathan Crouch answered, "Mr. Lester is on, but I think Sita could easily address that one."

Sita Nanthavong responded, "It does say in the Washington County Code that we are not supposed to, I say we generally are not supposed to shed water upon our neighbor's in an injurious manner. If runoff from Mr. Castillo's property does injure Mrs. Jennings' property that would be something that the Planning would look at to see if it was due to this project. If it was due to this project then we would ask the applicants to make it right. That is where the drainage study would come in handy. We would know if Mr. Sosa did gravel the entire thing, you know potentially what would the drainage would be. Then if there is something that would be injurious to the neighbors what would Mr. Sosa have to do to fix it? Would it be adding a pond, ditches, drainage pipes or culverts? I just really don't know without the

drainage study.”

Nathan Crouch, Planning Director, added, “One of the conditions of approval is that the applicant provide a full drainage study. In order for our County Engineer to go over. Our County Engineer would make requirements. His requirements become our requirements, but he would evaluate the pre versus post storm water runoff and then if there are any discrepancies there he would require a detention pond or other sorts of stormwater measures. We are not in the habit of coming back after the fact for revisiting projects. We want to get all that done on the front end.”

Randy Laney, Planning Board Vice-Chairman, noted, “If council’s on the phone I would like for him to comment. I’ve never heard that before that we would take on the role of mitigation post project. That is just what Sita said that we would call them back, but if it’s done the party that is at fault is the party that would have to pay. You may have to sue them, but you have rights to protect your property if you can prove that they’ve damaged you, but the County is not going to be adjudicating that for her. Unless I’ve been wrong for the last 15 years.”

Brian Lester, County Attorney, advised, “Yeah so water runoff is what we consider a common enemy in law. Which basically means that we all suffer from it individually. If there is stormwater runoff that could be a nuisance, and it certainly is a civil matter it would be between the two property owners. It would not be an issue for the County. In issuing a Conditional Use Permit the County could put into place certain things to try to address stormwater runoff. Ultimately, it becomes an issue regardless of what the County does, it’s an issue between the two property owners.

Nathan Crouch added, “That’s why we try to get it taken care of on the front end because we know that taking care of it on the back end is very difficult.”

Joel Kelsey inquired, “Ma’am, does that answer your question?”

Benda Jennings replied, “Yeah that pretty much answered it. I don’t understand about the bathroom situation. They said that they would use it in the house that’s on that property. I don’t think there is a house on that property. Unless, it’s kind of an abandoned trailer house that’s there.”

Nathan Crouch explained, “It would be the owner’s nephew, I believe, that would be the operator of the business. Presumably, unless there is a family fight, then he would probably continue to use that.”

Public Comment Closed

*Philip Humbar made a motion to approve the **Ken’s Auto Sales CUP** subject to staff recommendations. Robert Daugherty seconded. All Board Members present were in favor of approving. Motion passed.*

County

c. 62 Motor City CUP

Conditional Use Permit Request

Location: Section 22, Township 15, Range 33

Applicant: William Alfard

Location Address: 21560 W HWY 62

JP District: Willie Leming, District 13

Approximately: +/- 9.96 acres / 1 lot

Coordinates: Latitude: 35.96102280, Longitude: -94.47272665

Project #: 2020-175

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

APPLICANT’S REQUEST

The applicant is requesting conditional use permit approval to operate an auto sales dealership on a parcel that is zoned for agricultural/single family residential uses with a maximum of one (1) unit per acre.

SITE INFORMATION

Land Owner:	Carlos O. Leal	Parcel Number:	001-09612-003
Site Location:	21562 Hwy 62, Lincoln 72744	Planning Area:	None
Acreage:	10 acres +/-	QC District:	13, Willie Leming
Current Zoning:	Agriculture/Single-Family Residential 1 unit per acre	School District:	Lincoln
FIRM:	05143C0305F	Fire District:	Lincoln Rural
Wetland:	No	Watershed:	None

UTILITIES

Electricity:	Ozark Electric	Gas:	None
Cable:	None	Phone:	PG Telco
Water:	Lincoln Water		

