

**MINUTES
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS
December 6, 2012**

5:00 pm, Quorum Court Room, New Court House
280 N. College Ave.
Fayetteville, Arkansas 72701

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

LAND DEVELOPMENT HEARINGS

Farmington Planning Area

a: Greenburrow Minor Subdivision

Approved

Springdale Planning Area

b: Sonora Commercial Center Final LSD

Approved

County

c: Summers Baptist Church Preliminary LSD

Approved

Fayetteville Planning Area

d: Variance of maximum cul-de-sac length for Chapel View Subdivision

Approved

Fayetteville Planning Area

e: Chapel View Subdivision

Approved

Springdale Planning Area

f. Northwest Arkansas Quarries LSD

Approved

CONDITIONAL USE PERMIT HEARINGS

Fayetteville Planning Area

g. Buffington Homes Subdivision – Gulley Road CUP

Approved

1. ROLL CALL:

Roll call was taken. Members present include: Kenley Haley, Robert Daugherty, Daryl Yerton, Randy Laney, Cheryl West, and Walter Jennings.

2. APPROVAL OF MINUTES: *Randy stated that the Board needs to reapprove the Oct 4, 2012 and September 6, 2012 minutes since it was not seconded properly. Robert Daugherty made a motion to approve the minutes from Oct 4, 2012 and September 6, 2012. Kenley Haley seconded. All board members were in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA:

Juliet Richey, Washington Planning Director, made a request to start item G first on the agenda.

Robert Daugherty made a motion to approve the agenda. Cheryl West seconded. All board members were in favor of approving. Motion passed.

4. NEW BUSINESS

CONDITIONAL USE PERMIT HEARINGS

Fayetteville Planning Area

g. Buffington Homes Subdivision – Gulley Road CUP

Conditional Use Permit Approval Request

Location: Section 29, Township 17 North, Range 29 West

Owners: REO Holdings I, LLC, Metropolitan National Bank, Gaddy Investment Company Inc.

Applicant: Buffington Homes of Arkansas, LLC; Clay Carlton

Location Address: 3920 Oakland Zion Road WC# 83, Fayetteville, AR 72703

Approximately 28 acres / Proposed Land Use: Residential

Coordinates: Longitude: 94° 5' 58.57" W Latitude: 36° 7' 17.859" N

Project #: 2012-111 Planner: Sarah Geurtz e-mail at sgeurtz@co.washington.ar.us

REQUEST: Conditional Use Permit approval to allow a 44 residential lot subdivision on approximately 26.5 acres within Fayetteville's Planning Area. The proposed density being requested is 1.7 homes per acre with approximately 4 acres reserved for detention and a community septic system.

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 Fayetteville's Planning Area.

QUORUM COURT DISTRICT: District 9, Butch Pond

FIRE SERVICE AREA: Goshen & Fayetteville

SCHOOL DISTRICT: Fayetteville

INFRASTRUCTURE: **Water-** Fayetteville Water

Electric- Ozarks Electric

Natural Gas- SourceGas

Telephone- AT&T **Cable-** Cox

BACKGROUND/ PROJECT SYNOPSIS:

The applicant is Clay Carlton with Buffington Homes of Arkansas, LLC. The main Engineer on this project is Dave Jorgensen of Jorgensen & Associates. Peters Associates Engineers, Inc. conducted the Traffic Study. The property owners are currently listed by the Washington County Assessor's Office as being Metropolitan National Bank, REO Holdings LLC c/o Nikki Lovell, and Gaddy Investment Company, Inc. The applicant, Mr. Carlton, reported to Staff that Metropolitan Bank and REO Holdings, Inc. are different companies by name but are the same company (one handles foreclosures and then the property is transferred to the other company). Mr. Carlton also reported that one of the parcels involved in this project, 001-15534-000 (see attachment G-14), owned by Gaddy Investment Company, Inc., was supposed to have been deeded to Metropolitan Bank. However, the property seems to have been left off the deed. If REO Holdings and Metropolitan Bank cannot get this parcel deeded to them, this parcel (which comprises only .123 of an acre) may be removed from the subdivision. If the acreage has to be shrunk by the .125 acre parcel to the south, the project's total acreage would be approximately 26.375 acres.

The property is located west of the Fayetteville City Limits at the junction of Oakland Zion Road WC# 83 and E. Gulley Road WC# 345 (see attachments G-12 through G-15).

Buffington Homes Subdivision – Gulley Road CUP is requesting Conditional Use Permit approval to create a 44 Residential lot subdivision on approximately 26.5 acres within Fayetteville's Planning Area. The proposed density is 1.7 homes per acre with approximately 4 acres reserved for detention and a community septic system (see attached G-18). Because the lot sizes are smaller than 1 acre each, this project must first request a Conditional Use Permit (CUP) approval in order to proceed as a Subdivision. Please note that the plans on page 18 show only 43 home lots. While the concept plan shows only 43

lots, Mr. Carlton wishes to have 44 lots. Therefore, the subdivision layout may well increase by one lot.

This proposed Subdivision is located within Fayetteville's Planning Area, just under 1 mile east of Fayetteville's City Limits. It currently comprises 7 parcels: 001-15535-001, 001-15536-000, 001-15513-000, 001-15534-001, 001-15534-003, 001-15534-000, and 001-15532-000. If this CUP is approved, two lot line adjustments would be filed with Fayetteville and Washington County involving parcels 001-15533-000 and 001-15532-000 to create the parcel configuration seen in the attached plans (see attachments G-18 and G-19). The total acreage may change due to potential problems with lots 16-18's back property lines abutting a neighboring pond with a tall and thick berm on the pond's west side (see attachments G-18 and G-50) and due to the ownership issues involved with the southern .125 acre parcel. The applicant is requesting permission for the density of 1.7 homes per acre to allow for the extra home site he wishes to have, for a possible need for a tighter lot line adjustment near the bermed pond, and to allow for possibly removing parcel 001-15534-000 from the subdivision.

This project would access off E. Gulley Rd. WC# 345 and Oakland Zion Rd. WC# 83. Staff was concerned about the traffic loading onto Oakland Zion due to the narrowness and condition of the street. Also of concern to Staff was the unsafe intersection of Oakland Zion Rd. and Old Wire to the west of this intersection. The applicant had a traffic study completed and provided two intersection alternatives to Staff. One of the intersection alternatives given was found to be acceptable by Staff (see attachment G-20 through G-23).

Melissa Wonnacott-Center of the Arkansas Health Department stated that some of the tested sites are unsuitable for septic systems, but that the lot being proposed for a community septic system has well-draining soils. Due to this and to the small lot sizes, a community septic system is proposed.

The applicant has stated there to be water lines available on Oakland Zion Rd. and E. Gulley Rd. and that both waterlines would be tapped for this project. Also reported by the applicant is that there is an existing fire hydrant on E. Gulley Rd.

Jorgensen & Associates' preliminary drainage studies indicated they will need two separate drainage basins due to the topography: one in the southwest corner and one in the southeast corner. The actual volume of these basins would be determined with further drainage studies.

The main issues with this project have been the proposed density, the safety of the Oakland Zion Road and the Gulley/Old Wire intersection, the southern cul-de-sac, and potential degradation to the southern stream.

TECHNICAL CONCERNS:

Water/Plumbing/Fire/Engineering Issues:

The applicant, Clay Carlton, has stated there to be an existing 6" waterline on Oakland Zion Road and an 18" waterline on East Gulley Road. Mr. Carlton has also stated that both waterlines would be tapped for this project and that the existing fire hydrant on East Gulley Road has a static pressure of 86 psi and a flow of 1465 gpm. The water provider (Fayetteville Water) submitted no comments on this project.

The Washington County Fire Marshal, Dennis Ledbetter, reported that the available fire flow gpm would determine how far apart the hydrants would be located and therefore how many hydrants would be required. Mr. Ledbetter also requires the eastern road spur to terminate in a hammerhead, "Y", or cul-de-sac. Note that the current plans do not show this - it will be addressed in Preliminary Subdivision if this project is approved. Fayetteville Fire Department and Goshen Fire Department have made no comments on this project.

The Washington County Contract Engineer, Road Department, Planning Staff, and Fayetteville Planning have requested Gulley Rd. between lots 6 and 12 to be improved on the southern side.

Sewer/Septic/Decentralized Sewer:

A community septic system is proposed: gravity lines will lead to a pump station, into an on-site wastewater treatment system, and lastly into subsurface discharge on lot 46 (see attachment G-18).

Melissa Wonnacott-Center stated:

"The soils in this portion of the County tend to not drain well. The soil work shows some of the tested sites to be unsuitable for septic systems. However, the Lot being proposed for a community septic system has well-draining soils. If each lot was going to have its own septic system, some of these lots might have to be 3 acres in size. However, by utilizing a community septic system on the lot as presented, this problem is avoided."

Electric/Gas/Cable/Phone:

Ozarks Electric will require utility easements for this subdivision if this CUP gets approved. Cox Cable has reported that any damage or relocation of their utilities would be at the expense of the owner/applicant. No other utilities commented on this project.

Roads/Sight Visibility/Ingress-Egress/Parking:

Washington County Staff and the City of Fayetteville Staff have been very concerned with the safety of Oakland Zion Rd. and the intersection of E. Guley Rd. and Old Wire Rd. A Traffic Report was therefore required and was submitted to Staff. In this report, two proposed road improvements were suggested and the traffic study's intersection proposal called "Figure A" was determined to be acceptable with some slight alterations. This proposal involves putting a "jog" into Old Wire Road, a stop ahead warning sign, 2 advanced warning signs, and a narrowing of a curve in E. Guley Road (see attachments G-20 through G-23). However, Staff would require curbing in place of the proposed white line striping. The submitted traffic study did not state peak hour traffic counts. Staff requires an average daily count to determine to what street classification Oakland Zion should be improved. Please submit this information before or for Preliminary Subdivision Review, if this project is approved.

