

**MINUTES**  
**WASHINGTON COUNTY PLANNING BOARD**  
**&**  
**ZONING BOARD OF ADJUSTMENTS**  
**June 26, 2014**

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

DEVELOPMENTS REVIEWED:

*ACTION TAKEN:*

**LAND DEVELOPMENT HEARINGS**

County

**a: Variance for Woodlawn Estates Tract 2 Replat** **Approved**

County

**b: Woodlawn Estates Tract 2 Replat** **Approved**

County

**c: Owens Minor Subdivision (Tabled At The Request Of Applicant)** **Tabled**

County

**d: Hale Mountain Free Holiness Church CUP (Tabled At The Request Of Applicant)** **Tabled**

Fayetteville Planning Area

**e: Gulley Addition Final Subdivision** **Tabled**

County

**f: B&R Meat Taxidermy Shop Expansion LSD** **Approved**

Fayetteville Planning Area

**g: JRD United Church of Christ LSD** **Approved**

**CONDITONAL USE PERMIT HEARINGS**

Tontitown Planning Area

**h: Block Auction CUP** **Approved**

**1. ROLL CALL:**

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

**2. APPROVAL OF MINUTES:** *Cheryl West made a motion to approve the minutes of May 29, 2014. Walter Jennings seconded. All board members were in favor of approving. Motion passed.*

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

**4. NEW BUSINESS**

**LAND DEVELOPMENT HEARINGS**

County

**a. Variance for Woodlawn Estates Tract 2 Replat**

***Variance Approval Request***

Location: Section 32, Township 15 North, Range 29 West

Applicant: Bill Jenkins

Location Address: 12315 Woodlawn Road

31.35 acres

Proposed Land Use: Single Family Residential

Coordinates: Longitude: -94.08504022" W Latitude 35.93629092" N

**Project #: 2014-103 Planner: Sarah Geurtz e-mail at [sgeurtz@co.washington.ar.us](mailto:sgeurtz@co.washington.ar.us)**

**REQUEST:** The applicant is requesting Variance and Preliminary and Final Minor Subdivision Replat approval for Woodlawn Estates Tract 2 Replat which includes one additional tract being created from the original Woodlawn Estates subdivision layout. The Variance would allow the creation of Tract 2B without certain Private Road Standards applying.

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

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

**QUORUM COURT DISTRICT:** District 14, Ann Harbison.

**FIRE SERVICE AREA:** **Whitehouse-**no comments were received from Whitehouse Fire Department, and Dennis Ledbetter, Washington County Fire Marshal does not normally review Minor Subdivisions (4 lots or less).

**SCHOOL DISTRICT:** Greenland

**INFRASTRUCTURE:** **Water-** Washington Water Authority **Electric-** Ozarks  
**Natural Gas-** none **Telephone-** Windstream Communications **Cable-** none

**BACKGROUND/ PROJECT SYNOPSIS:**

The property owner and one of the applicants is Lilian Bern. The other applicant is the surveyor, William Jenkins of Jenkins Surveying. The property is located southeast of West Fork between West Fork and Sulphur City (**A&B-7 & 8**).

This project's property is located in the existing Woodlawn Estates Subdivision (project number 1998-158) which was originally approved in 1998 (**A&B-8 & 10**).

The applicant is requesting to divide 31.35 acres into two tracts (**A&B-9**):

- Tract 2A: 27.77 acres (containing a home and various outbuildings)
- Tract 2B: 3.58 acres (containing woods and pasture)

This replat is proposed because the property owner (Roy Lovell) of a parcel immediately adjacent to Tract 2B wishes to purchase part of Tract 2 and add it to his parcel (001-06547-001). Therefore, Ms. Bern is proposing this replat so she can sell some of Tract 2 to Mr. Lovell.

If Tract 2 had not been located in a subdivision, this matter could have been handled with a lot line adjustment. However, because the platted Woodlawn Estates Subdivision is involved, a lot line adjustment would involve altering the eastern property boundary and existing building setbacks and easements of Woodlawn Estates.

Mr. Lovell agreed to a condition being placed on this project requiring Tract 2B and parcel 001-06547-001's legal descriptions to be conveyed together in perpetuity. This would act like a Lot Line Adjustment while not changing easements and building setbacks. Therefore, as long as this condition is followed (see below Variance section), the property owner will not have to follow most of the Private Road Standards.

When the original plat processed through the County in 1998, a Variance was approved which required a note to be included on the plat that, in part, stated:

*“Further splitting of the lots is restricted until the county road is constructed to the county standard. This must be noted on the final plat and the deeds to each lot before they are filed”*

Staff is unsure if this note refers to Woodlawn Road which is used to access the subdivision, or if it refers to the Private Drive which is used within the Subdivision. In addition, since 1998, the code that the project's Variance cited has changed in regard to upgrading County roads. Therefore, Staff has determined that this note cannot be enforced.

### **Proposed Variance (A&B-14 & 15)**

Tract 2B would create five tracts in Woodlawn Estates and therefore cause Washington County's Private Road Standards to apply. Staff feels that the creation of Tract 2B should not put additional traffic on the roads involved in this Subdivision; therefore, a Variance (project number 2014-103) is proposed as a way to work with the adjacent neighbor (Mr. Lovell) without altering the boundary line of Woodlawn Estates. It also eliminates the requirements of the Private Road Standards. However, if a Private Road sign has not been posted as required in the original Subdivision approval, a sign must be installed.

If approved, the Variance shall be noted on the Replat as follows:

*Variance number \_\_\_\_\_ was granted at the \_\_\_\_\_ Washington County Planning Board and Zoning Board of Adjustments Meeting. This variance allows the creation of Tract 2B without Private Road Standards (Chapter 11, Sec. 11-95. Requirements for improving off-site roads(b) (2)) applying as long as Tract 2B is conveyed, in perpetuity, with the land identified at the time of this Replat as parcel 001-06547-001.*

**The primary issues with this project have involved Private Road requirements.**

### **TECHNICAL CONCERNS:**

#### **Planning**

The June 16, 2014 resubmittal did not have enough changes made to it to consider it a resubmittal. Because the required changes were relatively minor, Staff is accepting another resubmittal by June 23<sup>rd</sup> for review by Staff before the June 26, 2012 Planning Board/Zoning Board of Adjustments meeting (**A&B-11-13**).