BACKGROUND/SYNOPSIS

The applicant, William Alfaro, is requesting conditional use permit approval to operate an auto sales 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 northern side of W Hwy 62. There are no residential structures on the property at this time. The applicant would like to operate an auto sales dealership on a parcel that is approximately 10.00 acres in size. The auto sales dealership would be situated on the southeastern corner of the property. The applicant has estimated that the total area the auto sales dealership would utilize will fit within a 100x100 foot fenced area. Along the northern side of the fenced in area, an 8x20 foot office will be placed. There will be no water or septic connected to the building. Parking will be along the front and sides of the fenced in area. The vehicles for sale will be centered in the middle of the 100x100 foot enclosure. The applicant plans on placing gravel on and around the parking lot area.

COMPATIBILITY

Surrounding Land Use and Zoning

<i>Direction from Site</i>	<i>Land Use</i>	<i>Zoning</i>
North	Agricultural	Ag/SF Res 1 unit/ac
South	Agricultural	Ag/SF Res 1 unit/ac
East	Agricultural	Ag/SF Res 1 unit/ac
West	Residential/Vacant	Ag/SF Res 1 unit/ac

Existing Condition of Property

The subject property is zoned Ag/SF Res 1 unit/ac and has an agricultural use. It is in an area that is heavy with agricultural uses. The property does not currently have any residences on it, though there is a shed situated in the middle of the property. Current aerial imagery and a site visit show many used or broken vehicles on the property.

County's Land Use Plan

According to the County's Land Use Plan:

SECTION III. PHYSICAL DEVELOPMENT

B. 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:

- b. Not incompatible with adjacent residential and agricultural uses; or by conditions placed on such to mitigate its impact. Together with community facilities and compatible residential uses, this use typically serves as a buffer between general commercial and strictly residential uses.

The subject area is located within a part of the county that is heavy in agricultural uses. To the immediate east is a small rural subdivision, Grand View Subdivision. The lots in Grand View Subdivision are all over 3 acres but less than 4 acres in size. The applicant hopes to utilize one acre in the southeast portion of the larger 10 acre parcel as their auto dealership. The immediate parcel to the east is residential by use, but is vacant. The parcels immediately adjacent are either vacant or do not contain residential structures (i.e., they may have agricultural structures). The auto dealership will be fenced to allow for the safety of nearby neighbors and vehicle inventory.

Future Land Use / Zoning Designation

The parcel is not in a city planning area. There is not a Future Land Use for the project parcel. The current zoning for the project parcel is Ag/SF Res 1 unit/ac. If the project is approved, the zoning will stay the same, but with a conditional use allowance.

Neighbor Comments and Concerns

Pursuant to Sec 11-204, Sec 11-71 (2a), and Sec 11-101b of the Washington County Code of Ordinances, notifications were sent by certified letter to all adjoining property owners within 300 feet. To date, Staff has not received comments voicing opposition or favor of the project. Planning Staff will update the Board should any further comments be received.

Criteria for Conditional Uses

According to Sec 11-200(a) Criteria for allowance of conditional uses:

The Board shall hear and decide requests for a conditional use and may authorize such if it finds:

<i>Criteria</i>	<i>Staff Comments</i>
1 That a written application has been filed with the Planning Office and the appropriate fee has been paid.	The applicant has submitted a written application however has not submitted the appropriate fee. Before final approval of the project is given, the applicant must submit the project fee.
2 That the applicant has provided proof that each property owner as set out in section 11-204 has been notified by return receipt mail.	Notifications of public hearing was sent via certified receipt. Staff has copies of the certified receipts as proof.
3 That adequate utilities, roads, drainage and other public services are available and adequate or will be made available and adequate if the use is granted.	Adequate utilities are available or will be made available at the applicant or property owner’s expense.
4 That the proposed use is compatible with the surrounding area.	The proposed use is not inherently compatible with the surrounding area due to zoning and majority of use. With conditions, the proposed use can be made more compatible.
5 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.	The proposed use is an auto sales dealership. This use is not considered dangerous by nature though there may be an additional few vehicles on Hwy 62 visiting the dealership. The applicant plans on installing a fence all the way around the perimeter of the dealership. The fence will allow for a physical barrier between the business and the surrounding area. There is a lot of “buffer” between the location of the business and actual residents.