Improvements must be made to both sides of Oakland Zion (from the southern property line to the intersection of Guley Rd., as per County regulations). While the plans show E. Guley Rd. being improved on the northern and southern sides, only improvements to the southern side is required. However, E Guley Rd. between lots 6 and 12 is requested to be improved on the south side of the road. Also, the Right Of Way along Oakland Zion Rd. and E. Guley Rd. must be dedicated to the Washington County Road Department on the subdivision side. As per Fayetteville's standards, this dedication should be 43.5' from the centerline of the existing road. It is anticipated that the driving lane on the other side of the road would need to be a minimum of 10' in width.

Drainage:

Two large detention ponds are proposed to handle drainage from this site (lots 44 & 45) (see attachment G-18). Lot 45's detention pond would feed into an intermittent creek to the immediate south; lot 44's detention pond would drain into a drainage swale to its immediate south. Planning Staff has had concerns about the proximity of these detention ponds to the adjoining creek and drainage swale. This concern has also been voiced by a neighbor (see comments and responses from Dave Jorgensen and Clay Grote under the Comments section of this report on pages G-6 and G-7).

Washington County Planning Staff is very concerned about degradation to this stream (see attachments G-48 through G-50) and would like to see a riparian protection zone along the stream per the City of Fayetteville's regulations. Staff will have more information on this matter at the December 6th Board meeting.

The Washington County Contract Engineer requires a drainage report at Preliminary Subdivision Review. Also required by Preliminary Subdivision Review is that the south detention pond's outfall shall be above the 100 year water surface elevation of the stream.

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), and all signage must be approved by Planning Staff. Screening from neighboring properties might be required and will be determined in the subdivision process.

City of Fayetteville's Concerns:

According to The Fayetteville City Planner, Jesse Fulcher, Fayetteville's block lengths are based on the street classification (600-800 feet for these residential/local streets). Mr. Fulcher thinks the blocks are fine as shown. Concerning the concept plan's proposal of both sides of Gulley to be improved, Fayetteville reported that they do not normally require this. However, they are requiring 20' of driving surface and full improvements on the subdivision's property side (curb and gutter, sidewalks, and storm drains). Fayetteville also is requiring Gulley Rd. to be improved between Lots 6 and 12 on the south side.

Mr. Fulcher reported that when a vehicular turn-around configuration is determined for the eastern road spur to be constructed all the way to the property line with a "Future Street Extension" sign posted. For cul-de-sacs Fayetteville requires an assessment for the cost to remove the outside of the cul-de-sac when the street is extended in the future. It should be noted that Fayetteville is not in agreement with this proposed Subdivision due to general density and infrastructure concerns. Please view the letter submitted by Mr. Fulcher for more information on this matter (see attachments G-28 through G-29). Mr. Fulcher is now in support of the submitted road improvements (which would alleviate the safety issues with the Old Wire/E. Gulley and Oakland Zion Rd. / E. Gulley intersections).

Fayetteville requires the southern cul-de-sac to terminate at the southern property boundary. However, Washington County Planning Staff was concerned about this because it appears that it would place the cul-de-sac in the stream bed. Washington County Planning Staff suggested a possible alternative (see attachment G-30) and Fayetteville found it acceptable, assuming that the detention pond and land disturbance was relocated away from the creek. However, note that at the time of this writing, the Washington County Road Department, the County Contract Engineer, and the applicant/engineer on the project are not aware of this configuration. Planning Staff will be discussing this configuration with all parties early next week. More information will be forthcoming at the December 6th Planning Board/Zoning Board of Adjustments meeting.

COMPATIBILITY CONCERNS:

Surrounding Density/Uses:

The surrounding uses are single family residential, agricultural, agricultural/residential, a commercial (plumbing) and civic (a church) (see attachment G-15). The site is vacant pasture land. The land that will be adjusted through lot line adjustments is also vacant pasture land. No homes are located on this property.

The adjoining average density is 1 unit per 5.42 acres, the highest surrounding density is 1 unit/ 0.50 acres, and the lowest surrounding density is 0 units per 23.69 acres (see attachment G-16).

It should be noted that the nearby subdivisions have the following densities:

- Joyce Street Cottages: 0.24 acres / home
- Oakland Meadows: 1.24 acres / home
- Bridgewater Estates: 2.36 acres / home
- Overton Park: 0.93 acres / home

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

- a. To provide for development of residential areas at appropriate densities. **While the proposed density is higher than allowed by County ordinance, Staff feels that since the site is close to Fayetteville's City Limits, because the intersection issue would be addressed (making a very unsafe intersection safer), and that the proposed density should be permissible.**
- 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; **Utilities have been reported to Planning Staff by the applicant to be available.**
- d. Protect the character and integrity, and property values, of single-family, residential areas; **Staff feels that with the "broken up" layout of this subdivision, with the close proximity of other subdivisions, Fayetteville being located under a mile to the west, to the fact that this subdivision could be approved at a density of 1 home per acre instead of the proposed 1.7 homes per acre, and that this subdivision would be compatible with the character of the surrounding area.**
- 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, **The Washington County Fire Marshal has reviewed the plans and submitted his comments which are being addressed.**
- 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. **The applicant and engineers on this project have addressed and proposed a solution to the unsafe road and intersection conditions to the satisfaction of County and Fayetteville Staff.**

Future Land Use Plan

The property has a Future Land Use designation as Rural Area Residential. This area is designated by the City of Fayetteville in their City Plan 2030 as encouraging the conservation and preservation of woodlands, grasslands, or agricultural lands that are sparsely settled. Please see attachment G-28 and G-29 for a more detailed explanation of how Fayetteville describes this Future Land Use Category.

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project; a comment has been received from Freddy & Marion George who own parcel 001-15541-000:

“Concerned that overflow from detention ponds will pollute intermittent creeks. The creek to the north flows across the corner of my property, parcel FF#001-15541-000”.

In response to this neighbor’s concern, Staff contacted Dave Jorgensen. Mr. Jorgensen’s response was:
“The Detention pond will be built first to act as a sedimentation basin as the subdivision is being built and after all is finished this will be sodded and vegetation established and the d-pond will continue to act as sediment control. In my opinion, I believe the pond will help control and minimize any pollutants, but as we get into this we will be paying attention to the concerns of this neighbor.”

The County Contract Engineer, Clay Grote, reported to Staff that typically, detention ponds do not pollute streams and that the detention pond is only a concept right now. Mr. Grote reported that if this CUP is approved, Staff would have a better understanding of what the developer was submitting when a Preliminary plat was submitted. Planning Staff visited the site on 11.29.2012 and located the swale spoken of by the neighbor (see attachment G-52).

Another neighbor, by the name of Barbara Harvey, who lives on parcel 001-15535-000, called staff on 11.30.2012 with concern about erosion problems being caused by grading and construction work on her property’s eastern side. Staff will revisit the site to view this particular potential issue before the December 6th meeting.

Staff will update the Planning Board at the meeting if any additional comments are received.

STAFF RECOMMENDATION: Staff is withholding recommendation of the proposed Buffington Homes Subdivision – Gulley Road Conditional Use Permit until the December 6th meeting in order to gather further information and feedback from all parties regarding the new layout, street connection, and stream protection proposals for this CUP.

Washington County Planner, Sarah Geurtz, presented the staff report with updates and then read the staff recommendation and conditions for the board members.

*Staff report updates:
An additional applicant - Mike Lamberth, is now involved in this project.*

Buffington Homes may have to do something about the large pond near lots 16-18 because of this pond’s extremely high berms that would be located higher than some of the lots in this subdivision. These matters can be addressed later in the Preliminary Subdivision plat review by Planning Staff and the applicant’s engineer.

The proposed community sewer system is not like the step systems that treat sewage on each lot first that have caused problems in the past for the County. All sewage would go to lot 44 for treatment and would have to be constructed so that in the future if this subdivision is annexed into the City of Fayetteville, this system could be connected to Fayetteville’s sewer system.

According to Fayetteville Water, their closest sewer line is located about a mile to the west, so connecting to this line would not be feasible at this time

Staff has determined Oakland Zion is classified by Fayetteville as being a Principal Arterial Rd (with a ROW from the CL of 43.5), and Gulley as a Collector Rd (with ROW per 29.5’, which is being required to be 30’ from the Washington County Road Department). Fayetteville is the entity requiring E. Gulley Rd. to be improved between lots 6 & 12.

The applicant, engineer, and Fayetteville agreed upon a proposed road termination and d-pond location that would avoid the southern cul-de-sac being located within the southern-most creek.

Because the proposed density is higher than that allowed by right, Staff looked at measures that could be applied to substantiate this subdivision. Two of these measures involve protecting the stream to the south-east and tree protection methods. In addition, tree & preservation areas shall act as a guide to the developer. Planning Staff will work with the developer onsite to identify trees or groupings of trees in specific areas that should be preserved during the subdivision development.

Staff is requiring Fayetteville's Streamside Protection Zone code to apply to this stream and water quality protection measures to be followed according to Fayetteville's Streamside Protection Best Management Practices Manual for new stormwater conveyances through the Streamside Protection Zones. Buffington Homes has agreed to these stream, riparian zone, and tree protection measures.

