

**MINUTES**  
**WASHINGTON COUNTY PLANNING BOARD**  
**&**  
**ZONING BOARD OF ADJUSTMENTS**  
**Mar 06, 2014**

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

DEVELOPMENTS REVIEWED:

*ACTION TAKEN:*

**CONDITONAL USE PERMIT HEARINGS**

Fayetteville Planning Area

**a: Overton West Subdivision CUP**

**Approved**

County

**b: Sassafras Springs Vineyard Expansion CUP**

**Approved**

1. ROLL CALL:

*Roll call was taken. Members present include Randy Laney, Chuck Browning, Cheryl West, Walter Jennings, and Kenley Haley. Robert Daugherty and Daryl Yerton were not present.*

2. APPROVAL OF MINUTES: *Kenley Haley made a motion to approve the minutes of Jan 09, 2014. Cheryl West seconded. All board members were in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA: *Cheryl West made a motion to approve the agenda. Walter Jennings seconded. All board members were in favor of approving. Motion passed.*

4. NEW BUSINESS

**CONDITIONAL USE PERMIT HEARINGS**

**Fayetteville Planning Area**

**a. Overton West Subdivision CUP**

***Conditional Use Permit Approval Request***

Location: Section 28, Township 17 North, Range 29 West

Owners: 3D Partners

Applicant: Riggins Construction Development

Engineer: Jorgensen and Associates

Location Address: 3524 Gulley Road

Approximately 14.93 acres/ 12 SF Residential lots and 1 detention lot. Proposed Land Use: Single Family Residential,

Coordinates: Longitude: -94.085059, Latitude: 36.113868

**Project #: 2014-019 Planner: Juliet Richey e-mail at [jrichey@co.washington.ar.us](mailto:jrichey@co.washington.ar.us)**

**REQUEST:** Overton West is requesting Conditional Use Permit approval to allow 12 single family residential lots on approximately 14.93 acres. The lots range in size from 0.77 acres to 2.31 acres. Individual septic systems are proposed to service each lot.

This project is required to proceed through the CUP process due to *some* of the proposed lots being less than 1 acre in size.

An extension of existing Saddleridge Drive (a street in the Overton Park Subdivision) is proposed (from existing stub-out west to Gully Rd.). Additionally proposed is a stub-out Street to the North.

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

The Conditional Use Permit Request is to allow residential lots to be less than 1 acre in size each in an area where the use of Single Family Residential (minimum residential lot size of 1 acre) or Agricultural, is allowed by right, and all other proposed uses must be reviewed as Conditional Use Permit Requests by the County Planning Board/ Zoning Board of Adjustments.

**PLANNING AREA:** This project is located within The City of Fayetteville's planning area. The City did submit comments. (see pgs A13, A14)

**QUORUM COURT DISTRICT:** District 15 Butch Pond

**FIRE SERVICE AREA:** Goshen VFD

**SCHOOL DISTRICT:** Fayetteville

**INFRASTRUCTURE:** Water- City of Fayetteville

Electric-Ozarks Electric

Natural Gas- Source Gas

Telephone- AT&T Cable-Cox

**BACKGROUND/ PROJECT SYNOPSIS:** The applicant is asking to allow 12 single family residential lots on approximately 14.93 acres. Please note that although some lot sizes are less than 1 acre each, the total density proposed is still less than one residential unit per acre.

The applicant is proposing to have approximately 13 lots. There will be 12 residential lots ranging in size from 0.77 acres to 2.31 acres. They plan to use individual septic systems to service the lots. An extension of existing Saddleridge Drive (Overton Park Subdivision) is proposed (from existing stub-out west to Gully Rd.). Additionally proposed is a stub-out Street to the North. A detention pond is proposed on lot 11; no residential structures will be placed on this lot.

**There are no major concerns with this project.**

### **TECHNICAL CONCERNS:**

#### **Water/Plumbing/Fire Issues:**

This CUP request was reviewed by the County Fire Marshal and Goshen VFD.

The water provider is City of Fayetteville Water. As per the Developer's Engineer, an 8" waterline extension is proposed from the existing line in Overton Park to Gulley Road. This line will run down the South side of Saddleridge Drive. A hydrant is proposed at the south side of the intersection of Saddleridge Drive and Street I.

