

MARILYN EDWARDS
County Judge



280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

September 11, 2015

REGULAR MEETING OF THE
WASHINGTON COUNTY QUORUM COURT

September 17, 2015
6:00 p.m.
Washington County Quorum Court Room

A G E N D A

1. **CALL TO ORDER.** **JUDGE EDWARDS**
2. **PRAYER AND PLEDGE.**
3. **ROLL CALL.**
4. **ADOPTION OF AGENDA.** At the beginning of each meeting, the agenda shall be approved. Any JP may request an item be added to the agenda subject to approval of the Quorum Court.
5. **APPROVAL OF MINUTES.** Approval of the minutes of the June 16th regular and the July 9th special meeting of the Quorum Court.
6. **COUNTY JUDGE'S REPORT.** **JUDGE EDWARDS**
7. **COMMITTEE REPORTS.**
8. **AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD.** The Planning Board granted a Conditional Use Permit on August 27 for White River Cafe. This ordinance contains an emergency clause making it effective immediately upon passage. (8.1, 8.2) **BUTCH POND**

- 9. AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD.** The Planning Board granted a Conditional Use Permit on August 27 for Reed Commercial Building. This ordinance contains an emergency clause making it effective immediately upon passage. **(9.1, 9.2)**

JOE PATTERSON

- 10. OTHER BUSINESS.**

- 11. CITIZEN'S COMMENTS.** Fifteen-minute comment period with a three-minute limit for each individual to comment on items on the agenda or other items.

- 12. ADJOURNMENT.**

/cs

ORDINANCE NO. 2015-_____

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

AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD.

WHEREAS, the Planning and Zoning Board granted a Conditional Use Permit on August 27 for White River Cafe; and,

WHEREAS, immediate ratification is necessary by the Quorum Court to prevent undue delay and expense to the applicant; and,

WHEREAS, ratification will not affect any appeal rights any person may have.

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

ARTICLE 1. That the Conditional Use Permit for White River Cafe granted by the Planning and Zoning Board is hereby ratified.

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

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Butch Pond
Date of Passage: _____
Votes For: _____ Votes Against: _____
Abstention: _____ Absent: _____

White River Cafe CUP

The Planning Board/Zoning Board of Adjustments approved White River Cafe Conditional Use Permit (with conditions) on August 27, 2015.

Staff does not expect any appeals on this CUP and recommends ratification of the project.

Goshen Planning Area/County

b. White River Café CUP

Conditional Use Permit Approval Request

Location Address: 18231 Habberton Rd, Springdale, AR

Approximately 5.17 acres. Proposed Land Use: Carry-out Café/ Storage/ Bottling/ Lab/ Other

Project #: 2015-026 Planner: Courtney McNair e-mail at cmcnair@co.washington.ar.us

The owner of this property is White River Specialty Leasing, LLC, and the applicant is Steven Rehbock. This property is located at the northwest intersection of Habberton Road (WC 89) and Guy Terry Road (WC 92).

This CUP request is to allow an existing building to be used for a small, carry-out only, café (500 sq ft), and storage and bottling uses related to the Saddlebock Brewery across Habberton Road. The building is currently used primarily for storage for Saddlebock Brewery. There is a small break room for employees as well.

Along with the existing building, there is an existing septic system which is proposed to be abandoned, existing entrance drive off Habberton Road which is proposed to be gated, and associated parking with the existing building.

The applicant is proposing a new septic system, new entrance drive off Guy Terry Road, and a small parking area outside the portion of the building to be used as a café.

The main concerns with this project were sight visibility, fire access, concerns about the Habberton Road entrance, and septic system sizing. These are being resolved with conditions.

The Washington County Fire Marshal and Nob Hill Fire Chief reviewed this project. Several conditions were made regarding the fire safety of the building and the fire access.

Site Plan:

The nearest hydrant is more than 500 feet away on Guy Terry Road, but Nob Hill Fire Chief has stated that he can provide tanker support that will be adequate to service this building. In order for Nob Hill to adequately access this building, the Fire Lane must be increased to 26 feet wide and compacted to 75,000lbs in all weather conditions with a 38' minimum turn radius. On the survey, the proposed entrance drive is called out at a 10% grade. It must not exceed this grade, and will be inspected by the Fire Marshal prior to occupation. Additionally, Fire Lane signs must be placed (staff has indicated 3 possible locations) along the fire access road.