#### **Septic**

Since originally there was a possibility that this project might simply involve a lot line adjustment replat, soil work was not carried out and Melissa Wonnacott-Center of the Arkansas Department of Health was waiting to learn how the property would be divided or adjusted before she made requirements. At this time, Staff has not heard back from Ms. Wonnacott-Center regarding her requirements. Staff will update the Planning Board at the June 26, 2014 Planning Board/Zoning Board of Adjustments meeting about what Ms. Wonnacott-Center will require of the applicant.

**Electric/Phone**

An Ozarks Electric line zigzags across both tracts in a north/south direction.

Ozarks Electric reported that they had no comment on this project and Windstream Telephone reported that they had no issues with it.

**Water**

The property owner reported that they have a water tap from Washington Water Authority but that their water comes from their spring-fed pond on the property and is pumped to their home. Josh Moore with Washington Water Authority has stated that a tap for tract 2B might be available. However, Tract 2B is not being split off for a residence and so a water tap is not required at this time.

**Addressing**

There is a residence on Tract 2A with the address of 12315 Woodlawn Road, West Fork. There is no address for this parcel and one is not needed.

**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**

The access road leading from Parker Branch Road WC# 45 to the existing Woodlawn Estates is a Residential Drive called Woodlawn Road WC#4177. The Washington County Road Department wants a note added to the replat stating that WC# 4177 is not a County-Maintained road.

A separate Private Road provides access from Woodlawn Road to the interior Subdivision lots. This existing Private Road was created in 1998 with the original plat of Woodlawn Estates Subdivision.

Posting of a Private Road sign was required when Woodlawn Estates was approved in 1998. The property owner has told Staff that it was installed but Staff has not conducted a site visit to corroborate this. If this sign was not installed, one is required to be purchased through and installed by the Washington County Road Department.

**SITE VISIT:**

As of June 19, 2014, a site visit had not been conducted by Planning Staff. Staff will perform a site visit before the June 26, 2014 meeting and will update the Planning Board at that time concerning the site visit.

**NEIGHBOR COMMENTS:**

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

Ms. Shirley Stowe-Rains, a neighbor to the northeast, called with concerns regarding whether this subdivision would cause her property value to decrease. She decided to call Mr. Lovell who will be purchasing Tract 2B about her concerns; Staff has not heard back from her. However, since this project is not a zoning change request, this comment is not applicable to approval or denial of this project.

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

**CHECKLIST:**

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

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

**STAFF RECOMMENDATION:**

**Staff recommends Variance approval of Variance of Woodlawn Estates Tract 2 Replat Minor Subdivision with the following conditions:**

**Planning Conditions:**

Regulation is requested to be varied in the following manner:

To allow the creation of Tract 2B without the required improvements being performed to the existing private road (with the condition that Tract 2B is conveyed, in perpetuity, with the land identified at the time of this Replat as parcel 001-06547-001).

This variance and its conditions should be listed as a note on the final Replat document.

Reasons variance of regulation is requested:

Tract 2B is being proposed to be split because parcel 001-06547-001's property owner wishes to own the land that comprises Tract 2B. Because 001-06547-001 is outside the subdivision boundary of Woodlawn Estates, joining of the two properties would alter Woodlawn Estates' boundary line and could be problematic. At the same time, dividing Tract 2 is problematic because an additional subdivision tract would cause Private Road Standards to apply.

Staff feels that the creation of Tract 2B should not put additional traffic on the roads involved in this Subdivision; this Variance is therefore proposed as a way to work with the adjacent neighbor without altering the boundary line of Woodlawn Estates and eliminates the requirements of portions of the Private Road Standards in this instance.

The following note shall be listed as a note on the final Replat document (6.27.2014 clarification: this refers to only item #1 below):

1. Variance no. \_\_\_\_\_ was granted at the \_\_\_\_\_ Washington County Planning Board and Zoning Board of Adjustments Meeting. This variance allows the creation of Tract 2B without Private Road Standards (*Chapter 11, Sec. 11-95. Requirements for improving off-site roads(b) (2, 4, 6)*) applying as long as Tract 2B is conveyed, in perpetuity, with the land identified at the time of this Replat as parcel 001-06547-001.
2. Pay the \$50 Variance review fee.
3. Sign and date the Variance paperwork

Washington County Planner, Sarah Geurtz, presented the staff report for the board members.

No Public comments.

Public Comments Closed.

Walter Jennings made a motion to approve the **Variance for Woodlawn Estates Tract 2 Replat** subject to staff recommendations Kenley Haley seconded. Randy Laney and Daryl Yerton were not present. Board Members Chuck Browning, Walter Jennings, Robert Daugherty, Cheryl West and Kenley Haley were in favor of approving. Motion passed.

County

**b. Woodlawn Estates Tract 2 Replat Preliminary and Final Subdivision Replat Approval Request**

Location: Section 32, Township 15 North, Range 29 West

Applicant: Bill Jenkins

Location Address: 12315 Woodlawn Road

31.35 acres

Proposed Land Use: Single Family Residential

Coordinates: Longitude: -94.08504022" W Latitude 35.93629092" N

Project #: 2014-086 Planner: Sarah Geurtz e-mail at [sgeurtz@co.washington.ar.us](mailto:sgeurtz@co.washington.ar.us)

**REQUEST:** The applicant is requesting Variance and Preliminary and Final Minor Subdivision Replat approval for Woodlawn Estates Tract 2 Replat which includes one additional tract being created from the original Woodlawn Estates subdivision layout. The Variance would allow the creation of Tract 2B without certain Private Road Standards applying.