One side of Saddleridge and Street I must be designated as "No Parking". The hydrant should be placed on the "No Parking" side of Saddleridge. A 28' width required on both streets. Hydrant spacing: No further than 250' from furthest structure.

If a subdivision sign is desired in the ROW, the developer must consult with the Fire Marshal and County Road Department or approved placement.

#### **Sewer/Septic/Decentralized Sewer:**

Soil work for the lots has been completed and submitted (primary and alternate areas shown on plat, and soil test pit info included in this packet on pg A12. As per the Health Department, the soils appear adequate for the request.

As per the developer's engineer, it is anticipated that a new home could be connected to the existing system on lot 10. However, the Health Department asked that pits be dug to show that the developer has

the option to replace the existing system if for some reason it is not functional or not adequate for the new home. This should be completed by Preliminary Plat.

**Electric/Gas/Cable/Phone:**

Ozarks Electric submitted some general comments. Generally, any damage or relocation of utilities will be at the expense of the owner/applicant. No other utilities submitted comments.

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

This project accesses off Gully Road. An extension of existing Saddleridge Drive (Overton Park Phase) is proposed (from existing stub-out west to Gully Road). Additionally proposed is a stub-out street to the north (required by City of Fayetteville). Both are proposed to be publicly maintained County Roads.

Two lots (lots 12 and 13) propose to take access off of the existing Maywood Road.

No lots show any direct access onto Gully, however, Planning Staff recommends that notes be placed on the plat (at Preliminary Plat stage) prohibiting direct access to Gully from lots 1, 10, and 11.

A sight visibility study was required (of the engineer/applicant) in regard to the proposed intersection of Saddleridge Drive and Gully Road. The study was submitted and it appears that sight distances are adequate; however the study will require review and approval of the Road Department and the County Engineer. Staff will update you on this at the meeting on Thursday.

**Drainage:**

Both existing ponds onsite are proposed to be removed/filled. The Developer's Engineer is proposing a detention pond on Lot 11 to handle any increased flows from this development.

**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).

**City of Fayetteville Concerns:**

The City expressed some concerns in their comments. Some concerns are already being addressed with this CUP (drainage, site distance, etc). Please see the City of Fayetteville Planning Department letter-attached (**pgs A13, A14**)

**COMPATIBILITY CONCERNS:**

**Surrounding Density/Uses:**

Please see the attached density maps (**pgs A10, A11**)

As you can see the densities and lot sizes are similar to those in the existing Overton Park Subdivision. In addition- even though some lot sizes (proposed with this subdivision) are less than 1 acre, the total density of the subdivision is still lower than 1 until per acre (proposed to be approximately 1 unit per 1.2 acres), and therefore in line with the overall densities proposed with County Zoning for this area.

Planning Staff sees no reason to deny this development based on some lots being less than one acre as it poses no health/safety concerns (all lots appear to be suitable for septic), and no other serious concerns are related to the lot sizes.

The surrounding uses are single family residential and agricultural. The site contains one existing residence (slated to be removed).

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

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

According to the County's Land Use Plan,

## SECTION III. PHYSICAL DEVELOPMENT

### A. LAND USE CONSIDERATIONS

#### 1. RESIDENTIAL

- a. To provide for development of residential areas at appropriate densities. **Staff feels that the proposed density is compatible with the surrounding densities in the area.**
- 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; **Some utilities are available; others will be made available to serve the lots with the construction of the development.**
- d. Protect the character and integrity, and property values, of single-family, residential areas; **Staff feels that the overall density proposed (less than 1 home per acre) will 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,
- 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. **This development provides connection between an existing subdivision and Gulley Road. The proposed public streets will be built to meet the minimum County criteria.**

#### Future Land Use Plan

Rural Area Residential (compatible with surrounding densities)

#### **NEIGHBOR COMMENTS/CONCERNS:**

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

One neighbor called with concerns regarding the potential covenants and deed restrictions proposed for this development and whether they would be in line with those in the existing Overton Park Subdivision. Planning Staff directed him to visit with the Developer regarding this matter as we are concerned primarily with lot size and density at this level. The Developer stated that he would contact the concerned neighbor.

No written concerns have been received at this time.