Even though the density is higher than allowed by right and Fayetteville is not in favor of this subdivision, Staff feels that with: the "broken up" layout of this subdivision, the close proximity of other subdivisions, Fayetteville being located under a mile to the west, multiple subdivisions being located to the east of this property, the stream & tree protection measures being proposed with this project, the fact that this subdivision could be approved at a density of 1 home per acre without the streamside & tree protection measures and without the road improvements, that the proposed density and this proposed CUP should be allowable.

Three neighbors contacted Staff with concerns & complaints about this project.

A Mr. Bertram had concerns about safety of the detention pond that would be located behind his house, septic system – smell?, safety of increased traffic, and increased drainage. The applicant and Staff spoke multiple times with Mr. Bertram about these items. After the discussions, his main concern was safety for his grandchildren with the proposed near detention pond. However, with a condition that fencing be placed on his eastern and northern property lines, Mr. Bertram told Staff that his concerns had been alleviated.

Barbara Harvey had concerns about the high density and potential for erosion and tree death on her property due to a topography change between her land and lot 6. However, the project's engineer responded to her concern about the topography by saying that tree preservation along that side of her property should be carried out, and Staff included this in the tree protection plan. Barbara is still unhappy about the density being proposed – she would like to see it remain at 1 home/1acre.

A Marion and Freddy Georges had concerns that the western drainage swale would bring pollution from the western detention pond across the corner of his property. However, a drainage report would be required at Pre. S/D which would ensure that peak flow would not be increased and the Best Management Practices manual methods required to be followed should alleviate this from occurring.

Staff is now recommending approval of Buffington Homes Subdivision with the following conditions.

Water/Plumbing/Fire/ Engineering Conditions:

1. Fire flow gpm will determine how far apart hydrants must be located (and hence how many hydrants will be required).
2. The eastern road spur must terminate in a hammerhead, "Y", or cul-de-sac or other approved Fire Code-compliant turn-around.

Sewer/Septic/Decentralized Sewer Conditions:

1. The community sewer system(s) must be approved, installed and inspected by the Arkansas State Health Department/ ADEQ prior to occupation of the residence(s).
2. No parking is allowed on any portion of the sewer system including the alternate area.

Drainage Conditions:

1. Drainage report must be provided at Preliminary Subdivision Plat.
2. The south detention pond's outfall should be above the 100 year water surface elevation of the stream. Address this issue by Preliminary Subdivision Plat.
3. Detention ponds, that would affect the Stream Protection Zones, shall follow Fayetteville's Streamside Protection Best Management Practices Manual to prevent undue pollution of water run-off, as determined by Planning Staff.

Roads/Sight Visibility/Ingress-Egress/Parking 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.
2. The southern-most road shall terminate at a temporary cul-de-sac at the south-western property boundary as agreed upon by Planning Staff and the applicant. This configuration would require a Variance from Washington County during Preliminary Subdivision Plat, as it is in conflict with Washington County Road Department regulations regarding allowable cul-de-sac length.
3. The southern detention pond must be located in the general location agreed upon by Planning Staff and the Buffington Homes representative.
4. East Gulley Road does not have to be improved on the northern side of the road.
5. The intersection of East Gulley Road (WC#345) and Old Wire Road (WC# 87) shall be improved as per option A of the submitted traffic study. However, the realignment should be achieved with some sort of curbing or other 3-dimensional design feature in place of the proposed striping.
6. At the proposed density, the County requires improvements made to both sides of Oakland Zion Road (WC# 83) from the southern property line to the intersection of Gulley Rd., as per County regulations
7. 43.5 feet of ROW from the centerline of Oakland Zion shall be dedicated on the subdivision side from the southern property line to the northern property line.
8. 30 feet of Right Of Way (ROW) from the centerline along East Gulley Road must be dedicated on the subdivision side only where the road touches the subdivision property.
9. If approved by the adjoining Church, a crossing sign shall be placed on Oakland Zion Road (WC#83) near the Oakland Zion Road (WC# 83) and East Gulley Road (WC# 345) intersection. The Washington County Road Department shall determine the sign's placement.

Public Utility Conditions:

1. When you need further information regarding Sewer System Requirements, contact Renee Biby at 444-1896.
2. For Subdivision review:

- Provide specs for wastewater treatment facility.
 - Include a note on the Plat and in Covenants concerning a community sewer system.
 - Know that there are financial requirements per Washington County Rules and Regulations.
 - ADEQ approval will be required.
3. Please contact Renee Biby when you plan on ordering the equipment (she will need specifications, etc. of the equipment).

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. Ozarks Electric requires utility easements in this subdivision.
2. Any damage or relocation of Cox Cable's existing facilities will be at the owner's/developer's expense.

Signage/Lighting/Screening Conditions:

1. Any fencing and signage must be located outside of the Right of Way and must be approved by Planning Staff.
2. Any outdoor lighting must be shielded from neighboring properties and must be approved by Planning Staff. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.
3. Opaque privacy fencing shall be installed along parcel 001-15537-000's eastern boundary, and along its northern property boundaries (with construction of homes on lots) prior to final subdivision plat.

City of Fayetteville's Conditions:

1. Subdivision frontages onto Gulley Rd (southern side only) shall be improved to 20 feet of driving surface with full improvements (curb and gutter, sidewalks, and storm drains). The southern side of Gulley Rd. between lots 6 & 12 must also be improved to these standards.
2. All subdivision frontages onto both Oakland Zion Road and East Gulley Road (including the road length between lots 6 & 12) shall require the standard subdivision improvements: sidewalks, curb and gutter, etc.
3. All vehicular turn-around configurations must be constructed all the way to the property line with a "Future Street Extension" sign posted. For cul-de-sacs (or hammerheads) an assessment shall be provided for the cost to remove the outside of the cul-de-sac when the street is extended in the

future.

4. Washington County Planning's alternative for the southern road termination location at a southwestern property boundary is acceptable to Fayetteville Planning Staff assuming the detention pond and land disturbance are also relocated away from the creek.

Stream Protection Conditions:

1. Fayetteville's Streamside Protection Zone code (as stated in the City of Fayetteville's Flood Damage Prevention Code, Chapter 168.12) shall apply to the stream located on the south-east portion of this property and shall be adhered in all instances by the developer and current and future owners of the lots containing this stream and its bordering land. The term "County Contract Engineer" shall replace all references to the "City Engineer" in this code.
2. Prior to any land clearing or soil disturbing activity, the Streamside Protection Zone boundaries shall be clearly delineated on site by the applicant/developer and such delineation shall be maintained throughout construction activities.
3. Before commencing any construction activity, the applicant shall install silt fencing on the site at the outer edge of the Streamside Protection Zone, or as directed by the County Contract Engineer.
4. Water quality protection measures shall be followed according to Fayetteville's Streamside Protection Best Management Practices Manual for new stormwater conveyances through the Streamside Protection Zones and involving the detention ponds.
5. On the Preliminary and Final Subdivision plats, show the location and type of surface water, the top of bank, Zone 1 Waterside Zone and Zone 2 Management Zone boundaries, and slope, when any portion of the property being developed falls within the Streamside Protection Zones. The same shall also be identified for building, moving, demolition and grading permits.
6. There shall be general adherence to the newest plan/layout received on 12.06.2012 and presented to the Board.

Tree Protection Conditions:

1. The tree and preservation areas indicated in the Tree Preservation Plan shall act as a guide to the developer. At (or before) the Preliminary Subdivision Plat stage, County Planning Staff will work with the developer onsite to identify trees or groupings of trees in these areas that should be preserved during the subdivision development.
2. The addition of two street trees per lot (Approx 2" in caliper) and one tree per yard should be standard for this subdivision.
3. Utility routing: at Preliminary Subdivision Plat, the developer shall avoid placing utility easements in tree preservation areas when possible.
4. Lots including proposed tree preservation areas should show a home footprint (comparable to the

footprints of proposed home products) at Preliminary Subdivision plat. Final lot line placement and home positioning should be worked out at that time.

5. *Site inspection.* Prior to any construction, a preliminary site inspection followed by periodic inspections will be conducted by the County Planning Staff forester to ensure compliance with the tree preservation plan.
6. *Tree protection.* Tree preservation areas shall be protected from construction activity to prevent impingement by or the storage of construction vehicles, materials, debris, spoils or equipment in tree preservation areas. No filling, excavating or other land disturbance shall take place in tree preservation areas. Before commencing any construction activity, the applicant shall construct tree protection barriers, by a method approved by Planning Staff, on the site along the tree drip line or 10 feet from the trunk, whichever is greater.
7. County Planning Staff may require other protective measures based upon the individual characteristics of the site and the proposed construction methods. Tree protection measures shall also protect any off-site trees, the roots of which extend onto the site of the proposed construction.
8. If the required barriers surrounding the tree preservation areas are not adequately maintained during construction, County Planning Staff shall prescribe remedial measures, and may issue a stop work order or revoke the Conditional Use Permit.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$105.00) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 11/26/12).
2. Pay engineering fees of \$325 within 30 days of project approval. Any extension must be approved by the Planning Office.
3. The lot line adjustments needed for the proposed subdivision configuration must process through the City of Fayetteville first, then through Washington County Planning Department before this project could be approved as a Preliminary Subdivision.
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. This CUP must be ratified by the Quorum Court.
6. All conditions shall be adhered and completed in the appropriate time period set out by ordinance.
 - This project requires additional review (Preliminary and Final Subdivision), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.

Washington County Planner, Sarah Geurtz, presented the staff report and then read the staff recommendations for the board members.

Discussion:

Kenley Haley, Planning Board Member, asked if, even with Fayetteville's conditions, they're still against this project?

Sarah Geurtz replied, yes.

Kenley Haley, asked was it because it did not fit with Fayetteville's future land use?

Sarah Geurtz said that they were concerned about the road infrastructure and water availability in that area. They would like to see this area remain agricultural.