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

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

**QUORUM COURT DISTRICT:** District 14, Ann Harbison.

**FIRE SERVICE AREA:** Whitehouse-no comments were received from Whitehouse Fire Department, and Dennis Ledbetter, Washington County Fire Marshal does not normally review Minor Subdivisions (4 lots or less).

**SCHOOL DISTRICT:** Greenland

**INFRASTRUCTURE:** Water– Washington Water Authority Electric- Ozarks  
Natural Gas– none Telephone- Windstream Communications Cable- none

**BACKGROUND/ PROJECT SYNOPSIS:**

The property owner and one of the applicants is Lilian Bern. The other applicant is the surveyor, William Jenkins of Jenkins Surveying. The property is located southeast of West Fork between West Fork and Sulphur City (**A&B-7 & 8**).

This project’s property is located in the existing Woodlawn Estates Subdivision (project number 1998-158) which was originally approved in 1998 (**A&B-8 & 10**).

The applicant is requesting to divide 31.35 acres into two tracts (**A&B-9**):

- Tract 2A: 27.77 acres (containing a home and various outbuildings)
- Tract 2B: 3.58 acres (containing woods and pasture)

This replat is proposed because the property owner (Roy Lovell) of a parcel immediately adjacent to Tract 2B wishes to purchase part of Tract 2 and add it to his parcel (001-06547-001). Therefore, Ms. Bern is proposing this replat so she can sell some of Tract 2 to Mr. Lovell.

If Tract 2 had not been located in a subdivision, this matter could have been handled with a lot line adjustment. However, because the platted Woodlawn Estates Subdivision is involved, a lot line adjustment would involve altering the eastern property boundary and existing building setbacks and easements of Woodlawn Estates.

Mr. Lovell agreed to a condition being placed on this project requiring Tract 2B and parcel 001-06547-001's legal descriptions to be conveyed together in perpetuity. This would act like a Lot Line Adjustment while not changing easements and building setbacks. Therefore, as long as this condition is followed (see below Variance section), the property owner will not have to follow most of the Private Road Standards.

When the original plat processed through the County in 1998, a Variance was approved which required a note to be included on the plat that, in part, stated:

*“Further splitting of the lots is restricted until the county road is constructed to the county standard. This must be noted on the final plat and the deeds to each lot before they are filed”*

Staff is unsure if this note refers to Woodlawn Road which is used to access the subdivision, or if it refers to the Private Drive which is used within the Subdivision. In addition, since 1998, the code that the project's Variance cited has changed in regard to upgrading County roads. Therefore, Staff has determined that this note cannot be enforced.

**Proposed Variance (A&B-14 & 15)**

Tract 2B would create five tracts in Woodlawn Estates and therefore cause Washington County's Private Road Standards to apply. Staff feels that the creation of Tract 2B should not put additional traffic on the roads involved in this Subdivision; therefore, a Variance (project number 2014-103) is proposed as a way to work with the adjacent neighbor (Mr. Lovell) without altering the boundary line of Woodlawn Estates. It also eliminates the requirements of the Private Road Standards. However, if a Private Road sign has not been posted as required in the original Subdivision approval, a sign must be installed.

If approved, the Variance shall be noted on the Replat as follows:

*Variance number \_\_\_\_\_ was granted at the \_\_\_\_\_ Washington County Planning Board and Zoning Board of Adjustments Meeting. This variance allows the creation of Tract 2B without Private Road Standards (Chapter 11, Sec. 11-95. Requirements for improving off-site roads(b) (2)) applying as long as Tract 2B is conveyed, in perpetuity, with the land identified at the time of this Replat as parcel 001-06547-001.*

**The primary issues with this project have involved Private Road requirements.**

**TECHNICAL CONCERNS:**

**Planning**

The June 16, 2014 resubmittal did not have enough changes made to it to consider it a resubmittal. Because the required changes were relatively minor, Staff is accepting another resubmittal by June 23<sup>rd</sup> for review by Staff before the June 26, 2012 Planning Board/Zoning Board of Adjustments meeting (**A&B-11-13**).

**Septic**

Since originally there was a possibility that this project might simply involve a lot line adjustment replat, soil work was not carried out and Melissa Wonnacott-Center of the Arkansas Department of Health was waiting to learn how the property would be divided or adjusted before she made requirements. At this time, Staff has not heard back from Ms. Wonnacott-Center regarding her requirements. Staff will updated the Planning Board at the June 26, 2014 Planning Board/Zoning Board of Adjustments meeting about what Ms. Wonnacott-Center will require of the applicant.

**Electric/Phone**

An Ozarks Electric line zigzags across both tracts in a north/south direction.

Ozarks Electric reported that they had no comment on this project and Windstream Telephone reported that they had no issues with it.

**Water**

The property owner reported that they have a water tap from Washington Water Authority but that their water comes from their spring-fed pond on the property and is pumped to their home. Josh Moore with Washington Water Authority has stated that a tap for tract 2B might be available. However, Tract 2B is not being split off for a residence and so a water tap is not required at this time.

**Addressing**

There is a residence on Tract 2A with the address of 12315 Woodlawn Road, West Fork. There is no address for this parcel and one is not needed.

**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**

The access road leading from Parker Branch Road WC# 45 to the existing Woodlawn Estates is a Residential Drive called Woodlawn Road WC#4177. The Washington County Road Department wants a note added to the replat stating that WC# 4177 is not a County-Maintained road.

A separate Private Road provides access from Woodlawn Road to the interior Subdivision lots. This existing Private Road was created in 1998 with the original plat of Woodlawn Estates Subdivision.

Posting of a Private Road sign was required when Woodlawn Estates was approved in 1998. The property owner has told Staff that it was installed but Staff has not conducted a site visit to corroborate this. If this sign was not installed, one is required to be purchased through and installed by the Washington County Road Department.

**SITE VISIT:**

As of June 19, 2014, a site visit had not been conducted by Planning Staff. Staff will perform a site visit before the June 26, 2014 meeting and will update the Planning Board at that time concerning the site visit.