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

**STAFF RECOMMENDATION: Staff recommends *approval* of this Conditional Use Permit with the following conditions:**

#### **Water/Plumbing/Fire Conditions:**

1. One side of Saddleridge and Street I must be designated as "No Parking". Place the hydrant on "No Parking" side of Saddleridge. A 28' width required on both streets. Hydrant spacing: No further than 250' from furthest structure.

2. If a subdivision sign is desired in the ROW, the developer must consult with the Fire Marshal and County Road Department or approved placement.

**Sewer/Septic/Decentralized Sewer Conditions:**

1. The septic system(s) must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to occupation of the residence(s).
2. As per the developer's engineer, it is anticipated that a new home could be connected to the existing system on lot 10. However, the Health Department asked that pits be dug to show that the developer has the option to replace the existing system if for some reason it is not functional or not adequate for the new home. This should be completed by Preliminary Plat.

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

1. Sight distance study must be approved by the County Road Department and County Engineer. (Update- this has been approved)
2. May require special measures or requirements on the site of pond within the proposed ROW (that is proposed to be filled in) later in the process
3. A note is required on Preliminary Plat stating lots, 1, 10, and 11 cannot have driveways directly accessing from Gulley Road.
4. At Preliminary Plat show 30' ROW from center of Gulley Road entire length of property for right of way.
5. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. The Road Department may be reached at (479) 444-1610.

**Environmental Conditions:**

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

**Utility Conditions:**

1. Any damage or relocation of utilities will be at the expense of the owner/applicant.
2. Ozark Electric Conditions:
  - 1) Any relocation of existing facilities or extension of line that has to be built specifically to feed the subdivision will be at full cost to the developer.
  - 2) All lot corners must be marked with lot numbers clearly written on the stakes before construction will begin.
  - 3) If off site easements are needed for Ozarks to provide electricity to the development, easements must be obtained by developer and provided to Ozarks before the design will begin.
  - 4) All conduits placed at road crossings by developer must have 48 inch of cover at final grade and marked with post to identify end of conduits. (3 – 4 inch schedule 40 conduits to be used for electric only at all road crossings, conduits must extend past the edge of any obstructions so that they are accessible during construction. Other utilities will require more conduits at road crossing.) There must be minimum separation of 12 inches between conduits for electric and conduits for other utilities. This is NESC code 354.
  - 5) All conduits for road crossings and specific widths of U.E. must be shown on final plat before Ozarks Electric will sign the final plat.
  - 6) Subdivisions will be built on Policy 45 (Ozarks is responsible for up to 50% and the Developer is responsible for the remainder of the cost of construction) There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
  - 7) All back lot and side lot utility easements to be 20 feet except side lot utility easements to be used for street lights to be 10 feet. All front lot utility easements to be a minimum of 25 feet.
  - 8) Developer must provide Ozarks Electric with a Digital copy (AutoCAD 2004) of the Final plat as well as a hard copy.

- 9) All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
- 10) Please contact me when construction begins on subdivision and again when construction is within three months of completion. Greg McGee at (479) 684-4634 or [gmcgee@ozarksecc.com](mailto:gmcgee@ozarksecc.com)
- 11) Add one 4" conduit across the road between the front of lots 3 and 4 at the intersection of E. Saddleridge Dr. an Street "I".
- 12) Ozarks will use front lot easements on lots 1 through 5 and the rear lot easements on lots 6 through 10.

**General Conditions:**

1. Preliminary Plat should adhere to this general plan and density. It is understood that there may be slight variations.
2. Soil work should be provided for lot 10 at Preliminary Plat.
3. Street classification at Preliminary Plat will be based on potential traffic
4. Any possible improvements to Gulley shall be determined by the County Road Dept. at Preliminary Plat.
5. Lots 12 and 13 should have a shared drive- creating only one access point onto Maywood.

**Standard Conditions:**

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office.
2. Pay engineering fees within 30 days of project approval. Any extension must be approved by the Planning Office.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. This CUP must be ratified by the Quorum Court (scheduled for the March 20, 2014 Meeting).
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - This project requires additional review (Subdivision or Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.