Kenley Haley, asked if it has to go through Fayetteville's planning board?

Sarah Geurtz responded, yes as a preliminary subdivision. We work hard to meet the requirements of Fayetteville. We were able to agree on a cul-de-sac to end at the property boundary north of the stream.

Randy Laney, Planning Board Chair, stated that they did not recall having an assessment for future removal of a cul-de-sac. When was that assessment made and how do you determine what it is?

Sarah Geurtz responded that it is one of Fayetteville's conditions.

Randy Laney asked, but we will be the enforcer?

Juliet Richey, Washington County Planning Director, stated that it just depends whether or not it was annexed at the time that connection is made. It is part of Fayetteville's subdivision regulation so any subdivision that connects to it will have to go through their subdivision regulation and process.

George Butler, County Attorney, added that since it is in Fayetteville's growth area, Fayetteville has primary subdivision control. They will be the enforcer.

Randy Laney asked if Fayetteville did not have approve it and stated that Fayetteville opposed it.

Juliet Richey stated that they're opposed to the conditional use permit. But the lot sizes meet their minimum size and standards for a subdivision outside their city limits.

Juliet Richey stated that if the board approves the CUP as far as she knows, there is nothing that conflicts with Fayetteville's subdivision regulation. The Washington Planning Department asks for their review and comment on the use, but Fayetteville only has use and zoning power themselves within their city limits.

Randy Laney asked, if in the future if lot sizes acreages could it be put on the plans.

Juliet Richey said that yes, we could make that happen in the future.

Kenley Haley asked if this project meets all of Fayetteville's minimum requirements for their subdivision regulations?

Sarah Geurtz responded that as far as County Planning could tell, Fayetteville has reviewed their conditions but Fayetteville's planning commission could potentially deny the permit if they feel that "it is a creating or compounding a dangerous traffic condition". As far as the layout, there is no indication they would deny it.

Juliet Richey stated that Fayetteville did conduct a traffic study at the intersection.

Kenley Haley stated that it's a really bad intersection.

Juliet Richey responded, "But they are improving that intersection as part of their condition. Also Oakland Zion, from that intersection to the southern part of their property line. We have done the best we can to comply with Fayetteville code". Juliet Richey stated that they have to do more traffic studies in the future when it goes in Fayetteville. She doesn't feel like there's anything more that they can do.

Cheryl West, Planning Board Member, asked if we have a county ordinance on lot sizes why are we against that? How much difference are the sizes?

Juliet Richey, replied, "They have a couple of lots for detention and sewer area but roughly the property is somewhere around 25 acres and they want to put 44 lots in. If they didn't ask for a CUP, you can assume they can put in 25 lots. That's kind of the difference you would get." The area that's going to be the sewer lot and probably some of the detention could go away, if this would have 25 lots. We look at the difference between base zoning and what they are asking for. We don't look at the difference between if it stays agricultural forever vs. this particular development. So when you are talking about the difference in traffic loading and general impact from 25 lots to roughly the 44 lots, we felt that since they are going to have an impact of a subdivision at this location anyway, if there are things we can do, in this case tree preservation measures and making sure the detention did fit, use best management practices to help make sure the effluent is to a higher standard than we can regulate otherwise, to protecting the stream area, we felt that is a good trade off for having a higher density. Assuming if the area is going to be development in a subdivision anyway and looking at the other density of subdivision in the area."

Daryl Yerton, Planning Board Member, asked if this is will be substantially more dense than any other development in the area.

Juliet Richey replied, "Yes, it is more dense than anything right next to it". The development is only a mile away from the city. She stated that further south there are more dense areas than they are proposing nearby.

Chuck Browning, Planning Board member, asked why would the board approve this permit without Fayetteville's approval unless the city whose planning area it is in approves it?

Juliet replied, "that's true for subdivision stage. We are not at the subdivision stage yet. We're not asking for approval for CUP, just review and comment for CUP since it's in their planning. If they really wanted to regulate it they can up the size of their minimum lot in their planning area. If it was at subdivision level yes, but as far as we can tell we meet all their subdivision requirements. This is their comment on land use and density."

Daryl Yerton, asked if there could be some changes from Fayetteville before it could get final approval.

Juliet Richey, replied yes there could be some changes added.

Randy Laney, asked about the existing detention pond and if this was an existing abandoned subdivision?

Sarah Geurtz, responded that there is no detention ponds on site right now.

Randy Laney asked for clarification about the pond with high berms.

Sarah Geurtz explained that it is just an existing pond.

Kenley Haley, asked if this would be come back to us after Fayetteville reviews it?

Juliet Richey, replied yes it will come back as a preliminary subdivision review. We're approving the density and conditions tonight.

Randy Laney asked, will the density be subject to change? Specifically changes to lot line cause of tree preservation plans.

Sarah Geurtz responded, yes. Right now it is at 1.66 homes per acre. The applicant like to add a home lot and with the potential issues with the lot line, the applicant wants to increase it to 1.70 density.

Juliet Richey, added we calculate highest density, so any adjustment you see from this tonight, would probably serve to lower that density.

Clay Carlton, Developer, stated that basically they are trying to do the CUP for less than 1 acre lots. We wanted to do larger lots but due to bad soils that didn't perk, that wasn't possible.

Randy Laney, asked how much less than 1 acre and how many lots?

Clay Carlton replied, that it wouldn't be any more than 44 lots.

Public comments

Barbara Harvey, neighbor near Gulley Road, is concerned about her acre and a half. It would be surrounded on east and south side, there isn't much land between the east side of her lot and this proposed subdivision. She is concerned about the trees and topography changes no her property's east side. She has talked with developers to maybe put a privacy fence in the back or a retaining wall on the east line, but will discuss it further after the meeting. Density is her concern too, she would like to see 1 lot per acre.

Daryl Yerton, asked any idea when the metropolitan bank is going to be resolved?

Sarah Geurtz responded, no, it was just discovered a couple of days ago. Having going to foreclosure, multiple people might have ownership of it, so the applicants are not sure what will with that.

Juliet Richey, responded that it is just a very small piece.

Sarah Geurtz, responded that this area is just part of the stream area.

Kenley Haley made a motion to approve the **Buffington Homes Subdivision – Gulley Road Cup** subject to staff recommendations. Robert Daugherty seconded. Randy Laney, Robert Daugherty, Walter Jennings, Kenley Haley, Cheryl West, and Chuck Browning voted for the project. Daryl Yerton voted against. Motion passed.

LAND DEVELOPMENT HEARINGS

Farmington Planning Area

a. Greenburrow Minor Subdivision

Preliminary and Final Minor Subdivision Plat Approval Request

Location: Section 07, Township 16 North, Range 31 West

Owner/Applicant: Gibson Real Estate, Inc.

Surveyor: Blew and Associates

Location Address: no address. South across Greenburrow Road from 15038 Greenburrow Road

Approximately 6.96 acres/ Proposed Land Use: Residential 2 lots

Coordinates: Longitude: 94° 19' 7.83" W, Latitude: 36° 4' 43.75" N

Project #: 2012-140 Planner: Courtney McNair e-mail at cmcnair@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary and Final Approval of Greenburrow Minor Subdivision. The request is to split a 6.96 acre property into two (2) tracts:

- Tract 1-2.96 acres
- Tract 2-4.0 acres

CURRENT ZONING: Project lies within the County Zoned area (Agricultural/Single-Family Residential 1

unit per acre).

PLANNING AREA: This property is located in Farmington's Planning Area, however, as per Interlocal Agreement 2006-64, if Farmington determines that the property is further than one mile outside their city limits, it is referred solely to the County. Please see attached letter from the City of Farmington **(A-6)**.

QUORUM COURT DISTRICT: District 10, Rick Cochran.

FIRE SERVICE AREA: **Wedington Fire Department**, no comments; and Dennis Ledbetter, Washington County Fire Marshal does not review Minor Subdivisions (4 lots or less).

SCHOOL DISTRICT: Farmington

INFRASTRUCTURE: **Water-** Washington Water Authority **Electric-** Ozarks Electric **Natural Gas-** N/A **Telephone-** ATT **Cable-** Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

The property owner/applicant is James Gibson of Gibson Real Estate, Inc. The surveyor is Blew and Associates. The applicants are requesting to split a 6.96 acre property into two (2) tracts:

- Tract 1-2.96 acres
- Tract 2-4.0 acres

The assessor's records indicate that this property is 9.09 acres in size. However, an administrative lotsplit was approved in June 2012 (#2012-071) that split 2.1 acres off the parent parcel. **(see attached split A-7 8)**

This property is currently vacant. **(See attachment A-9)**

This proposed property division could not be processed administratively because there have been too many previous splits under five (5) acres in size.

TECHNICAL CONCERNS:

Sewer/Septic

Soil work and an approved septic permit were submitted with this project. The applicant has clarified that the soil work is for Tract 2 (4.0 acres), and the approved septic permit is for Tract 1 (2.96 acres).

Electric/Phone/Gas

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

Water

Washington Water Authority (WWA) services this parcel. WWA had no comments for this project.

Addressing

As these lots are larger than half an acre, they will need to be addressed once the home locations are known. 911 Address Applications must be filled out so that addresses can be assigned at that time.

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

This parcel accesses off Draper Road (WC 658), and Greenburrow Road (WC 662).

Both proposed lots have adequate road frontage.

If any work is to be completed in the County right-of-way, a permit must be obtained prior to construction. Any driveway tiles must be sized by the County.

SITE VISIT:

A site visit was conducted by planning staff on November 27, 2012. **(Please see site photo page A-13).**

The property appears to be vacant wooded land.