**NEIGHBOR COMMENTS:**

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

Ms. Shirley Stowe-Rains, a neighbor to the northeast, called with concerns regarding whether this subdivision would cause her property value to decrease. She decided to call Mr. Lovell who will be purchasing Tract 2B about her concerns; Staff has not heard back from her. However, since this project is not a zoning change request, this comment is not applicable to approval or denial of this project.

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

**CHECKLIST:**

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

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

**STAFF RECOMMENDATION:**

**Staff recommends Preliminary and Final Plat Minor Subdivision approval of Woodlawn Estates Tract 2 Replat Minor Subdivision with the following conditions:**

**Planning Conditions:**

1. ~~Variance project number 2014-103 must be approved.~~ **Approved at the June 26, 2012 Planning Board/Zoning Board of Adjustments meeting.**
2. ~~There must be at least a thirty foot wide access and utility easement connecting Tract 2B to Woodlawn Road. If this is not in existence, it must be added to the replat in order to create it.~~ **Yes, there is one.**
3. The property owner must sign and date the application.

**Septic Conditions/Utility Conditions/Road Conditions:**

1. Any 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. Please add a note to the replat stating that WC# 4177 is not a County-Maintained road.
3. The property owner must sign the application.

**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 Minor Subdivision Replat fee of \$150.00.
2. Pay neighbor notification mailing fees (\$31.52) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to surveyor on 6/17/14).
3. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
4. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.

5. Lots that are over one-half acre in size will need to be addressed after the home location is known.
6. All general plat checklist items must be corrected.
7. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
8. 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 Planner, Sarah Geurtz, presented the staff report for the board members.

No Public comments.

Public Comments Closed.

Walter Jennings made a motion to approve the **Woodlawn Estates Tract 2 Replat** subject to staff recommendations Cheryl West seconded. Randy Laney and Daryl Yerton were not present. Board Members Chuck Browning, Walter Jennings, Robert Daugherty, Cheryl West and Kenley Haley were in favor of approving. Motion passed.

County

**c. Owens Minor Subdivision (TABLED AT THE REQUEST OF APPLICANT)**

**Preliminary and Final Subdivision Approval Request**

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

Owners: James Owens

Applicant: Blew & Associates / Scott Blackshers

Location Address: 21840 Summers Mountain Road

Approximately 39.83 acres and 4 lots/ Proposed Land Use: Residential/Agricultural

Coordinates: Longitude: -94.47585311"W, Latitude: 35.97590285"N

**Project #: 2014-046 Planner: Juliet Richey e-mail at [jrichey@co.washington.ar.us](mailto:jrichey@co.washington.ar.us)**

Chuck Browning made a motion to approve the agenda. Walter Jennings seconded. All board members were in favor of approving. Motion passed.

County

**d. Hale Mountain Free Holiness Church CUP (TABLED AT THE REQUEST OF APPLICANT)**

**Conditional Use Permit Approval Request**

Location: Section 07, Township 13 North, Range 32 West

Applicant: Wayne Hunt

Location Address: 19189 Hale Mt. Road

1.00 acres/ 1 Lot

Proposed Land Use: Church

Coordinates: Longitude: -94.44125178" W Latitude 35.82521289" N

**Project #: 2014-065 Planner: Courtney McNair e-mail at [cmcnair@co.washington.ar.us](mailto:cmcnair@co.washington.ar.us)**

Chuck Browning made a motion to approve the agenda. Walter Jennings seconded. All board members were in favor of approving. Motion passed.

Fayetteville Planning Area

**e. Gulley Addition Final Subdivision (TABLED AT THE REQUEST OF APPLICANT)**

**Final Subdivision Approval Request**

Location: Section 32, Township 17 North, Range 29 West

Owner/Applicant: JRJC, LLC/Jay McLelland

Location Address: no location address

4.77 acres/ 4 lots

Proposed Land Use: Single Family Residential

Approximate Coordinates: Longitude: -94.088381 Latitude: 36.105795

**Project #: 2014-029, Planner: Courtney McNair email [cmcnair@co.washington.ar.us](mailto:cmcnair@co.washington.ar.us)**

*Chuck Browning made a motion to approve the agenda. Walter Jennings seconded. All board members were in favor of approving. Motion passed.*

County

**f. B&R Meat Taxidermy Shop Expansion LSD**

**Large Scale Development Approval Request**

Location: Section 11, Township 13 North, Range 30 West

Applicant: B&R Meat Processing (Scott and Earl Ridenoure)

Location Address: 633 N. Devils Den Road, Winslow, AR 72759

2.71 acres/ 1 new building and addition to existing building

Proposed Land Use: New Building: Commercial Taxidermy Shop, Addition: expanded storage space for meat processing facility and hide shed

Coordinates: Longitude: 94° 8 '35.8" W Latitude-35° 48' 33.69" N

**Project #: 2014-089 Planner: Juliet Richey e-mail at [jrichey@co.washington.ar.us](mailto:jrichey@co.washington.ar.us)**

**REQUEST:** B & R Meat Processing LLC is requesting a Preliminary Large Scale Development approval to allow the use of a taxidermy shop, a hide shed, and an expansion of the existing meat processing building on their existing 2.71 acres (Tract1 on the attached plan). Please note that access from the site to Devil's Den Road (HWY 74) is via an easement through the adjacent site (Tract 2).

**CURRENT ZONING:** Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre). Please note that this site (Tract 1) also received a Conditional Use Permit to allow the use of a custom butchery shop in March 2013 (CUP 2013-039) and a CUP for these proposed buildings and addition in May 2014 (CUP 2014-047).