*Washington County Planning Director, Juliet Richey, presented the staff report for the board members.*

*Public comment:*

*Clayton Hamilton, a neighbor in Overton Park, stated that most of the questions they have really pertain to the new subdivision, the detention pond at the front entrance to Overton park, and making sure that is maintained in an appropriate manner. My question would be, does the detention pond have to be at the entrance to the neighborhood and exactly how would that be set up, and maintained. Because that is entering the main part of the existing neighborhood. There are two houses that accessed off Maywood. The ideal situation for us would be that this new subdivision would comply with the covenants or be a part of the POA that is currently in existence for Overton Park. Specific to my house, there is a beautiful pond right behind our house. Ideally it would stay but I guess may not be an option with the being able to build a house on that lot. But ideally to me, that pond would remain as it stands today. In the new subdivision, we would like for the sidewalks and the streets lights to be congruent with the existing subdivision.*

*David Means, POA Board member and Treasurer for Overton Park, stated that we recently learned about the project. We would like to the keep everything congruent with the way things are set up today. We had to go through and set up our own street lighting that was left out. We worked really hard to get out neighborhood shaped up to where it needs to be and would like that to continue.*

*Dave Jorgensen, Engineer for the developer, the developer being Riggins Constructions: First of all the reason for the detention pond in that location is because it's in the low part of the property. And naturally*

water runs down hill, so that's where we want to put the detention pond. The reason for it is to detained the post development flow. As you know we have a pre development flow, then after it's developed with some hard surfaces, we have increased flow. The purpose of that detention pond is hold the difference. It's located in that low area. As far as maintenance goes, we'll have to set up a POA to maintain that pond periodically. It is going to be one of those ponds that have water in it only when we have very hard rain. Past that it drains out, it drains to the west. The very large pond that Mr. Hamilton referred to, that pond will be filled in because that is the general area where the house will be constructed. For that reason, the pond will be filled in. There is another pond (a very small pond) that the proposed street runs through. We are going to have to muck that pond out and undercut, and get down to solid ground. We going to install red hill side (fill material) and that's where road is going to be. Street lights; we plan on installing street lights as per county requirements. Sidewalk; I don't think there are sidewalks in Overton right now.

Randy Laney, Planning Chairman, noted that the audience is nodding that there are sidewalks in Overton.

Dave Jorgensen, replied yes to sidewalks if we need to. As Juliet mentioned, we are connecting a waterline from the existing waterline that stubs out over to Gulley road. We are going have adequate fire protection. The sizes of the houses are going to the comparable to what's in Overton (if not larger). Darren Riggins, the developer, is here to help answer those questions.

Darren Riggins, Developer for Overton Park, stated we plan to mirror Overton as far as their covenants. As far as the sidewalks we will put in sidewalks. That typically it goes in once the house is constructed. So whoever would purchase the lot or we build the house on it, then sidewalks would be constructed. As far as joining the POA, we are not opposed to that; it is something we would work it out later.

Randy Laney, asked Darren to clear up the issues about street lights. It was mentioned earlier that streetlights would be in compliance with county regulations.

Juliet Richey, Planning Director, stated that we do not require sidewalks and street lights in the County nor will we maintain them. I don't know about the street lights (I'll have to ask Fayetteville about that specifically), but I'm pretty sure that Fayetteville will require sidewalks be built. It must go through Fayetteville Preliminary Plat because it's in Fayetteville's Planning Area. It'll have to go through both the City and the County. If you put in street lights, we won't have any problems with it. We will not maintain them or pay the bill. That is something you will have to set up with your POA to do.

Randy Laney added that in regard to County standards; we don't have any for street lights.

Darren Riggins, said that we are not opposed to doing streetlights to mirror Overton. We want to compliment Overton instead of looking different. We just want it to flow through there. We will work with them and try to work out if we can join their POA. That saves us setting up a POA for 12 homes. It's a lot easier being a larger POA since it connects to Overton. But as far as the covenants they would be a minimum of Overton's covenants' standard.

Walter Jennings, Planning Board member, asked how tall are the berms on the detention pond off Maywood Road.

Dave Jorgensen stated that it looks like full depth is 6 feet.

Walter Jennings, asked is that on the east side or the west side?

Dave Jorgensen, answered it's on the north side of Maywood on the east side of Gulley

Darren Riggins, answered in regard to the detention pond; we don't want it to look unsightly either. That's also the access for the other two homes. If we need some additional trees or something planted around the entrance we're not oppose to it.

Kenley Haley, Planning Board member, asked if there's another detention pond just south in the other subdivision right off the road?