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project.

No comments have been received at this time.

Staff will update the Planning Board at the meeting if any comments are received.

CHECKLIST:

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

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

STAFF RECOMMENDATION:

Staff recommends the approval of Greenburrow Minor Subdivision with the following conditions:

Utility Conditions:

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

Road Conditions:

1. If any driveway tiles are needed to be installed, they must be sized by the WC Road Dept.
2. Any work to be completed in the WC ROW requires a permit from the WC Road Dept prior to construction.

Sewer/Septic Conditions:

1. The septic system(s) must be approved, installed and inspected by the Health Department prior to occupation of the residence(s).

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).

Addressing Conditions:

1. There are currently no DEM addresses assigned to these proposed lots. Applications must be submitted for 911 Addresses once the home locations are known.

Additional Conditions:

1. Please correct all items on the Washington County Land Development Submittal Checklist. A copy was provided at Tech Review; please contact Washington County Planning Staff if an additional copy is needed.
 - The road name for WC 658 needs to be listed.
 - Utility company's names must be listed on the plat.
 - The proposed use (not the existing us) of each of the new lots must be listed on the plat.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$31.95) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 11/29/12).
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. **Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.**
4. 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.*

Washington County Senior Planner, Courtney McNair, presented the staff report.

No public comments. Public comments closed.

*Robert Daugherty made a motion to approve the **Greenburrow Minor Subdivision** subject to staff recommendations. Daryl Yerton seconded. All board members were in favor of approving. Motion passed.*

Springdale Planning Area

b. Sonora Commercial Center Final LSD

Final Large Scale Development Approval Request

Location: Section 02, Township 17 North, Range 29 West

Owner: Don Anderson

Applicant: Engineering Design Associates, Kim Hesse

Location Address: 17857 AR Hwy 412, Springdale, AR 72764

Approximately 4.82 acres / Proposed Land Use: Commercial

Coordinates: Longitude: 94° 2' 1.97" W Latitude: 36° 10' 3.75" N

Project #: 2012-109 Planner: Courtney McNair e-mail at cmcnair@co.washington.ar.us

REQUEST: Final Large Scale Development Approval for Sonora Commercial Center Preliminary LSD. The proposed project is located on a parcel containing 4.82 acres.

CURRENT ZONING: Project does NOT lie within the County Zoned area.

PLANNING AREA: This project is located in the City of Springdale's Planning Area. The City of Springdale does not formally review this type of Large Scale Development project, but have an informal review and an opportunity to submit comments.

QUORUM COURT DISTRICT: District 13, Joe Patterson

INFRASTRUCTURE: Water- Springdale Electric-Ozarks Electric Natural Gas- AWG Telephone- AT&T Phone Cable- Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

The owner and applicant of this property is Don Anderson. This property is located near the Sonora community off E. Hwy. 412.

The applicant received Preliminary Large Scale Development approval to remodel a commercial apartment building into a building with two separate commercial uses on October 4, 2012. The applicant will rent each half of the building to different businesses.

(Please see applicant's initial letter and updates for more information B-5-6)

The applicant is now asking for Final Large Scale Development approval. All improvements are expected to be completed prior to the December 6, 2012 Planning Board Meeting.

Staff received no comments from neighboring property owners at Preliminary LSD and has not received any for Final LSD. If any are received prior to the Planning Board Meeting, they will be provided for your review at the meeting.

All minor plan corrections have been completed. Utility comments have been addressed, and the septic system (existing) has been approved for this use.

Most of the concerns remaining are related to fire safety.

CHECKLISTS:

*Please note that if an item is marked inadequate, staff will usually recommend tabling or denial of a project. It is up to the Planning Board's discretion whether or not to agree with staff recommendation.

Important Information Checklist

| | Inadequate | Acceptable | Complete |
|-------------------------------------|------------|------------|----------|
| Planning Issues/ Engineering Issues | | | X |
| Road Issues | | | X |
| Fire Code Issues | | X | |
| Utility Issues | | | X |
| Health Department Issues | | | X |
| Other Important Issues (ADEQ) | | | X |

General Plan Checklist

| | Inadequate | Acceptable | Complete |
|-------------------------|------------|------------|----------|
| General Information | | | X |
| Existing Conditions | | | X |
| Proposed Improvements | | | X |
| Info to supplement plat | 19 | | X |

Items listed as acceptable but not complete and must be completed prior to construction or operation of the proposed project.

Planning/Engineering Issues

All checklist items have been completed.

Road Issues

As this project is located off an AR state highway, a driveway permit from the Arkansas Highway and Transportation Department is required if any work is to be completed within AHTD's ROW. The applicant is responsible for obtaining this permit. The applicant has indicated that there are no plans at this time to change the entrance drive.

The driveway and drives must support 75, 000 lbs in all weather conditions. A minimum 20' width is required.

Fire Code Issues

The Washington County Large Scale Development only allows for minimal fire review. Conditions can be placed for water supply and access. This does not limit the Washington County Fire Marshal from enforcing other State Fire Code standards, but the conditions will not be listed as conditions of approval for this particular project.

Conditions that will be required are:

The drives shown must support 75, 000 lbs in all weather conditions. **A compaction statement will be required prior to operation.**

In addition, the Fire Marshal can enforce other State Fire Code regulations and has the following comments:

- A Knox box is required. One box can be used for both businesses as long as there is a master key or both keys are located in the same box.
- Exit lights, panic hardware on exit doors and fire extinguishers are required under State Fire Code.
- No building layout plans were submitted with this application (as they are not required for LSD review). The building must meet State Fire Code.
- The two business uses are recommended to be separated by a fire wall.
- **The Fire Marshal will complete an inspection prior to Final LSD and prior to occupation of the site.** He will need to have information on attic spaces, number of exits, travel distances to

exits, exit signage and lighting, and other fire code requirements. **It is the applicant's responsibility to contact Washington County when inspections are needed.**

Utility Issues

No additional utility comments at this time.

Health Department Issues

There is an existing septic system on this site. It has been inspected and found to be more than adequate for the proposed business use. If at any time, any food service business is proposed in this space, additional review will be required. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either).

STAFF RECOMMENDATION: Staff recommends Final Large Scale Development Plan approval of the proposed Sonora Commercial Center LSD with the following conditions:

General Conditions:

1. A driveway permit from the Arkansas Highway and Transportation Department is required prior to construction if any work is to be completed in the ROW. The applicant is responsible for obtaining this permit
2. The drives shown must support 75, 000 lbs in all weather conditions. **A compaction statement will be required prior to operation.**
3. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either).
4. Prior to obtaining signatures, submit a corrected copy of the plans to the Planning Office for review.
5. **Addresses must be added to the plans prior to signatures being obtained.**
6. Pay engineering fees (\$100.00) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 12/6/12).

Utility Conditions:

1. Street lights installed by OECC will be at full cost to the developer.
2. Directional boring, if needed, will be at full cost to the developer.
3. The owner/developer shall be responsible for the cost of any required adjustments to the existing water facilities due to site grading or paving.
4. Please be advised that if request for meter services larger than 5/8-inch meter setter for irrigation or larger than 1-inch meter setter for potable water will have to be approved in writing by the Engineering Director of Springdale Water Utilities. Appropriate request forms are available at Springdale Water Utilities Engineering Department.
5. Please be advised that all proposed water services shall be installed by Springdale Water Utilities at the owner/developer's expense.

General Conditions:

1. All conditions of the Preliminary LSD approval must be adhered to.
2. 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.
3. 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.*

Washington County Senior Planner, Courtney McNair, presented the staff report.

No public comments. Public comments closed.

Robert Daugherty made a motion to approve the **Sonora Commercial Center Final LSD** subject to staff recommendations. Walter Jennings seconded. All board members were in favor of approving. Motion passed.

County

c. Summers Baptist Church Preliminary LSD

Preliminary Large Scale Development Approval Request

Location: Section 16, Township 15 North, Range 33 West

Applicant/Architect: Barry Hoffmann with Hoffmann Architectural Inc.

Owner: Summers Missionary Baptist Church / CHC/o Roland Bailey

Location Address: 22055 & 22059 W. Highway 62 summers, AR 72769

Approximately 16 acres / Proposed Land Use: church

Coordinates: Longitude: 94° 29' 0.92" W Latitude: 35° 59' 34.92" N

Project #: 2012-143 Planner: Sarah Geurtz e-mail at sgeurtz@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary Large Scale Development approval of Summers Baptist Church Preliminary Large Scale Development. The request is to add approximately 6,500 square feet in building additions to the existing Summers Baptist Church on approximately 16 acres.

CURRENT ZONING: This property is zoned as a Conditional Use Permit under the name Summers Baptist Church CUP, project #2012-067 (approved by the Planning Board/Zoning Board of Adjustments 06.28.2012; ratified 07.19.2012).

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

QUORUM COURT DISTRICT: District 10, Rick Cochran.

FIRE SERVICE AREA: Lincoln / Cincinatti: Willie Leming & Jay Norton

SCHOOL DISTRICT: Lincoln

INFRASTRUCTURE: Water– Lincoln Water **Electric-** Ozarks Electric **Natural Gas–** SourceGas
Telephone- Prairie Grove Telephone **Cable-** n/a

BACKGROUND/ PROJECT SYNOPSIS:

The owner of this property is Summers Missionary Baptist Church c/o Roland Bailey. The applicant is Barry Hoffmann of Hoffmann Architectural Inc., and the Engineer is Justin Jorgensen of Jorgensen & Associates. This property is located outside the community of Summers off W. Highway 62 and Young Rd. WC# 460 (see attachments C-7 through C-9). Access is off W. Highway 62 only.