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

**QUORUM COURT DISTRICT:** District 14, Ann Harbison.

**FIRE SERVICE AREA:** Boston Mountain VFD **SCHOOL DISTRICT:** Greenland

**INFRASTRUCTURE:** Water- Winslow Water **Electric-** OG&E **Natural Gas-** n/a **Telephone-** Century Link **Cable-** n/a

**BACKGROUND/ PROJECT SYNOPSIS:**

As was presented with the CUP, B & R Meat Processing is requesting Preliminary LSD approval to build:

- 32'x 50' Taxidermy Shop building behind (southwest) of the current establishment,
- 20' x 30' addition to the west side of the existing building for additional storage space
- 18' x 18' hide shed on the west side of the existing gravel drive, west of the existing building

All improvements are proposed to be built on their existing 2.71 acres (Tract1 on the attached plan). Please note that access from the site to Devil's Den Road (HWY 74) is via an easement through the adjacent site (Tract 2).

As per the CUP submittal letter, B & R Meat Processing is requesting permission to build a Taxidermy Shop behind current (meat processing) establishment. There will not be a customer entrance to this building, no added odors or smells, and only a minimal traffic increase, as customers are already dropping

of their deer and other game for processing at the existing meat processing facility.

B& R Meat Processing is also requesting permission to build a 20' x 30' addition to the west side of the existing building for additional storage space.

B& R Meat Processing is also requesting permission to build an 18' x 18' hide shed behind the existing building (on the west side of the existing gravel drive) for storing green hides that have been salted and preserved to be picked up by a furrier. This will not give off any odors. The hides are currently being stock piled on an open trailer and the shed will give the hides protection from the weather and help prevent the possibility of any hides spoiling do to exposure to the elements. These hides are currently being picked up on a monthly basis.

The existing operation handles the slaughter and processing of beef and pork, and the processing of deer. There is no general retail aspect to this establishment. Customers drop off their livestock or deer and return later to pick up the packaged products.

**Please see the attached letter from the applicant (pg F-5) and site plans for further information.**

All conditions placed on project CUP 2013-039, CUP 2014-047(**pg F-8**), and the previous LSD Approval (2013-075) must be followed.

### **TECHNICAL CONCERNS:**

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

This LSD request was reviewed by the County Fire Marshal.

This project is located in the Winslow water service area. According to the architect's letter, there is an existing 6" waterline at the street and Winslow Water Department reported the flow in that area to be 400 gpm at 35-45 psi. The Fire Marshal found this flow acceptable in conjunction with tanker support.

The Fire Marshal has approved the proposed building plans for each building/addition. The Fire Marshal will need to inspect the placement and installation of the following in the building addition and taxidermy shop:

- Exit lights
- Emergency lights
- Fire extinguisher

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

This project has completed septic designs for two systems:

- A standard septic system
- A special septic system which includes a grease trap (similar to the type a restaurant would have in place) and several other pieces of specialized equipment. This special system is required by ADEQ in order to process the water coming from the butchering operation

The taxidermy shop will have one hand washing sink which will connect to the existing standard septic system. ADH had no issue with this proposal.

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

No known issues.

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

The existing interior roads are shown on the plan. These roads and radii meet the specifications needed for fire purposes.

Parking appears to be adequate for their low-traffic needs.

This project accesses off HWY 74, Devil's Den Road. The sight visibility at this existing entrance is adequate.

**Drainage:**

At this time, Planning Staff is awaiting the submittal of a revised drainage report for this project (factoring in the new buildings and drive areas). If this report is received *AND* found to be adequate by the County Engineer, then staff will recommend approval.

If the report is not received or is not found to be adequate, then staff will recommend tabling this project until an adequate report is received and approved.

**Environmental Concerns:**

No stormwater permit will be required by Washington County, at this time. Must comply with all ADEQ rules and regulations. [www.adeg.state.ar.us](http://www.adeg.state.ar.us)

An Industrial Stormwater Permit from ADEQ has been required for the original building on this site. The applicant is looking into whether or not this permit will need to be updated and, if so, what sort of updates would be required. Staff will update you on this at the meeting.

**Signage/Lighting/Screening Concerns:**

At CUP, the applicant has requested (and was granted) the ability to place a sign no larger than 2' x 2' either on or near the taxidermy shop building. There will be no additional signage near the road.

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.

**NEIGHBOR COMMENTS/CONCERNS:**

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

Two neighbors have submitted comments regarding this LSD: one in favor, one opposed (**see pgs F-11 and F-12**).

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

**CHECKLIST:**

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

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

**STAFF RECOMMENDATION:**

**Staff recommends Preliminary Large Scale Development approval of B&R Meat Processing LSD with the following conditions:**

**Planning/Fire Conditions:**

4. All conditions placed on project CUP 2013-039, CUP 2014-047, and the previous LSD Approval (2013-075) must be followed.
5. All plat checklist items must be corrected. Signature blocks are not needed- as this is a Preliminary LSD Plan (Signature block will be required on the Final LSD Plan).
6. Washington County Planning requires a statement at Final LSD that parking and building access are in compliance with general ADA standards.
7. The Fire Marshal will need to inspect the placement and installation of the following in the building addition and taxidermy shop:
  - i. Exit lights
  - ii. Emergency lights
  - iii. Fire extinguisher
    - a. Please submit a full drainage report (signed and stamped by the Engineer).
8. At CUP, the applicant has requested (and was granted) the ability to place a sign no larger than 2' x 2' either on or near the taxidermy shop building. There will be no additional signage near the road.
9. 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.

**Septic/Plumbing Conditions:**

1. The taxidermy shop will have one hand washing sink which will connect to the existing standard septic system. ADH has indicated that they have no issue with this proposal. Prior to Final LSD, Planning Staff will require ADH approval of the hand washing sink connection (in writing).
2. Please verify that the taxidermy building will not require state level ADH review of the plumbing plans.

**Environmental Conditions:**

1. No stormwater permit will be required by Washington County, at this time. Must comply with all ADEQ rules and regulations. [www.adeq.state.ar.us](http://www.adeq.state.ar.us)
2. Please check with ADEQ to see if a revised industrial stormwater permit will be required with your proposed use.

**Standard Conditions:**

1. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.