Juliet Richey explained that if the Conditional Use Permit is approved, then it will proceed to the Preliminary Plat process where the details of lots and construction are shown. The County does not maintain detention ponds. It would fall on the POA or any other organizations to maintain that. That's normal, that's what all subdivisions in the County do.

Randy Laney, stated that during the Preliminary Plat a lot of the issues brought up tonight will be more specific in the plans. The way it works is to approve the land use for this purpose; that is what's being approved tonight. The specific plans and how it is detailed out will be at Preliminary and Final plat.

Public Comments Closed.

Kenley Haley made a motion to approve the **Overton West Subdivision CUP** subject to staff recommendations Cheryl West seconded. Robert Daugherty and Daryl Yerton were not present. Board Members Randy Laney, Walter Jennings, Chuck Browning, Cheryl West and Kenley Haley were in favor of approving. Motion passed.

### **County**

#### **b. Sassafras Springs Vineyard Expansion CUP**

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

Location: Section 22, Township 17 North, Range 29 West

Owner: Long Family Revocable Trust

Applicant: Gene and Cheryl Long

Location Address: 6461 E. Guy Terry Road

Approximately 15.03 acres. Proposed Land Use: Event Center and Winery Expansion

Coordinates: Longitude: -94.0675, Latitude: 36.1267

Project #: 2014-014 Planner: Courtney McNair e-mail at [cmcnair@co.washington.ar.us](mailto:cmcnair@co.washington.ar.us)

**REQUEST:** Conditional Use Permit approval to allow the expansion of the previously approved Sassafras Springs Vineyard. The applicant wishes to add an event center, outdoor wedding venue and expand a deck for the winery building. Approximately 6.23 acres has been added to the original property (8.65 acres), making the property 15.03 acres.

**CURRENT ZONING:** Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre) and previously approved CUP #2013-120 for the Sassafras Springs Vineyard Winery.

**PLANNING AREA:** This project is located solely within the County.

**QUORUM COURT DISTRICT:** District 15, Butch Pond

**FIRE SERVICE AREA:** Goshen VFD

**SCHOOL DISTRICT:** Springdale

**INFRASTRUCTURE:** Water- Fayetteville  
Gas Telephone- AT&T

Electric-Ozarks Electric

Natural Gas- Source

Cable- Cox Communications

#### **BACKGROUND/ PROJECT SYNOPSIS:**

The owner of this property is The Long Family Revocable Trust. The applicants are Gene and Cheryl Long. This property is located off of Guy Terry Road (near the intersection of Guy Terry Road and Habberton Road), WC #92.

The applicant is requesting Conditional Use Permit approval to allow the expansion of the Sassafras Springs Vineyard in an area zoned for agricultural and residential uses. The proposed expansion project includes an event center (remodeled existing barn), parking area and driveway, and associated septic system. An additional deck is proposed to be attached to the winery building. "Chapel Ruins" are

proposed to be constructed as an outdoor wedding venue. The event center and winery will be connected with a paved walkway. The “Chapel Ruins” will be connected to the winery with a paved walkway.

**Event Center “Stables at the Winery” (existing barn that is proposed to be renovated):**

Hours of operation for the event center will generally be 10:00 a.m. to 11:00 p.m. According to the applicant’s letter dated 2/20/2014, large events will be required to have a security person on premise for traffic control. The events will be catered. Occupancy for the Event Center will be approximately 200 patrons (the final number will be determined by an architect). The applicant has stated that all activities for the Event Center will be indoors with the exception of occasional tents if a larger event is to be held. The fire marshal will be notified prior to this type of event.

According to the applicant’s most recent submittal letter (**B-20-22**), the event center will also house an area for wine making. There will be a small two- acre vineyard located behind the center.

**Winery (existing building previously approved with CUP#2013-120):**

The applicant has stated that the additional deck will not increase the total number of patrons to the winery (the previously approved CUP allowed for approximately 25 patrons with occasional larger groups up to 100 patrons). The letter states that the proposed deck will allow for a private space for groups.

**Chapel Ruins (faux ruins proposed to be constructed on an existing foundation between the winery and proposed events center):**

The “Chapel Ruins” proposed for the outdoor wedding venue will have no utilities or facilities, is open air, and accessible via a paved walkway from the winery building.