<p>6 That the conditional use will not be injurious to the use and enjoyment of other property in the surrounding area for the purposes already permitted, nor substantially diminish and impair property values within the surrounding area.</p>	<p>The surrounding area is mostly agricultural by use and zoning. There seems to be industrial farming within the nearby area. A small auto dealership should not hamper the farming procedures. There is a lot of “buffer” between the dealership and residential buildings. Staff feels that a small auto dealership will not impair property values.</p>
<p>7 That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding area for uses permitted in the zone.</p>	<p>The proposed use will potentially bring in additional dozen vehicles a day onto Hwy 62. This should not impede the normal and orderly development and improvement of the surrounding area. There is a lot of buffer that exists between the proposed dealership and residential buildings. Should property owners wish to further develop their land or subdivide their parcel/s, the proposed auto dealership should not be an impediment.</p>

SUMMARY OF AGENCY COMMENTS – TECHNICAL REVIEW

From 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

From City of Lincoln Water

1. The City of Lincoln is unable to provide fire protection because the water line is too small.

From PG Telco

1. No comments.

From the County Engineer

1. Verify that there will be only one driveway. If there are additional driveways added, additional review may be needed.
2. There should not be any drainage issues as long as existing grades are matched as the applicant states that it will.

RECOMMENDATION & CONDITIONS

Staff has reviewed the CUP submittal documents and feel the proposed automotive car lot can be made compatible with county ordinances with the following conditions:

Utility Conditions

Electricity – 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

Phone – PG Telco

1. Please contact PG Telco for telephone concerns and questions.

Water – City of Lincoln

1. The City of Lincoln is unable to provide fire protection because the water line is too small.

Fire Safety Conditions

Fire Marshal

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

Lincoln Rural Fire Department

1. The access road must support up to 85,000lbs and be certified by an engineer.
2. A cul-de-sac or approved turn-around must be constructed to Arkansas Fire Code and be 100 foot in diameter to accommodate the larger vehicle the Fire Department has.
3. The entry road must be 20 feet wide minimum.

Sewer/Septic Conditions

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

Drainage Conditions

1. Should the applicant deviate from their plans to cover the project area with gravel or if the applicant plans to alter the current existing grades, further review will be needed per the County Engineer.

Environmental Conditions

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

Road Conditions

1. A permit from the Arkansas Highway and Transportation Department (AHTD) is required prior to any work being completed in the right-of-way.

Signage Conditions

1. All signs must be out of the right of ways.
2. Signs may not exceed 24 square feet in size.
3. Signs shall not be directly lit.

Lighting Conditions

1. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.

Screening Conditions

1. All outdoor storage areas and dumpsters, to include the gate, shall be screened with opaque material of a uniform type.
2. Any vegetation along the eastern portion of the bordering parcel must remain or if removed, must be replaced with vegetation for screening/privacy purposes.
3. The applicant shall utilize privacy fencing or similar opaque material to shield non-operational vehicles from view from the public road.

Planning Conditions

1. The Conditional Use Permit is specifically to allow an auto dealership only. The size of the auto dealership shall not exceed one acre in size. Any future land uses not allowed by the current zoning must come before the Planning Board/Zoning Board for conditional use permit approval and ratified by the Quorum Court.
2. The applicant must address all technical review comments as the project proceeds through to completion.

Standard Conditions for All Projects

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. All CUPs 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 pointed out, "Other than that little drawing they had, is there nothing else that they are required to do in reference to that? It seems to me that it is kind of like that other one. It's a little bit half put together. My concern is where they are putting it and if you look further back on the property. We didn't even see pictures of east and west like ya'll normally do other than the other car lots down through there. I don't know."

Robert Daugherty, Planning Board Member, inquired, "Are they going to screen the cars that are not in operation or for sale? That can be a little bit detrimental to the vision of the facility. I know they've got a bunch of vehicles there that are parts cars or whatever."