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

*No Public comments.*

*Public Comments Closed.*

*Kenley Haley made a motion to approve the **B&R Meat Taxidermy Shop Expansion LSD** subject to staff recommendations Cheryl West seconded. Randy Laney and Daryl Yerton were not present. Board Members Chuck Browning, Walter Jennings, Robert Daugherty, Cheryl West and Kenley Haley were in favor of approving. Motion passed.*

Fayetteville Planning Area

**g. JRD United Church of Christ LSD**

***Large Scale Development Approval Request***

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

Owners: JRD (Jarín Rarik Dron) UCC

Applicant: John Duncan Campbell

Engineer: Bates and Associates

Location Address: West of the Old Wire (WC 87) and E Gulley (WC 345) intersection. Behind 4034 N Old Wire Road.

Approximately 2.58 acres

Proposed Land Use: Church

Coordinates: Longitude: -94.10326999" W, Latitude: 36.12211676" N

**Project #: 2014-088 Planner: Courtney McNair e-mail at [cmcnair@co.washington.ar.us](mailto:cmcnair@co.washington.ar.us)**

**REQUEST:** The applicant is requesting Preliminary Large Scale Development Approval to allow a church on 2.52 acres.

**CURRENT ZONING:** Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre). **Project received Conditional Use Permit (CUP) approval on May 29, 2014 with conditions. It was ratified on June 19, 2014. (CUP # 2014-068)**

**PLANNING AREA:** This project is located within City of Fayetteville's Planning Area.

**QUORUM COURT DISTRICT:** District 15, 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 Communication

**BACKGROUND/ PROJECT SYNOPSIS:**

The Conditional Use Permit (CUP) for this project was approved at last month's Planning Board Meeting. It was ratified by the Quorum Court on June 19, 2014. The owner of this property is JRD (Jarín Rarik Dron) UCC. The applicant for the project is John Duncan Campbell of Associated Brokers Co. Realty. This property is just west of the Old Wire (WC 87) and E Gulley (WC 345) intersection. Behind 4034 N Old Wire Road, and has access off of Old Wire Road.

**JRD United Church of Christ is requesting Preliminary Large Scale Development approval to construct the proposed church and related site elements (parking, septic, etc).**

The proposed church is 6,168 square feet in size to be located on a 2.52-acre lot. The church will include a worship hall, fellowship hall, women's fellowship (with warming kitchen), office, restrooms, Sunday school room, and choir room. Office hours are generally from 9:00 a.m. to 4:00 p.m. with services on Sunday mornings and evenings. Smaller daytime services will be held on other days of the week. In addition, special holiday and other services (such as Christmas, Easter, weddings, and funerals) will be held.

All conditions placed at CUP approval shall be completed/fulfilled.

**TECHNICAL CONCERNS:**

**Water/Plumbing/Fire Issues:**

City of Fayetteville Water utility services this property. Water is available to the site. The property is

outside the Fayetteville city limits, therefore, sewer is not provided. Glenn Newman, with City of Fayetteville water, commented that this project will be required to meet all City Engineering Criteria.

There was some concern that the applicant may not be able to connect to the line running along Old Wire. However, according to Glenn Newman, "After further discussion with city staff, the tap on the 18" (water) main will be acceptable. You (applicant) will be required to install a 12 inch (water) main up to the last fire hydrant. (This has been what is required when a Fire Hydrant and Fire line (sprinklers) are on a single dead end line). Then you (applicant) will be able to install the demarcation valve and PIV on the fire line. The service line will also be allowed to tap the 12 inch."

The City of Fayetteville will inspect the plumbing for this project. The applicant must contact the Building Safety Department (479-575-8233) during construction.

As discussed at CUP, the nearest hydrant to this property is just to the west of the entrance of the property. It has a fire flow of 1548 gpm. According to Arkansas State Fire Code, the proposed building must be within 250 feet of a hydrant. Therefore, an onsite hydrant is required with a public water main extension.

Additionally, a sprinkler system is required by the Architect as the total occupancy is calculated at 312 persons. The sprinkler system requires its own dedicated hydrant and FDC (fire department connection). This second hydrant must be within 100 feet of the building.

The Washington County Fire Marshal, City of Fayetteville Fire Marshal (in Fayetteville's Planning Area) and Goshen Fire Marshal (in Goshen's Fire Service Area) all had the ability to review this project. No comments were received from Fayetteville or Goshen Fire Departments. There are several general fire conditions that were approved at CUP. The project must meet State Fire Code. Architect Plans have been submitted. Signed drawings are required prior to construction. All health safety conditions recommended by the architect must be followed.

Lighted exit signs, fire extinguishers, emergency lighting, and panic hardware on exit doors are required. A "warming kitchen" only is allowed. If the kitchen use changes from "warming" to a commercial type kitchen, several additional conditions will be required. The project must come back through the CUP process to make this change.

The Fire Marshal will complete all inspections necessary for the building, and the final building and parking/drive inspections.

#### **Septic:**

Generally, the septic area must not be disturbed. The septic system must be approved by the Health Department, installed, and inspected by the Health Department prior to the building being occupied. No parking is allowed on any portion of the septic system or alternate area, including no overflow parking.

The Health Department stated that the applicant must show exact locations and sizes of system and alternate areas at Preliminary LSD. Staff has received updated plans and asked the Health Department to verify that it is sufficient. Staff has not heard back yet and will update the Board with any additional comments or concerns at the meeting.

Comment from Tech Review that staff has asked Health Department to review on the new submission:

- Lay out septic system as designed. Show location of lateral lines including cap and fill and setbacks. Need 10' setback from detention pond (any part)

The applicant is aware that space is limited on the site and understands that the septic area must not be disturbed.

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

Staff did not receive many comments from utilities about this project. Generally, any damage or relocation of utilities will be at the expense of the owner/applicant.

Ozarks Electric commented that all conditions required at CUP be completed.

The sign is currently shown to be located in the OECC OHE utility easement. Ozarks Electric will allow the sign to be placed in this location if it is located 10' from the existing power pole and is not more than 10' in height.

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

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. Any work to be completed in the County ROW must be permitted prior to beginning construction. Washington County or the project engineer will need to size the driveway tile.