**General:**

**(Please see applicant’s letter and site and building sketches B-13-22).**

**The State Alcohol Beverage Control (ABC) Board will regulate all conditions that deal with the consumption, import and distribution of alcohol for the proposed small farm winery and any additional conditions for the proposed event center/wine making area. Washington County Planning will require that the applicant abide by all conditions made by the ABC Board and that the applicant will provide Planning Staff with copies of all correspondence and permits issued to them by the ABC Board.**

**If this project receives CUP approval, it must proceed through the Large Scale Development (LSD) process. An architect and engineer are required for this project.**

Several of the comments and questions staff initially had (**see Tech Comments B-29-31**) have been addressed in the new letter submitted by the applicant. The project should be developed as stated in the applicant’s letter (**B-20-22**) with additional conditions proposed by staff.

**TECHNICAL CONCERNS:**

**Water/Plumbing/Fire Issues:**

This property is serviced by Fayetteville Water and is in the Goshen Volunteer Fire Department Fire Service Area.

There is a waterline existing to the site. Planning staff has not received information about the fire flow gpm available from the nearest hydrant; this information must be received and approved by the Fire Marshal **prior to CUP approval.**

All access roads and parking area drives must be a minimum of 20’ wide, have a 28’ turn radius, and support 75,000lbs in all weather conditions. Must all follow Road Department conditions (20’ paved apron required). Fire lanes along the drive and within the parking area must be marked (can be signage-if the

drive and lots are gravel; or paint-if the drive and lots are paved). **(Fire lane and details will be approved at Preliminary LSD)**

A “warming only” kitchen is proposed. The building must meet Arkansas State Fire Code. Exit lights/emergency lights and fire extinguishers are required. **Architectural plans are required and must be submitted prior to Preliminary LSD. The Fire Marshal will review the plans and make comment. He must approve them before the project can move forward.**

**The architect must set the final occupancy load for the proposed event center. The applicant must comply with any Health Safety/Fire Code recommendations made by the Architect. All architectural plans must be stamped and signed by a licensed architect.**

The Fire Marshal will inspect all improvements prior to the building being occupied.

**Sewer/Septic/Decentralized Sewer:**

The event center will utilize an individual septic system. Soils work has been completed. The Washington County Health Department has not submitted comment at this time, but Planning Staff expects comments as this project moves forward. The system must receive approval from the Health Department. It must then be installed. The system will be inspected by the Health Department prior to occupation of the proposed building.

The septic system (primary and alternate area) must be delineated (landscaping/fencing/blocking) to prevent anyone from parking or driving in this area. No parking is allowed on any portion of the septic system including the alternate area. The alternate area must remain undisturbed.

As this project will have a warming kitchen, it MAY fall under the Retail Food Service permitting with the Health Department. Staff needs clarification from the Health Department as the events will be catered. If additional permits are required, those must be obtained and submitted to Planning Staff prior to operation.

**No comments have been received from ADH about the expansion of the deck for the winery building regarding potential impact to the septic system in place for that building. Staff will update the Board at the meeting if this information has been received.**

**Electric/Gas/Cable/Phone:**

The utility companies servicing this property were contacted, no comments were received. On the previously approved project, Source Gas had comments informing the applicant of the high pressure gas line that runs parallel and adjacent to Guy Terry Road.

Generally, any damage or relocation of utilities will be at the expense of the owner/applicant.

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

This property accesses off Guy Terry, WC #92. The Road Department requires 20' (width and length) hard surface pavement at any entrances to the site as it connects to a paved County Road. Two new driveways are being proposed. The tiles for these drives must be sized by the Road Department. Any work to be completed in the County ROW requires a permit from the Road Department.

The plans submitted are not to scale; sight distance will need to be stated at Preliminary LSD for the new entrances. The drives must meet minimum County Code. In addition, ROW must be shown on the applicant's side of Guy Terry Road.

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

The connection from the handicapped parking to the building entrance must be ADA compliant.

**Drainage:**

Additional detail is needed for the parking area and drive at Preliminary LSD. A drainage study will be required at Preliminary LSD.

**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 B-28**).

The applicant has proposed signage that will be no larger than 16 sq. ft. No additional signage is allowed to be placed. If the applicant chooses to use lighting for the sign, it must be indirectly lit.

The proposed dumpster must be fenced. This fencing (and the gate) shall be opaque material. Washington County Planning will inspect the fencing.