The applicants are requesting to add approximately 6,500 square feet in building additions to the existing Summers Baptist Church. The proposed additions will house a new entry, vehicular drop-off, steeple, hallway around the auditorium/worship space, classrooms, a pastor's office, fellowship hall, entry, hallways, bathrooms, foyer, and a warming kitchen. Some impermeable surfaces will be added, and the parking lot will be expanded from what exists on site today.

The property was granted a Conditional Use Permit in July 2012 for these above additions. This Preliminary LSD will be subject to the CUP Conditions of Approval (see attached Approval Letter for project #2012-067 (attachment C-30 through C-33).

The applicant anticipates the hours of operation to generally be: Sundays (9am - 12:00pm and 5:30pm - 8pm), and Wednesdays (5:30pm - 8pm). Office staff hours should generally be Monday through Friday (8am - 5pm). Daytime meetings may be held throughout the week. Special holiday and other services (such as Christmas and weddings) will also take place (see attachment A-46). No daycare facility is planned or approved by Planning Staff.

If approved as a Preliminary Large Scale Development (LSD), this project will subsequently be required to proceed through the Final Large Scale Development process.

The main issues with this project have involved sight distances and fire safety.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

The water provider is Lincoln Water.

Dennis Ledbetter, the Washington County Fire Marshal, is not requiring installation of a sprinkler system. Because a sprinkler system will not be installed, Jay Norton of the Cincinnati/Lincoln fire departments will not be requiring a knock box. Dennis Ledbetter has told Planning Staff that he is comfortable with utilizing the fire flow rate submitted in 2010 when Summers Church originally explored expansion options for CUP approval (see attachments C-35 & C-36). However, Mr. Ledbetter is requiring a letter from the Lincoln Fire Department stating that sufficient fire flows can be provided. The submittal of this letter is a condition on this project.

There will be no kitchen; the fellowship hall will contain a food warming area only. There will be no second story or attic storage.

This project's CUP had a condition stating, "An occupancy load sign for the entire building (stating an occupancy limit of 400 people) must be placed in the auditorium/worship space." However, Mr. Hoffmann will now be placing a sign in the auditorium stating the auditorium's maximum occupancy to be 290 persons, and will be placing a sign in the foyer stating that the building's total occupancy is 400. The County Fire Marshall is okay with this change and a condition has been added to reflect this.

The southern fire lane pavement and fire lane striping must be extended to the end of the first set of parking stalls. Curb stops are required for all 13 parking stalls immediately in front of the Church between W. Hwy 62 and the Church. Striping is required as determined at Tech Review. This must be shown on both the site plans and the Paving & Drainage Plans.

A fire alarm with pull stations will be installed to meet minimum fire alarm requirements. The applicant has stated that an enunciator panel will be located in the foyer. There will be a two-hour rated fire wall surrounding the auditorium/worship space, and a one-hour rated fire wall for the corridor walls (see attachments C-13). All doors in fire walls must be fire-rated for the fire rating number of each corresponding fire wall.

Sewer/Septic/Decentralized Sewer:

The church utilizes an existing septic system designed in 1995 for 175 people. It is located behind the church (see attachments C-40 through C-44). The current septic system will continue servicing the wastewater it currently services. The new toilets will be connected to a separate septic system constructed to current septic system standards (see attachment C-13 & C-19). Melissa Wonnacott-Center of the Arkansas State Health Department (AHD) is fine with the plans and is not requiring soil work.

Electric/Gas/Cable/Phone:

Ozarks Electric said that any relocation of Ozarks Electric facilities would be at the developer's expense.

SourceGas reported that they believed SourceGas serviced the church, and that if they did not, James Boyd would be happy to meet with the Church about needs for Natural Gas. There is no cable service to this property. Lincoln Water provides water to Summers Baptist Church. The Paving and Drainage Plans label the supplying water line as being a 4" Washington Water Authority (WWA) line. Staff called Andy Feinstein with WWA on 11.28.2012 concerning this and was told that WWA did not have a line in this area. Staff is therefore requiring the name of this line (and if needed, the water line size) corrected on the plans. Lincoln Water has had no comments. Cox Cable does not appear to provide services for this project; however, Cox provided a general comment for all projects this month about damage or relocation of existing facilities being at the owner's/developer's expense. This comment has therefore been made a condition.

Roads/Sight Visibility/Ingress-Egress/Parking:

This property has a gravel parking lot with two entrance/exit drives onto West Highway 62 (see attachments C-18 and C-20). There has been concern about whether or not the sight distance of the northern drive is sufficient. Jorgensen & Associates conducted a sight distance field study and reported to Staff that they are of the opinion that the proposed access onto W. Hwy 62 would have adequate Intersection Site Distance (see attachments C-22 through C-26).

The County Contract Engineer, Clay Grote, is looking over the resubmitted site distance study; Staff will update the Board at the December 6th meeting on Mr. Grote's response regarding the study. Staff has concerns about two t-posts located along W. Highway 62 between the two drives, as it appears the posts may be utilized to hang temporary signage and could be located within a sight triangle and within AHTD's ROW. In addition, the Church's permanent sign is not shown in the Plans. The existing sign and t-post locations must be shown in the Paving and Drainage Plans and in the Sight Distance Studies.

If any signage is found to be located within a sight distance triangle or within AHTD's ROW, the signage may be required to be moved to a location approved by Staff. Also, if temporary signage is displayed on the site, Staff must approve the signage or determine if it is considered temporary signage.

The Arkansas Highway and Transportation Department (AHTD) requires profiles for the two proposed drives onto W. hwy 62 to be shown in the Paving and Drainage Plans, and for signed access drive permit applications to be submitted.

106 parking spaces were required and 106 are shown on the submitted plans. ADA parking will be located in front of the vehicular drop-off structure and will be paved with asphalt. The rest of the parking will be gravel.

Drainage Concerns:

The Washington County Contract Engineer, Clay Grote, has reviewed the drainage study and report and has no comments or concerns at this time.

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).

SITE VISIT:

A site visit was conducted by planning staff on 06.15.2012. Please see the attached photographs (see attachments C-26 through C-28). On 11.28.2012, Mr. Hoffmann reported to Staff that he was not aware of construction work that had begun on the Church.

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project; no 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.

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

STAFF RECOMMENDATION:

Staff recommends Preliminary Large Scale Development *approval* of Summers Baptist Church Preliminary Large Scale Development with the following conditions:

Water/Plumbing/Fire Conditions:

1. All entrance drives and fire lane areas must support 75,000lbs in all weather conditions.
2. The southern fire lane pavement and fire lane striping must be extended to the end of the first set of parking stalls. Curb stops are required for all 13 parking stalls immediately in front of the Church between W. Hwy 62 and the Church.
3. Fire lane striping is required as determined at Tech Review. This must be shown on both the site plans and the Paving & Drainage Plans.
4. An occupancy load sign for the entire building (stating an occupancy limit of 400 people) must be placed in the foyer space. *Please note that this condition is an updated CUP condition originally listed under Water/Plumbing/Fire Conditions #8 (see attachment C-32) which required the occupancy sign to be located within the auditorium/worship space.*

Septic Conditions:

1. If the existing septic system is not functioning properly, a new septic system may be required.
2. If a new pump system is required, one must be installed in order to accommodate the required time distribution.

Utility Conditions/Road Conditions/Engineering:

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

2. Any relocation of Ozarks Electric facilities will be at the developer's expense.
3. Correct the water line company name and, if needed, the water line size.
4. AHTD requires the two entrance drive's profiles onto W. Hwy 62 to be shown in the Paving and Drainage Plans.
5. Signed access drive permit applications are required from AHTD.
6. The existing sign and t-post locations must be shown in the Paving and Drainage Plans and in the Sight Distance Studies.
7. If any signage is found to be located within a sight distance triangle or within AHTD's ROW, the signage may be required to be moved to a location approved by Staff. Also, if temporary signage is displayed on the site, Staff must approve the signage or determine if it is considered temporary signage.
8. Add the Right Of Way line type to the Paving and Drainage Plans legends.
9. Correct the note referring to Farmington Engineering Department (page 3 of the Paving & Drainage Plans).
10. No additional signage is approved by Staff. The existing sign can have new lettering added or can be rebuilt exactly like the current sign, but if an otherwise new sign is to be built, it must process through the Washington County Planning Department as a CUP for approval.
11. Paving and Drainage Plans:
 - a. Add the corresponding deed book, page number, and land uses to the adjacent parcel information, and correct the information for parcels 001-09537-001 and 001-09534-001.
 - b. Add the name, width, surface type, and surface condition of Young Road.
 - c. List the proposed use of all land within the development.
 - d. Show all existing utilities, and label all utility line company names and dimensions on the plat. Gas line size and location? Show the water line passing under the highway with the same line type as the water line type. Show the telephone line location.
 - e. If there are utility easements, show them and call out their width.
 - f. Correct the building setback dimensions to County regulations.

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 (\$48.75) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 11/26/12).
2. Pay engineering fees of \$125 within 30 days of project approval. Any extension must be approved by the Planning Office.

3. Any work in the Highway Department's Right Of Way will require permits from the Arkansas Highway Transportation Department (AHTD).
4. 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.
5. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
6. All general plat checklist items must be corrected.

Washington County Planner, Sarah Geurtz, presented the staff report.

Kenley Haley, Planning Board member, asked if there was only one entrance off of HWY 62.

Sarah Geurtz replied there are two entrances. Originally in the CUP there was discussion to eliminate it. But the site distance study showed that everything was fine.

No public comments. Public comments closed.