The applicant is proposing one 24 foot wide entrance/exit. No parking is allowed on the hydrant side of this entrance and must be marked. All entrance drives and parking areas must support 75,000lbs in all weather conditions to ensure fire apparatus access. Fire lanes will be required to be marked on the LSD plans. The Fire Marshal will complete the final inspection of the site. (See full list requirements in the recommended conditions).

Based on the approximately 200 seats proposed for the main area of the church, a minimum of 52 parking spaces are required (2-3 must be handicapped accessible).

#### **Drainage:**

This site is fairly small and has several required elements. A drainage report has been submitted.

A few minor corrections were noted at Tech Review. The applicant has resubmitted plans and the drainage report. Staff sent the revisions to Clay Grote, Washington County Contract Engineer, for review, but has not received comment back. Staff will update the Board at the meeting with any additional conditions or concerns.

Generally, the detention cannot disturb the septic system area. The detention pond needs to be shown on the site plans (not just the drainage and grading plan).

#### **Environmental Concerns:**

At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulation of the Arkansas Department of Environmental Quality (ADEQ). This project is not located within the MS4 area.

#### **Signage/Lighting/Screening Concerns:**

The applicant has requested a sign that is 6' x 6' (or smaller) with indirect lighting. The sign should not exceed 8' in height. The sign cannot be placed in the County Road right-of-way. It is currently shown in the Ozarks OHE utility easement. The applicant is aware they must obtain permission from OECC or relocate the sign further into the site. Staff is not requiring that a sign be placed; only requiring conditions if a sign is placed

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

There is an existing mature (mostly evergreen) tree line that runs on the east property line. This shall be left intact to provide buffering for the residential/agricultural properties to the east. **In addition to the existing vegetation, additional screening for the residence directly to the east is required. The applicant has shown a vegetative buffer on the Preliminary LSD plans. This has been reviewed and is sufficient. The vegetation/screening plan shall indicate the combined minimum required height of 4 feet for all vegetation at installation. A written vegetation/screening plan is required to be submitted for review prior to construction. It must reflect the plantings shown on the**

**Preliminary LSD plans.**

**NEIGHBOR COMMENTS/CONCERNS:**

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

No neighbor comments have been received at this time.

Staff will provide the Planning Board Members with any comments that are submitted at the Planning Board Meeting.

**CHECKLIST:**

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

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

**STAFF RECOMMENDATION: Staff recommends for approval of the proposed JRD United Church of Christ Preliminary Large Scale Development with the following conditions:**

**Water/Plumbing/Fire Conditions:**

1. The applicant may tap on the 18" (water) main. Applicant will be required to install a 12 inch (water) main up to the last fire hydrant. (This has been what is required when a FH and Fire line are on a single dead end line). Then the applicant will be able to install the demarcation valve and PIV on the fire line. The service line will also be allowed to tap the 12 inch.
2. This project will be required to meet all City of Fayetteville Engineering Criteria.
3. The City of Fayetteville will inspect the plumbing for this project. The applicant must contact the Building Safety Department (479-575-8233) during construction.
4. An onsite hydrant is required with a public water main extension.
5. Additionally, a sprinkler system is required by the Architect. The sprinkler system requires its own dedicated hydrant and FDC (fire department connection). This second hydrant must be within 100 feet of the building.
6. The project must meet State Fire Code.
7. Signed Architect Plans must be submitted prior to construction.
8. All health safety conditions recommended by the architect must be followed.
9. Lighted exit signs, fire extinguishers, emergency lighting, and panic hardware on exit doors are required.

10. A "warming kitchen" only is allowed. If the kitchen use changes from "warming" to a commercial type kitchen, several additional conditions will be required. The project must come back through the CUP process to make this change.
11. The Fire Marshal will complete all inspections necessary for the building, and the final building and parking/drive inspections.
12. Knox Box system of entry is required near the front door.
13. Facility should be entirely sheet rocked prior to use as an assembly area.

**Septic Conditions:**

1. If drainage causes septic tight line to cross any part, that pipe portion must be sleeved.
2. No irrigation may be installed on primary or secondary fields.
3. If space becomes a factor, it is strongly suggested that the Drip-Alternate septic system be considered. This system will be more costly, but much less space for field location would be needed.
4. Septic system area must not be disturbed.
5. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either).
6. The septic system must be approved by the Health Department, installed, and inspected by the Health Department prior to the building being occupied.
7. Staff is waiting to see if there are any additional conditions regarding the proposed septic system.
  - o Lay out septic system as designed. Show location of lateral lines including cap and fill and setbacks. Need 10' setback from detention pond (any part)

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

1. Washington County or the project engineer will need to size the driveway tile.
2. If the driveway placement shifts, staff will require an additional sight distance study to insure that the minimum required sight distance can still be met.
3. Fire lanes must be designated on the site. If on a hard surface material, they must be painted, if on a gravel surface, they must have proper signage.
4. A minimum of 52 parking spaces are required (the architect or engineer should determine the required ADA parking spaces; minimum of 2 must be handicapped accessible).
5. 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 Final LSD approval. Any extensions must be approved by the Washington County Road Department Superintendent.
6. Any work to be completed in the County ROW must be permitted prior to beginning construction. Please call (479) 444-1610 for permit.
7. All entrance drives and parking areas must support 75,000lbs in all weather conditions. (Engineer statement is required).
8. Washington County Fire Marshal will complete the final inspection of the site.
9. Parking on Old Wire Road is prohibited. No backing onto Old Wire Road will be allowed. The parking area must provide adequate turn-around areas.
10. Leave existing vegetation primarily intact to provide screening for parking area. (Removal of brush, etc... must be approved by the Washington County Planning Department).
11. At Final LSD: Need a statement, signed/stamped by Architect/Engineer, that states ADA access from ADA parking spaces to the building is in place prior to building occupation.