Staff is not recommending additional screening at this time. The barn exists and is rural in nature, the proposed parking is to be gravel, and the “Chapel Ruins” will not be visible from surrounding properties. Staff feels that these uses are not going to be out of context in a rural setting.

**Addressing Concerns:**

The 911 Address for the existing barn is 6295 E. Guy Terry Road.

**Sheriff's Office Concerns:**

The Washington County Sheriff's Office reviewed these plans and commented that the applicant must comply with all requirements and regulations of the State Alcohol Beverage Control Division (ABC).

**COMPATIBILITY CONCERNS:**

**Surrounding Uses:**

The surrounding uses are primarily single family residential and agricultural. There are two commercial businesses in the general proximity.

While the proposed project is not residential, staff feels that the applicant's request is compatible with the surrounding uses with conditions. It will be low impact. Visually, the site will appear “agricultural” in nature (barn exists, gravel parking). All music is to be inside the event center (and the winery was approved for non-amplified outdoor music).

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

Staff feels that the traffic and nature of this proposed use will be “light commercial”.

According to the County's Land Use Plan,

**2. LIGHT COMMERCIAL**

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

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

Staff feels that this project meets the goal of the County's Land Use Plan. The proposed event center is compatible to residential uses because by conditions placed by staff and the applicant, it will be low impact

and will not disrupt the normal development of this area. Staff feels that the proposed use will not cause a negative impact on the surrounding properties as it will appear “agricultural” in nature. Steps are being taken to insure that the use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare as all appropriate utilities and infrastructure will be installed.

### **Future Land Use Plan**

The Future Land Use Plan for this area shows that it is “Residential Compatible to Surrounding Densities”. This portion of the County Future Land Use Plan was extrapolated from the City of Goshen’s adopted Future Land Use Plan for this area. The proposed use is not residential, but staff feels that it can be made compatible with recommended conditions.

### **NEIGHBOR COMMENTS/CONCERNS:**

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

Planning has received two “in favor” comments. Staff will update you at the meeting if additional comments are received.

### **STAFF RECOMMENDATION: Staff recommends approval of the proposed Sassafra Springs Vineyard Conditional Use Permit with the following conditions:**

#### **Water/Plumbing/Fire Conditions:**

1. All access roads and parking area drives must be a minimum of 20’ wide, have a 28’ turn radius, and support 75,000lbs in all weather conditions.
2. Must all follow Road Department conditions (20’ paved apron required).
3. Fire lanes along the drive and within the parking area must be marked (can be signage-if the drive and lots are gravel; or paint-if the drive and lots are paved). (Fire lane and details will be approved at Preliminary LSD)
4. A “warming only” kitchen is allowed for catering purposes.
5. The building must meet Arkansas State Fire Code.
6. Exit lights/emergency lights and fire extinguishers are required.
7. Restroom must be ADA compliant.
8. ~~The gpm flow information from the nearest hydrant must be received and approved by the Fire Marshal prior to CUP approval.~~ **This was received and the Fire Marshal has determined that it is adequate.**
9. Architectural plans are required and must be submitted prior to Preliminary LSD. The Fire Marshal will review the plans and make comment. He must approve them before the project can move forward. –These were submitted and are currently under review.
10. The architect must set the final occupancy load for the proposed event center.
11. The applicant must comply with any Health Safety/Fire Code recommendations made by the Architect.
12. All architectural plans must be stamped and signed by a licensed architect.
13. The Fire Marshal will inspect all improvements prior to the building being occupied.

#### **Septic Conditions:**

1. The septic system must receive approval from the Health Department. It must then be installed. The system will be inspected by the Health Department prior to occupation of the proposed building.
2. No parking is allowed on any portion of the septic system including the alternate area. The alternate area must remain undisturbed. (No overflow parking either).
3. The septic system (primary and alternate area) must be delineated (landscaping/fencing/blocking) to prevent anyone from parking or driving in this area.
4. As this project will have a warming kitchen, it MAY fall under the Retail Food Service permitting with the Health Department. Staff needs clarification from the Health Department as the events will be catered. If additional permits are required, those must be obtained and submitted to Planning Staff prior to operation

5. The manufacturing of wine on site will require an ADEQ on site discharge permit for process waste
6. The applicant must have a separate septic system on the property for the manufacturing waste
7. A manufacturing food permit separate from the originally approved vineyard will be required.
8. Planning Staff requires copies of all permits issued by other agencies.