*Daryl Yerton made a motion to approve the **Summers Baptist Church Preliminary LSD** subject to staff recommendations. Cheryl West seconded. All board members were in favor of approving. Motion passed.*

Fayetteville Planning Area

d. Variance of maximum cul-de-sac length for Chapel View Subdivision

Variance Approval Request

Location: Section 33, Township 17 North, Range 29 West

Owners: Karen Marisa Phillips Family Trust/Booth Building and Design

Applicant: Bates and Associates (Geoffrey Bates)

Location Address: no address. Across the street from 5631 Mission Blvd, Fayetteville, AR

Approximately 22.88 acres/ Proposed Land Use: Residential/Agricultural, 20 lots

Coordinates: Longitude: 94° 4' 46.63" W, Latitude: 36° 6' 15.81" N

Project #: 2012-115 Planner: Juliet Richey e-mail at jrichey@co.washington.ar.us

Fayetteville Planning Area

e. Chapel View Subdivision

Preliminary Plat Approval Request

Location: Section 33, Township 17 North, Range 29 West

Owners: Karen Marisa Phillips Family Trust/Booth Building and Design

Applicant: Bates and Associates (Geoffrey Bates)

Location Address: no address. Across the street from 5631 Mission Blvd, Fayetteville, AR

Approximately 22.88 acres/ Proposed Land Use: Residential/Agricultural, 20 lots

Coordinates: Longitude: 94° 4' 46.63" W, Latitude: 36° 6' 15.81" N

Project #: 2012-115 Planner: Juliet Richey e-mail at jrichey@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary Subdivision Approval of Chapel View Subdivision. The request is to split a 22.88 acre parcel into 19 lots.

A variance is also requested to allow a cul-de-sac to extend beyond the maximum allowed 1200' to accommodate a (future) connection to the property to the north. This connection was required by the City of Fayetteville. See application for variance request on pg. D-13.

CURRENT ZONING: Project lies within the County Zoned area (Agricultural/Single-Family Residential 1 unit per acre). All lots are 1 acre in size or larger, and zoning compliant.

PLANNING AREA: This project is located in the City of Fayetteville's Planning Area. They approved the Preliminary Plat with conditions on September 24, 2012. See City Staff Report on **pg. D-17**.

QUORUM COURT DISTRICT: District 9, Butch Pond.

FIRE SERVICE AREA: Goshen VFD **SCHOOL DISTRICT:** Fayetteville

INFRASTRUCTURE: **Water-** Fayetteville **Electric-** Ozarks Electric **Natural Gas-** Source Gas
Telephone- AT&T **Cable-** Cox

BACKGROUND/ PROJECT SYNOPSIS:

The property owner is GBS Development; the applicant is Booth Building and Design, LLC. The surveyor/engineer is Bates and Associates.

Chapel View Subdivision is requesting Preliminary Subdivision Plat approval to create a 19 lot subdivision from one existing 22.88 acre tract (parcel# 001-15756-000). All proposed lots are at least 1 acre in size. There are no permanent structures on the property at this time.

This project accesses off HWY 45 E, Mission Blvd. It is located on the north side of the Highway- directly across the street from 5679 Mission BLVD/HWY 45. The Shelton Addition Subdivision lies directly to the east.

VARIANCE SYNOPSIS:

A variance to (*Section 11-90, Street Design Criteria for Land Development (6), Temporary cul-de-sac length*) is requested to allow a cul-de-sac to extend beyond the maximum allowed 1200' to accommodate a (future) connection to the property to the north. This connection was required by the City of Fayetteville. The proposed cul-de-sac is to be approximately 1,355 linear feet in length.

The County Road Department and Planning Departments are in support of this variance.

TECHNICAL CONCERNS:

Fire Safety

This subdivision was reviewed by the County Fire Marshal and Goshen VFD. The subdivision plans to tap into an existing 12" line on Mission.

Planning staff has received the following fire flow information (from the project engineer) for the hydrant at the corner of Mission and Fox Trail: Static Pressure: 56 psi, Residual Pressure: 46 psi, Flow: 969 gpm.

With the exception of a few adjustments to hydrant placement, the subdivision meets fire flow requirements (with the addition of tanker support) and other Fire Code requirements enforced by the County Fire Marshal.

Roads

This project accesses off HWY 45 E, Mission Blvd. There are two proposed interior streets. These streets are proposed to be dedicated to the County/public.

Sewer/Septic

The 19 proposed lots will utilize individual septic systems. A Designated Representative of the Arkansas State Health Department performed a soil pit analysis and determined that the area is able to sustain standard septic systems for each proposed lot. Please see the layout proposed on page 2 of the plans (**or attached pg D-8**).

Melissa Wonnacott-Center of the Arkansas Department of Health had no additional comments on this property division's septic.

Electric/Phone/Gas/Water

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

Addressing

There is currently no DEM address assigned to this parcel. Addresses will be assigned to each lot at the final plat stage or when the final locations of the homes on each lot 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).

SITE VISIT:

A site visit was conducted by planning staff in September. No issues of concern were noted.

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project.

Staff has received one comment from surrounding neighbors. He does not want a subdivision or additional traffic. **See page (D-15).**

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.

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

STAFF RECOMMENDATION:

Staff Recommends approval of the Variance to allow the cul-de-sac to be approximately 1355 linear feet in length.

Staff recommends Preliminary subdivision approval with the following conditions:

Utility Conditions/Road Conditions:

1. The septic system(s) must be approved, installed and inspected by the Health Department prior to occupation of the residence(s).
2. Any damage or relocation of utilities will be at the expense of the owner/applicant.
3. On page 5: please add "Compacted to 98%" to the 8" *Class 7 base course* portion of the typical 24' Rural Street Section.
4. On the Cover Sheet, note 24: Please change this to state that the bond should be submitted to the Road Department. The Road Department will transmit the bond to the County Attorney for review.
5. On page 3: please remove note 2.
6. County Road Department will only maintain Drainage Easements in the County Road ROW.
7. The following road and drainage issues must be addressed at Construction Plan stage:
 - (a) The Energy Gradeline is over the roadway and the velocities are extremely high which indicates the double boxes are undersized.
 - (b) No calculations were provided for the 18" cross structure.
 - (c) It appears that there is still not enough road clearance over the double box structure. Proposed upstream invert elevation is the report is 1477, and 4 feet for the structure, 6 inches for the thickness of box (minimum), and 11 inches for the pavement section. That equals 1482.42. It appears that the proposed contours are much lower than that.
 - (d)

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).

Fire Conditions:

1. In order to meet Fire Code hydrant spacing requirements you must relocate the proposed hydrant assembly near the cul-de-sac (lot 11) to lot 12.

Planning Dept Conditions:

1. At Final Plat, the minimum finished floor elevations determined for lots w/ drainage easement based on anticipated 100 year flood elevations for the creek.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$92.30) 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. Once all plat corrections have been completed, submit corrected plat for review prior to submitting any construction plans.

4. Please contact the City and County to determine the next steps for each entity in the construction process.
5. If you receive Preliminary approval- construction plans must be approved, bond and insurance (Washington County must be named on the insurance) must be received and approved by the County Attorney prior to a pre-con meeting being set up.
6. Absolutely no construction may begin until the pre-construction meeting is completed and you have received the "go-ahead" from the County and the City.
7. If the City wishes to hold a pre-con meeting as well, the County would prefer that we have a joint pre-con meeting.
8. Preliminary Plat approval is valid for 12 months from the date of approval by the Planning Board. Construction Plans must be approved and construction commenced prior to that time or you will be required to bring your project back through Preliminary Plat.

Washington County Planner Director, Juliet Richey, presented the staff report.

Susan McRae, neighbor near Shelton road, asked does the side road connect to anything else? Will it be similar to another cul-de-sac?

Juliet Richey replies, it doesn't right now. It connects to a hammer head turn around. It's for future development.

Kevin Baker, neighbor near Shelton road, states that he is concern is the traffic. There are a lot of blind curves and fast traffic. He is just concern that more traffic coming in and out of there.

Susan McRae, neighbor near Shelton road, states that when you are coming out of the hill, you will be in the traffic before you know it.

No Public comments. Public comments closed.

*Robert Daugherty made a motion to approve the **Variance Request for Chapel View Subdivision** and **Chapel View Preliminary Subdivision** subject to staff recommendations. Chuck Browning seconded. All board members were in favor of approving. Motion passed.*

Springdale Planning Area

f. Northwest Arkansas Quarries LSD

Preliminary Large Scale Development Request

Location: Sections 26, 27, and 35, Township 18 North, Range 29 West and

Owner: JB Hunt, LLC

Applicant: Chris Godsey/ Northwest Arkansas Quarries

Engineer Name: Steven Beam, P.E., Crafton Tull & Associates, Inc.

Location Address: 21202 N. Parson's Road, Springdale, AR, 72764

Approximately 118.5 acres/ Proposed Land Use: stockpile (105 ac) and mining areas (13.5 acres)

Coordinates: Longitude: 94° 2' 52.28" W Latitude: 36° 11' 29.305" N

Project #: 2012-142 Planner: Juliet Richey e-mail at jrichey@co.washington.ar.us

REQUEST: Preliminary Large Scale Development Approval for NWA Quarries LSD. This LSD includes the mining and stockpile areas approved as CUP project 2012-136. The proposed project includes 105 acres for stockpiling and approximately 13.5 acres of existing quarry pit for mining.

CURRENT ZONING: Agricultural and Single Family residential (with a density of 1 unit per acre). A

Conditional Use Permit (CUP 2012-136) to allow stockpiling (105 acres) and Mining (13.5 acres) was also granted on October 18, 2012. Please see attached CUP approval letter and map for a detailed description of the CUP, **pg F-7**.