Structure:

Architectural plans have been submitted and approved by the Washington County Fire Marshal. The building must be constructed per the signed architect plans, and will be inspected by the Fire Marshal prior to occupation. This includes proper construction of the fire wall, installation of the Fire Extinguishers, and the Hood system must have a contract with a fire extinguishing company that will tag its certification, along with any other fire safety elements shown in the plans. All fire exits appear adequate, they must not be blocked by stored materials, and clear paths to the exits must be maintained.

There is an existing entrance off Habberton Road. It is located on a dangerous portion of the road because there is inadequate sight visibility. The applicant is requesting that this entrance be gated to public use, but would like for it to continue to be used for his employees.

The applicant is proposing a new entrance off of Guy Terry Road. Planning Staff has asked for verification of the sight distance at the proposed location (by the applicant's surveyor). It must meet minimum County Standards. **This was submitted and is adequate.**

Staff feels this is an area that is transitioning from solely residential and agricultural uses to include light commercial uses. As the building is existing, and has been for several years, having a use that is low impact to occupy this building seems fitting with the surrounding uses. **Staff feels that the applicant's request is compatible with the surrounding uses with the recommended conditions.**

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. One neighbor submitted an "opposed" comment. He was unable to attend the meeting.

County Ordinance allows for an appeal period (for any party: applicant, neighbor, member of the public, etc) within 30 days of the Planning Board/ZBA approval. Even if the Quorum Court ratifies the CUP; the right of appeal remains until the 30 days has passed. If an appeal is filed within the 30 day period then a subsequent hearing will be scheduled and held by the Quorum Court.

Staff recommended approval of the proposed White River Café Conditional Use Permit with conditions.

The Planning Board/ Zoning Board of Adjustments approved (6 members voted "in favor", 0 members voted "against", 1 member was not present, 0 members abstained) the project with the following conditions:

Water/Plumbing/Fire Conditions:

1. The City of Fayetteville will inspect plumbing, and the applicant shall provide Washington County Planning staff with a copy of the inspection.
2. The Fire Lane must be increased to 26 feet wide and compacted to 75,000lbs in all weather conditions with a 38' minimum turn radius. A statement about compaction shall be submitted prior to occupation from the company that tests the compaction.
3. The proposed entrance shall not exceed 10% grade, and will be inspected by the Fire Marshal prior to occupation.
4. Fire Lane signs shall be placed along the fire access road.
5. The building shall be constructed per the signed architect plans, and will be inspected by the Fire Marshal prior to occupation. This includes proper construction of the fire wall, installation of the Fire Extinguishers, and the Hood system shall have a contract with a fire extinguishing company that will tag its certification, along with any other fire safety elements shown in the plans.
6. All fire exits appear adequate, they shall not be blocked by stored materials, and clear paths to the exits shall be maintained.
7. It is the applicant's responsibility to contact the County when inspections are needed.

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

1. The Habberton Road entrance shall be gated to public use, but can continue to be used for employees only.

2. Slow moving vehicles transporting materials/product across Habberton Road to and from the Saddlebock Brewery shall not impede normal traffic flow, and shall use proper signage. Proper signage includes marking the equipment with the orange, reflective, triangles to indicate it is a slow moving vehicle, and adding warning signs along Habberton Road that indicate slow moving vehicles will be in this area.
3. The applicant shall purchase "Slow Moving Vehicle" signs and "Pedestrian Crossing" signs from the Road Department. The Road Department will install them appropriately.
4. A sign shall be placed on the Habberton entrance that states that it is for employee use only, no public access, no deliveries.
5. The applicant shall remove the small residential driveway that crosses the property and have the residence use its existing entrance on Guy Terry Road only.
6. Fire access shall not be blocked.
7. Verification of the sight distance at the proposed entrance location on Guy Terry Road shall be submitted prior to CUP approval (by the applicant's surveyor). It must meet minimum County Standards.
8. The Washington County Road Department requires an apron to connect ALL entrance drives to the County Road (including the one on Habberton Road if it is left in place, even if it is just used by employees). The apron(s) must be paved (asphalt or concrete) and at least 20' x 20'. This must be completed prior to operating. Any extensions must be approved by the Washington County Road Department Superintendent.
9. All entrance drives and parking areas must support 75,000lbs in all weather conditions.
10. 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.