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

1. The Washington County Road Department requires an apron to connect entrance drives to the County Road. The apron(s) must be paved (asphalt or concrete) and at least 20' in depth. This must be completed prior to operating this business. Any extensions must be approved by the Washington County Road Department Superintendent.
2. The tiles for the proposed drives must be sized by the Road Department
3. No signage or parking is allowed within Washington County's road right-of-way (ROW).
4. The connection from the handicapped parking to the building entrance must be ADA compliant.
5. All entrance drives and parking areas must support 75,000lbs in all weather conditions.
6. 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.
7. Sight distance will need to be stated at Preliminary LSD for the new entrances. The drives (including sight distances) must meet minimum County Code.
8. ROW must be shown on the applicant's side of Guy Terry Road.

**Environmental Conditions:**

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

**Utility Conditions:**

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

**Signage/Lighting/Screening Conditions:**

1. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately. Please refer to the diagram in the staff report attachments.
2. Proposed signage must be approximately 16 sq. ft. as stated in the applicant's letter.
3. No additional signage is allowed to be placed. If the applicant chooses to use lighting for the signs, all signage must be indirectly lit.
4. The proposed dumpster must be fenced. This fencing (and the gate) shall be opaque material. Washington County Planning will inspect the fencing.
5. Signage cannot be placed in the County Right-of-Way.

**Additional and Standard Conditions:**

1. Pay engineering fees. Staff will prepare a statement once all invoices are received. If less than one hour of review, there will be no billed charges.
2. Pay mailing fees of \$41.50 (an invoice was emailed to the applicant on 2/28/14).
3. **Final LSD:** A statement from the architect or engineer must be submitted prior to the building being occupied that says the building, parking, access, and restrooms are in compliance with all ADA regulations.
4. The applicant must comply with the Alcohol Beverage Control board and submit copies of all permits issued by the ABC for this project.
5. The development must be generally as stated in the applicant's letter/site sketch. It is understood that there may be slight variations.
6. Music is limited to indoors.
7. Hours of operation must be generally as stated (10:00 a.m. to 11:00 p.m).
8. The maximum allowed occupancy is to be set by the architect.
9. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.

10. This CUP must be ratified by the Quorum Court.
- 11. It is the applicant's responsibility to contact the Planning Office when inspections are needed.**
12. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - This project requires additional review (Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.

*Washington County Senior Planner, Courtney McNair, presented the staff report for the board members.*

*Gene Long, Owner of Sassafras Springs Vineyard, brought plans created by Harrison French & Associates (of this remodel of the building) for the Board members. He states as far as the wine production, it's going to be a very small wine production area. We have applied for the necessary licenses for required for producing wine. Originally we were told that since we were producing so little wine we wouldn't have an issue. If there are any issues, we need to find that out. Also we talked to ABC and they said they have no problem and will be sending somebody out to visit the premises. Gene stated that he complied with issues that might be a problem. We have hired an engineer to do the drafts, surveys, and construction plans. We would like to be open by May 1.*

*Kenley Haley, planning board member, asked how many people will be in the building.*

*Gene Long answered that the architect says the building will hold 201 people. They got a life safety chart that was used to calculate occupancy as per state regulation.*

*No Public comments. Public Comments Closed.*

*Cheryl West made a motion to approve the **Sassafras Springs Vineyard Expansion CUP** subject to staff recommendations Kenley Haley seconded. Robert Daugherty and Daryl Yerton were not present. Board Members Randy Laney, Walter Jennings, Chuck Browning, Cheryl West and Kenley Haley were in favor of approving. Motion passed.*

## **5. Other Business**

- Discussion of Current Development.
- Reminder of upcoming regular Planning Board meetings **April 3, 2014**, and **May 1, 2014**.
- Update on East Prairie Grove Tower CUP (if any update is available)
- Discussion of new Planning Department database software.
- Discussion of possible code updates planned for discussion in 2014:
  - Communication Tower Ordinance
  - Administrative Replat and Minor Subdivision process
  - Evaluation of possible zoning ordinance update
  - Revision to Fire tank ordinance
- Any other Planning Department or Planning Board business.

## **6. Old Business**

## **7. Adjourn**

*Chuck Browning moved to adjourn. Robert Daugherty 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