PLANNING AREA: This project is located in the City of Springdale's Planning Area. The City of Springdale does not formally review this type of Large Scale Development project, but have an informal review and an opportunity to submit comments. No comments were received from the City of Springdale for this LSD.

QUORUM COURT DISTRICT: District 13, Joe Patterson

INFRASTRUCTURE: **Water-** Springdale **Electric-**Ozarks Electric **Natural Gas-** Source Gas
Telephone- AT&T Phone **Cable-** Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

JB Hunt, LLC is the owner of the property.

Northwest Arkansas Quarry submitted a Preliminary LSD Application for a portion of several parcels of land (tax parcels #001-18669-000, 001-18668-000, 001-18410-000, 001-18452-000, located at 21202 N. Parson's Road, Springdale, AR, 72764).

If this Preliminary LSD is approved, this project must come back for Final LSD approval once improvements are completed.

LARGE SCALE DEVELOPMENT CONSIDERATIONS:

Preliminary Large Scale Development is the first step in the (generally) four-step Large Scale Development Process:

1. Preliminary LSD Hearing
2. Construction of Improvements
3. Final LSD Hearing
4. Signing and Filing of Final LSD

Unlike a CUP, there are only specific items that we can even consider for a Large Scale Development.

We can generally consider the following:

- **Drainage issues-** A drainage report was completed for this LSD. The drainage report was reviewed by the County Contract Engineer. The County Engineer asked that one additional table be added to the report. If this table is added (and found to be adequate), then the County Engineer will be comfortable with the report.

I will update you at the meeting in regard to his approval (or not) of the report. Staff expects it to be approved.

- **Traffic impact-** The existing entrance will be utilized. The applicant will be required to pave this entrance to be 40' wide and 250' in depth from the intersection of Parson's Road. The applicant plans to pave a much greater area than required in order to help reduce dust tracking onto Parson's Road. See **page C-103 of the plans** for details.

A traffic statement was submitted for this project (**see pg F-12**). No increase in traffic is proposed with this LSD. This statement was reviewed and approved by the County Contract Engineer and the County Road Department.

Compliance with Sections 11-100 and 101 below (see below excerpts from code in italics):

Section 11-100 (pertinent excerpts)

(c) Such large-scale developments shall be set back from the edge of any County or public road no less than two hundred fifty (250) feet.

(d) The approach to such large-scale developments from the edge of County or public road to the edge on the development shall be no less than forty (40) feet in width and paved in accordance with specifications to be promulgated by the County Road Superintendent so as to decrease dust, dirt, and mud from being deposited on and around County and public roads.

(e) Every large-scale development shall develop and submit a dust abatement plan to prevent dust from causing a traffic hazard on County and public roads. Said plan shall include, in accordance with regulations to be promulgated by the County Road Superintendent, the applying of water or a dust palliative as needed.

(f) Every large-scale development shall maintain and clean the approaches as set out above on a regular basis and shall be responsible for removal of any foreign objects on a County or public road which have been deposited on said road as a result of activity generated by said development.

(g) All large-scale developments shall require any vehicle leaving its facility to be securely covered and/or sealed so as to prevent any load from dropping, sifting, leaking, or otherwise escaping therefrom regardless of the date of manufacture as set out in Ark. Code Ann. § 27-35-110.

Compliance with 11-00:

- **(c) As seen on the plans (plan pages C-102)- there are a few areas where some portions of existing stockpiles slightly encroach into the 250' setback. The applicant is in the process of moving this material or depleting the stockpiles in the setback areas. All portions of the stockpiles will be set back 250' from the County Road prior to Final LSD.**
- **(d) The proposed paved access road (larger than required) is shown on the plans.**
- **(e) The dust abatement plan has been submitted and approved by the County Engineer and Road Department (see pg F-14).**
- **(f) This measure is included in the dust abatement plan**
- **(g) This measure has been acknowledged by the applicant.**

Washington County Code of Ordinances

Section 11-101(pertinent excerpts)

(d) The Planning Board may postpone any action until all other legal and/or environmental requirements of any other local, State, or federal agency have been met.

(e) If any land development raises environmental concerns, the Planning Board may, at the expense of the developer, retain its own qualified consulting engineer to assist it and the Planning Director in assuring that all environmental issues have been properly addressed by the developer and its engineer. Said consulting engineer shall maintain an office no greater than one hundred (100) miles from Washington County.

(f) Public comments shall be taken prior to any decision by the Planning Board at the preliminary plat stage and the final plat stage. Approval of the preliminary and final plat shall not take place at the same meeting and the approval of the final plat shall be no sooner than the next regularly scheduled meeting.

Compliance with 11-101:

- (d) & (e) All ADEQ permits are in place (Stormwater, Air, and Mining). Clay Grote, our County Contract Engineer, has reviewed this project. If the Planning Board feels his review is inadequate, then further review can be explored.
- (f) Only Preliminary approval is requested at this time. Public Comment will be taken at each hearing.

CUP CONDITION CONSIDERATIONS:

The applicant must comply with all CUP Conditions.

For a list of all applicable conditions, please see **pg F-7**.

Most conditions have been addressed/ or are in the process of being addressed at this time.

Staff would like to point out the landscaping condition that was placed on this development by the Quorum Court:

Trees shall be planted along berms on Parson's Road adjacent to CUP stockpile areas (trees shall be planted at a spacing that will form a visual screen upon maturity). Please submit a proposed planting plan with the Preliminary Large Scale Development Submittal. The planting must be completed prior to final Large Scale Development approval.

The applicant has proposed a combination of three species of evergreens to satisfy this condition. The proposed locations of these plantings are shown on **page C-102 of the plan set**. The layout of individual trees is shown in the "Berm Evergreen Tree Planting Detail" on **page C-501 of the plan set**.

Planning Staff has reviewed the layout and areas of planting and feel they will adequately satisfy the CUP condition requirements.

NEIGHBOR NOTIFICATIONS AND COMMENTS:

57 neighbors were notified of this Preliminary LSD (all neighbors within ½ mile of the project site).

Staff has received only one comment from neighboring property owners at this time. This neighbor was opposed (**pg F-19**), but did not provide any further comments.

If any additional comments are received prior to the Planning Board Meeting, they will be provided for your review at the meeting.

UTILITY ISSUES:

No major issues known.

HEALTH DEPARTMENT ISSUES:

None. Restroom facilities (portable) located on the original 120 acres.

CHECKLISTS:

*Please note that if an item is marked inadequate, staff will usually recommend tabling or denial of a project. It is up to the Planning Board’s discretion whether or not to agree with staff recommendation.

| | | | |
|-------------------------------|--|--|---|
| Road Issues | | | ✓ |
| Fire Code Issues | | | ✓ |
| Utility Issues | | | ✓ |
| Health Department Issues | | | ✓ |
| Other Important Issues (ADEQ) | | | ✓ |

General Plan Checklist

| | Inadequate | Acceptable | Complete |
|-------------------------|------------|------------|----------|
| General Information | | ✓ | |
| Existing Conditions | | ✓ | |
| Proposed Improvements | | ✓ | |
| Info to supplement plat | | ✓ | |

Items listed as acceptable but not complete and must be completed prior to construction or operation of the proposed project.

STAFF RECOMMENDATION: Staff recommends Preliminary LSD Plan approval of the proposed NWA Quarries Preliminary LSD with the following conditions:

1. All conditions of the Conditional Use Permit approval (October 18, 2012) must be adhered to.
2. Must adhere to all applicable LSD standards found in sections 11-100 and 11-101.
3. All LSD Checklist items must be shown correctly on LSD Plan.
4. Pay mailing fees of \$210.00.
5. Pay engineering fees. These will be calculated once all review has been completed.
6. You must have a 250ft x 40ft asphalt or concrete entrance connectivity to county road prior to Final LSD.
7. All portions of the stockpiles will be set back 250’ from the County Road prior to Final LSD.
8. Any work that may be done in the County Road right of way will require a permit from the Washington County Road department.
9. Springdale Water:

- a. Field locate and verify the location of existing water and sewer facilities. Indicate the location of these facilities on the drawing and provide adequate easements acceptable to the Springdale Water utilities.
 - b. The owner/developer shall be responsible for the cost of any required adjustments to the existing water facilities due to site grading or paving
 - c. No excavation or stockpiling of materials in the Springdale Water Utilities water line easements on this property.
10. No stormwater permit will be required by Washington County at this time. Must comply with all ADEQ rules and regulations.
 11. Cox Communication- Any damage to or relocation of our existing facilities will be at the owner/developer's expense
 12. 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.
 13. County Engineer must approve the table that has been added to the drainage report.

Washington County Planner Director, Juliet Richey, presented the staff report.

No public comments. Public comments closed.

*Kenley Haley made a motion to approve the **Northwest Arkansas Quarries LSD** subject to staff recommendations. Daryl Yerton seconded. Randy Laney, Daryl Yerton, Robert Daugherty, Kenley Haley, Cheryl West, and Chuck Browning voted for. Walter Jennings Abstained from voting. Motion passed.*

5. Other Business

- Discussion of Current Development.
- Reminder of upcoming regular Planning Board meeting January 3, 2012
- *Juliet Richey informed the board about the new 2013 schedule. She also informed the board about the upcoming legislative changes to the minor subdivision to allow some of them to be administrative.*
- Any other Planning Department or Planning Board business.

6. Old Business

7. Adjourn

*Robert Daugherty moved to adjourn. Cheryl West seconded. Motion passed.
All Board members were in favor of approving.*

Planning Board adjourned.

Minutes submitted by: **Phuong Pham**

Approved by the Planning Board on:

_____ Date: _____
Randy Laney, Planning Board Chairman