Sewer/Septic/Decentralized Sewer Conditions:

1. The existing septic system on this site shall be abandoned.
2. A new septic system has been designed, but is in the process of being modified. This permit needs to show that the new system can support 500 gallons per day.
3. The septic system must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to occupation of the business.
4. A food service permit and a new manufacturing permit for bottling beer are required by ADH. These permits will not be issued until a septic permit has been approved. Washington County Planning shall receive copies of these permits prior to operation.
5. The proposed septic system shall be a minimum of 100 feet away from any body of water (creeks, lake, etc).
6. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either).

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).

Electric/Gas/Cable/Phone Conditions:

1. Ozarks Electric: any relocation of OECC facilities if needed may be at the developer's expense.
2. Ozarks Electric: the applicant must show 15' UE outside the County Road ROW for overhead power line on Habberton Rd. (There is a 25-ft setback and UE shown along Habberton Road on the most recent submittal).
3. Ozarks Electric: It appears the sign is placed within the UE. As long as the sign height does not exceed 10 feet, Ozarks Electric will allow it to be placed in the UE.
4. Generally, any damage or relocation of utilities will be at the expense of the owner/applicant.

Signage/Lighting/Screening 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.
2. The proposed sign shall not exceed 24 sq ft in size, and be unlit as proposed. It must not block line of sight for patrons exiting the proposed cafe. Signage may not be located in the ROW.
3. The applicant shall submit a sketch of the proposed signage to the Planning Office prior to installation.
4. No additional screening is required at this time.

Alcohol Beverage Control (ABC) Conditions:

1. Planning Staff contacted the ABC to see if any additional permits will be required for the proposed bottling use of this building, and to see if there are any regulations for transportation from the brewery to this site. Aaron Farmer with ABC stated that the applicant may need an additional permit, but was not certain. Planning Staff has contacted the Administration Staff Attorney and is waiting for their reply. We will update the Board at the meeting.
2. Generally, any additional permits that are required shall be obtained prior to operation, and a copy of the permit(s) shall be submitted to Planning Staff.

Additional Planning Conditions:

1. The "future use" area indicated on the architect plans shall come through for an additional CUP when it is desired to be developed.
2. The lot line adjustment proposed must be approved by the City of Goshen and Washington County. It must then be filed with the Circuit Clerk. A deed must be filed to transfer ownership prior to construction.

3. A Large Scale Development will not be required for this proposal as no new structures are being added, and the site work is minimal.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$47.41) within 30 days of the project hearing. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 08/21/15).
2. Pay engineering fees within 30 days of receiving your invoice. Any extension must be approved by the Planning Office (invoice total will be calculated once all charges are received by Planning Staff. If less than one hour of review, there will be no charge).
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. This CUP is not fully approved until all of these conditions are fully implemented. If the applicant operates the business before all conditions are met, they will be out of compliance.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o 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.

ORDINANCE NO. 2015-_____

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

AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD.

WHEREAS, the Planning and Zoning Board granted a Conditional Use Permit on August 27 for Reed Commercial Building; and,

WHEREAS, immediate ratification is necessary by the Quorum Court to prevent undue delay and expense to the applicant; and,

WHEREAS, ratification will not affect any appeal rights any person may have.

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

ARTICLE 1. That the Conditional Use Permit for Reed Commercial Building granted by the Planning and Zoning Board is hereby ratified.

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

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Joe Patterson

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

Reed Commercial Building CUP

The Planning Board/Zoning Board of Adjustments unanimously (with one board member absent) approved Reed Commercial Building Conditional Use Permit (with conditions) on August 27, 2015.

At this time, Planning Staff does not expect any appeals on this CUP and recommends ratification of the project.

Springdale Planning Area

a. Reed Commercial Building CUP

Conditional Use Permit Request

Location Address: 16823 Ar. Hwy 412, Springdale, Ar 72766

3.6 acres/ 1 Lot

Proposed Land Use- Light Commercial

Project #: 2015-189 Planner: Nathan Crouch

email: ncrouch@co.washington.ar.us

The owner of this property is Timothy Reed. The applicant is Joe Reed.