Sita Nanthavong replied, "Our screen conditions say that all outdoor storage areas and dumpsters to include the gate shall be screened with opaque material of uniform type. It does not specifically say that if

they have cars stored for parts that it has to be screened, but we can make it a part of the conditions.”

Nathan Crouch added, “We can definitely add that condition at the meeting here if we would like to. We did that with the Orellana Car Lot a couple of months ago, but just a simple span a privacy fence might be what you are looking at there, Bob.”

Robert Daugherty communicated, “I think that would greatly help because I do know that that’s going to be a practice there.”

Joel Kelsey stated, “I am in agreements with Bob.”

Philip Humbard agreed, “I agree as well.”

Nathan Crouch suggested, “Okay, do we want to go ahead and mirror the condition that we used on the Orellana Car Lot? Do we want to designate a certain length here on the spot or just indicate that we want screening effectively from corner to corner of the property? Not that the span would go corner to corner, but from each corner we would put the span long enough that from each corner you wouldn’t be able to see those cars.”

Joel Kelsey responded, “I think that you definitely do the west side and north side if he is going to do landscaping in order to make it presentable as a business to be open and everything. I think he has definitely got to hide that.”

Nathan Crouch asked, “At this point it is good conversation. Ultimately, we’re just going to need to come up with a condition there. Were they proposing landscaping, Sita?”

Sita Nanthavong answered, “Yes. He said he would put up landscaping to help with visual barriers especially along here and he is open to putting it wherever along this eastern side.”

Nathan Crouch inquired, “Would the land owner be agreeable to vegetative screening or are we more interested in a privacy fence? I am thinking vegetative screening would be more than adequate.”

Robert Daugherty added, “What I am assuming is that along 62 he is probably going to display the vehicles that are for sale. I would say that screening would need to be done for the vehicles used for parts, salvage or whatever. Some type of screening that would protect the residential people along that corridor there to some degree. Just something to block that view of those vehicles that are not in operation.”

Nathan Crouch affirmed, “10-4. We will make that happen.”

No Public Comment

Public Comment Closed

*Robert Daugherty made a motion to approve the **62 Motor City CUP** subject to staff recommendations and the added condition of screening the vehicles not for sale or in operation. Jay Percy seconded. All Board Members present were in favor of approving. Motion passed.*

Randy Laney commented, “It appears that we’ve got a runaway of used car lots here all of a sudden. We might plan in advance because I hate to put it on staff or him to come up with what does reasonable screening looks like. We should probably anticipate it when there’s neighbors around it and you all go ahead and draw some stuff out so that we’ve got something more concrete than just some screening.”

Nathan Crouch suggested, “Kind of a standard condition and maybe a standard screening type.”

Randy Laney specified, “Yes, as Bob says, for non-functioning cars or non-for sale. We need to come up with a definition. Everybody knows what he means, but we need to be able to define it clearly.”

Nathan Crouch noted, “Agreed.”

Joel Kelsey agreed, “I am in agreements with Randy. I think something that gives them just a little bit more. That they’ve got to put a little more effort into it. In reference to just kind of halfway doing it and just doing the least amount to just throw something at us to say this is what I want to do. Something that we require that gives it a little bit more concrete.”

Randy Laney added, “I’d like to know are we putting a \$5,000 burden on them or are we putting a \$2,000 burden on them.”

Nathan Crouch explained, “Well, and that’s one of the big deals is understanding that it’s definitely that whenever we’re trying to push these people through the project and trying not to design it for them.”

Randy Laney reiterated, “Yes, and I would like to know what kind of financial burden we’re putting on them, because I really don’t know.”

Joel Kelsey stated, “Absolutely.”

LAND DEVELOPMENT HEARING

County

d. Magnolia Acres Final Subdivision

Final Land Development Request

Location: Section 14, Township 16, Range 29

Applicant: Bates & Associates

Location Address: 14585 Lake Sequoyah WC 50

JP District: Butch Pond, District 15

Approximately: +/- 69.19 acres / 14 lots

Coordinates: Latitude: 36.06488725, Longitude: -94.02142308

Project #: 2020-246

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

APPLICANT’S REQUEST

The applicant is requesting final approval of the Magnolia Acres Subdivision project.