The applicant is requesting Commercial Use on a property in an area zoned Agricultural or Single Family Residential at 1 unit/acre.

There is one existing shop building and one existing residence on this site. The shop building has adequate access to a publicly maintained road (Hwy 412). The business is currently existing and operating out of the shop building.

The main issue with this project is that the building is already being used for commercial purposes. The applicant is now attempting to come into compliance.

Screening is recommended for the outdoor storage area. Existing vegetative buffer to south neighbor to remain.

Reba Bailey of Bailey Environmental Services, Inc. inspected the existing septic system and found the system to be in proper working order.

Ozarks Electric has requested a 30' utility easement for overhead power lines be dedicated with this project.

Nob Hill VFD has stated that they can provide adequate fire protection for the proposed use.

The surrounding uses are primarily single family residential and agricultural. This proposal is for Commercial purposes. As this proposal will not add any additional traffic to Hwy 412, it shouldn't negatively affect neighboring properties. This proposed land use is compatible with the Washington County's adopted Future Land Use Plan, won't affect property values, will not affect emergency and other rescue services, and is compatible with surrounding densities. Staff feels this this proposal is appropriate and compatible with the surrounding uses.

All neighbors within 300 feet of the boundary of his property were notified by certified mail of this project proposal. Staff has received one written comment from a neighboring property owner in favor of this project, and no opposition was received.

Staff recommended approval of this Conditional Use Permit with conditions.

The Planning Board/ Zoning Board of Adjustments approved (6 members voted “in favor”, 0 members voted “against”, 1 member was not present, 0 members abstained) the project with the following conditions:

Environmental Conditions:

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

Utility Conditions:

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

Ozarks Electric Conditions:

1. Dedicate a 30' Utility Easement for overhead power lines.
As there wasn't a new survey submitted with this proposal, the UE dedication was made in writing and is on file at the Planning office.
2. File the Utility Easement with the Circuit Clerk's office.

Additional and Standard Conditions:

1. Any splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
2. File the deed for the property line adjustment you filed with the Circuit Clerk on 9-14-12.
3. File the access easement with the Circuit Clerk.
4. No new parking is approved with this CUP proposal.
5. No new signage is approved with this CUP proposal. Any signage desired in the future must be approved by Planning Staff.
6. Outdoor lighting is approved only on the exit doors.
7. Vegetative screening along the access easement (fence row) must remain intact, or replaced with fencing or planting if it is removed in the future. Any replacement screening must be approved by Planning Staff.
8. Fire Extinguishers must be acquired and appropriately located in the building, and inspected by the Fire Marshal prior to operation.

10. The entry drive and area outside the lobby of the building (west end of bldg.) are to be designated Fire Lane. There must be no parking in the Fire Lane. "No Parking – Fire Lane" signs must be installed, and inspected by the Fire Marshal prior to operation.
11. No parking is allowed on any portion of the septic system (including the alternate area).
12. All commercial outdoor storage (plumbing salvage and dumpster) must be screened by opaque fencing. Fencing should be either wooden or composite privacy fencing, uniform metal fencing, or masonry in nature. Fencing cannot be "recycled metal" unless all material is uniform. All gates must also be opaque.
 - Planning Staff must approve the proposed area to be fenced prior to the construction of the fence.
 - The applicant shall have 12 months from the date of the CUP ratification to install the fence.
 - Fencing must be kept in good repair, and must be inspected and approved by Planning Staff.
13. Hours of operation, Monday – Friday, 9:00 a.m. to 5:00 p.m., must be generally as stated.
14. Number of employees (7) must be generally as stated.
15. Any other land divisions, commercial structures, or other types of uses not considered with this submittal must come through a separate CUP or review process with the County.
16. **This CUP is not fully approved until all of these conditions are fully implemented. If the applicant operates the business before all conditions are met, they will be out of compliance.**
17. This CUP must be ratified by the Quorum Court.
18. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - This project does not require additional Planning Board review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.
19. The Applicant is responsible for scheduling all inspections with Planning Staff.
20. Pay engineering fees within 30 days of receiving your invoice. Any extension must be approved by the Planning Office (invoice total will be calculated once all charges are received by Planning Staff. If less than one hour of review, there will be no charge).