SITE INFORMATION

Land Owner:	Moldenhauer Real Estate, Inc.	Parcel Number:	001-10456-004
Site Location:	14585 Lake Sequoyah WC 50	Planning Area:	None
Acreage:	71.39 acres	QC District:	15, Butch Pond
Current Zoning:	Agriculture/Single-Family Residential 1 unit per acre	School District:	Fayetteville
FIRM:	05143C0235F	Fire District:	Round Mountain
Wetland:	Yes, Ponds	Watershed:	None

UTILITIES

Electricity:	Ozark Electric	Gas:	None
Cable:	None	Phone:	AT&T
Water:	City of Fayetteville		

BACKGROUND/SYNOPSIS

The Magnolia Acres Preliminary Subdivision was approved by the Planning Board at the June 11, 2020 meeting. There were no outstanding issues or concerns by the Planning Board or the public. All Board members present were in favor of approving the Preliminary project. The applicant is requesting Final

Subdivision approval of the Magnolia Acres 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 subdivision is located on Lake Sequoyah Road WC 50, High Road WC 3305, and Hummingbird Road WC 302. There will be a total of ten (10) lots in the subdivision with a remainder that will not be a part of the development. The lot sizes range from approximately 3 acres to 10 acres. There are two existing residences that will not be a part of the development. All lots have frontage on Lake Sequoyah Road WC 50 and Hummingbird Rd WC 302.

TECHNICAL CONCERNS

Final Subdivision requests are not reviewed through the standard Technical Review process. However, Staff does ask each reviewer for comments or concerns as they review the Final Subdivision submittal.

Checklist Items

All items on the Final Subdivision standard checklist have been fulfilled.

Utilities

Electric – Ozarks Electric

During the Preliminary process, Ozarks Electric submitted general comments. In response to the Final, they had no concerns.

Water – City of Fayetteville

The City of Fayetteville Engineering Department did not have comments during the Preliminary and for the Final subdivision proposal.

Phone – AT&T

There were no comments from AT&T in regards to phone service during the Preliminary and for the Final review.

Safety

Fire

There were no new concerns for this Final review of the Magnolia Acres Subdivision plans. During the Preliminary, the Washington County Fire Marshal stated that tanker support is available to this location. The Round Mountain Fire Department did not have comments during Preliminary or for this Final review.

Sheriff's Department

The Washington County Sheriff's Department did not have comments during Preliminary or for this Final review.

Drainage

The Washington County engineer has reviewed the Magnolia Acres Final Subdivision submittal and did not have further comments.

Septic

The plans and design for the Magnolia Acres Subdivision have been reviewed and approved by the Arkansas Department of Health.

Road

The Final Subdivision submittal was sent to the Washington County Road Department. They did not have comments.

RECOMMENDATION & CONDITIONS

Staff recommends approval of this project with the following conditions:

Utilities Conditions

Electric – Ozarks Electric, From Preliminary Review

1. Any relocation or extension of the existing facilities that have to be built for this subdivision will be at full cost to the developer.
2. All lot corners must be marked with lot numbers clearly written on the stakes before construction will begin.
3. There will be extra charges to the Developer when extra time and materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
4. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat.
5. 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 the developer may be subject to extra charges from Ozarks for clearing the easement.
6. Please contact Ozarks Electric when construction begins and again when construction is within three months of completion.

Wes Mahaffey At (479)263-2167 or wmahaffey@ozarksecc.com

Phone – AT&T

Please contact AT&T for any concerns regarding phone service.

Water – City of Fayetteville

Please contact the City of Fayetteville for any concerns regarding water service.

Arkansas Department of Health Conditions

1. The Engineering Section relied upon the statements and representations made in the plans and specifications. In case any statement or representation in the aforementioned documents is found to be incorrect, this Approval may be revoked.
2. There shall be no deviation from the plans and specifications unless revised plans and specifications have been first submitted for review and written consent given.
3. The review and approval of the drawings and specifications were for functional and sanitary features and in no way constitute an analysis of the structural design.
4. If construction on this project is not started within one year of the date affixed hereto, this Letter of Approval is void.
5. Construction observation for this project shall be the responsibility of McClelland Consulting Engineers, Inc.
6. All conditions of ADH septic system feasibility letter dated June 12, 2020, from Kyle Krievans, Senior NW Region Environmental Program Specialist, shall be adhered to.

Safety Conditions

Washington County Fire Marshal, From Preliminary Review

1. Any New structures on the property shall not exceed 3600 square feet in size. Should you want larger structures you must submit the overall square footage to the Fire Marshal for review.
 - a. B105.1 One- and two-family dwellings. The minimum fire-flow and flow duration requirements for one- and two-family dwellings having a fire-flow calculation area that does not exceed 3,600 square feet shall be 1,000 gallons per minute for 1 hour. Fire-flow and flow duration for structures in excess of 3,600 square feet shall not be less than that specified in table B105.1.

2. The proposed project fire flow can be supported by tanker support at this time. The property shall not be split any further that would require another established water supply line or hydrants without approved by the Washington County Fire Marshal. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
 - a. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
 - b. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
 - i. Exceptions:
 1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet.
 2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.
3. The property shall not be split any further or in a way that would require an approved fire apparatus access road without approval by the Washington County Fire Marshal.
 - a. 503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
 - i. Exception: The fire code official is authorized to increase the dimensions of 150 feet where:
 1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1, 903.3.1.2 or 903.1.3
 2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, non-negotiable grades or other similar condition, and an approved alternative means of fire protection is provided.
 3. There are not more than two Group R-3 or Group U occupancies.
4. There shall be interconnected smoke alarms that receive their primary power from the building wiring and have a secondary power source.
 - a. 907.2.11.2 Groups R-2, R-3, R-4, and I-1. Single or multiple-station smoke alarms shall be installed and maintained in groups R-2, R-3, R-4, and I-1 regardless of occupant load at all of the following locations:
 - i. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 - ii. In each room used for sleeping purposes.
 1. Exception: Single or multiple station smoke alarm in group I-1 shall not be required where smoke detectors are provided in the sleeping rooms as part of an automatic smoke detection system.

- iii. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than on full story below the upper level.
 - iv. 907.2.11.3 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit or sleeping unit in Group R or I-1 occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarm shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedroom over background noise levels with all intervening doors closed.
 - b. 907.2.11.4 Power source. In new construction, required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery back-up shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than required for overcurrent protection.
- 5. New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
 - a. 505.1 New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their backgrounds. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained.
 - b. 505.2 Street or road signs. Streets and road shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

Round Mountain Rural Fire Department

- 1. Please contact Round Mountain for fire safety and response concerns.

Washington County Sheriff's Department conditions

- 1. Please contact the Sheriff's Department for public safety concerns.

Addressing Conditions

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

Environmental Conditions

1. 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 Conditions

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

Drainage Conditions

1. The final drainage report has been reviewed by the Washington County engineer and has been approved. If the applicant deviates from the proposed design, a new drainage report may be requested for review.

Planning Conditions

1. Per Sec. 11-102 Vehicular access from private drive
 - (1) No land development, including those subject to exemption as set out in Washington County Code 11-79, shall be approved if any anticipated structure's driveway shall be so arranged such that it is necessary for a vehicle to back out onto any County or public road.
 - (2) Every owner or developer of any such land development shall certify that no driveways shall be constructed in violation of this section and such shall be noted on any plat or exemption application.
 - (3) No structure or driveway, regardless as to whether it is part of a land development, shall be built, installed or erected in such a manner that it will be necessary for any vehicle to back out onto any County or public road.
 - (4) This section shall not be applicable to interior roads in a land development.

Standard Conditions for All Projects

Washington County will not maintain any common areas.

8. Pay any engineering fees. This total will be calculated for this project once all invoices are received.
9. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
10. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
11. 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.
12. 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.

No Public Comment

Public Comment Closed

*Randy Laney made a motion to approve the **Magnolia Acres Final Subdivision** subject to staff recommendations. Robert Daugherty seconded. All Board Members present 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:
 - November 5th, 2020
 - December 10th, 2020

6. Old Business

7. Adjourn

Robert Daugherty moved to adjourn. Randy Laney 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