**Drainage Conditions:**

1. Staff is waiting to see if there are any additional conditions regarding the Drainage Report.

**Environmental Conditions:**

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

**Signage/Lighting/Screening Conditions:**

1. 6' x 6' (or smaller) with indirect lighting, not to exceed 8 feet in height. The sign cannot be placed in the County Road right-of-way. It is currently shown in the Ozarks OHE utility easement. The applicant is aware they must obtain permission from OECC or relocate the sign further into the site. Staff is not requiring that a sign be placed; only requiring conditions if a sign is placed
2. Ozarks Electric will allow the sign to be placed in this location if it is located 10' from the existing power pole and is not more than 10' in height.
3. Signage cannot be placed in the County Road right-of-way.
4. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately. Please refer to diagram in the staff report attachments.
5. Existing vegetation must be left generally intact to provide screening to the property to the east of the proposed project. If vegetation is removed, Planning Staff will review for additional screening requirements.
6. In addition to the existing vegetation, additional screening for the residence directly to the east is required. The applicant has shown a vegetative buffer on the Preliminary LSD plans. This has been reviewed and is sufficient. The vegetation/screening plan shall indicate the combined minimum required height of 4 feet for all vegetation at installation. A written vegetation/screening plan is required to be submitted for review prior to construction. It must reflect the plantings shown on the Preliminary LSD plans.

**Utility Conditions:**

1. Generally, any damage or relocation of utilities will be at the expense of the owner/applicant.
2. The sign is currently shown to be located in the OECC OHE utility easement. Ozarks Electric will allow the sign to be placed in this location if it is located 10' from the existing power pole and is not more than 10' in height.

**General Conditions:**

1. Hours of operation, days, and day-to-day operations should be generally as stated by the applicant: 9:00a.m. to 4:00p.m., services on Sunday mornings and evenings. Smaller daytime meetings will be held throughout the week. Cleaning, maintenance and deacon meetings will take place approximately once a week. Special holiday and other services (such as Christmas and weddings) will also take place.
2. Number of employees should be generally as stated by the applicant.
3. Only the uses proposed are allowed; no additional uses unless additional review takes place. (i.e. daycare, school, etc...)
4. Generally restrict grading and tree removal only to that necessary for development.
5. Screening (opaque) for the dumpster enclosure (gate must also be opaque) shall be required at LSD.
6. Correct all LSD checklist items.
7. Sq footage of building must be shown correctly on all pages of the site plans and in the drainage report. Still incorrect on page 3.
8. Pay Mailing Fees of \$58.10 within 30 days of approval. (Invoice was emailed to applicant on 06/20/14).
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. Any expansion (second floor) will be reviewed separately as a CUP and potentially LSD by the Washington County Planning Board/Zoning Board of Adjustments.
11. This LSD is subject to all conditions approved at CUP.
12. All Preliminary LSD conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

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

*No Public comments.*

Public Comments Closed.

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

## **CONDITIONAL USE PERMIT HEARINGS**

Tontitown Planning Area

### **h. Block Auction CUP**

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

Location: Section 15, Township 17 North, Range 31 West

Applicant: Paul Colvin Jr.

Location Address: 18753 Harmon Road

2.50 acres

Proposed Land Use: Auction

Coordinates: Longitude: -94.27942631" W Latitude 36.14351266" N

**Project #:** 2014-085 **Planner:** Sarah Geurtz e-mail at [sgeurtz@co.washington.ar.us](mailto:sgeurtz@co.washington.ar.us)

**REQUEST:** Conditional Use Permit approval to allow an auction facility on a parcel of land 2.5 acres in size.

**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 Tontitown's Planning Area. The City submitted no comments.

**QUORUM COURT DISTRICT:** District 1 Tom Lundstrum

**FIRE SERVICE AREA:** Tontitown VFD

**SCHOOL DISTRICT:** Springdale

**INFRASTRUCTURE:** **Water-** Washington Water Authority **Electric-**Ozarks Electric **Natural Gas-** SourceGas **Telephone-** AT&T **Cable-** Cox Communications

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

The owner/applicant is Paul Colvin. This property is located west of Tontitown and within Tontitown's Planning Area (**H-8 & 9**).

Mr. Colvin owns an Auction and Realty Estate Firm company that conducts live and internet auction sales. When this auction facility came to Staff's attention, the applicant had been under the impression that he was operating his auction business under Washington County's Rules and Regulations Temporary Use clause which allows a non-residential/agricultural use for not more than fifteen consecutive days and for no more than four times a year unless otherwise allowed by State Law (**H-47 & 48**). The applicant is now processing through the County for a Conditional Use Permit since he had performed too many auctions at this facility and he wished to have more events this year.

This Conditional Use Permit request is for approval to allow the use of an auction house on a 2.5 acre parcel. The applicant wishes to run auctions out of an existing structure on the property. Part of this building is residential and part is an open shop. The applicant wishes to use the open portion to display auction sale items; the actual auctions will usually occur outside under the building's awning but may also occur inside the building.

The applicant is proposing a maximum of twenty auctions every year; they will mainly occur on weekends.

Some of these auctions will be internet only auctions. The proposed hours of operation are: Saturday (10am-5pm), and Sunday (1pm-5pm). If weekday auctions occur, the hours would be from 4:00 pm to 10:00 pm. The applicant expects thirty to eighty people at the auctions. Are the Planning Board members okay with these hours?

Parking will be on the grass between the building and Harmon Road WC# 31 (H-10). The applicant is proposing that this parking area remain unpaved. A storage unit on the property adjacent to the south will be used for storage. The property owner (the applicant's brother) wrote a letter to Planning Staff stating that he is fine with this arrangement (H-21 & 22).

The sign would be a four foot by four foot mobile sign at the entrance of the property. It will be moved to the site prior to each auction. There will be no dumpster.

**The primary issues with this project have been the proposed use of this business in this area of the County.**

### **TECHNICAL CONCERNS:**

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

The Washington County Assistant Fire Marshal, Tyler McCartney, inspected the property on June 12, 2013; it passed inspection and Mr. McCartney has no conditions to place upon this project regarding fire.

#### **Septic**

Melissa Wonnacott-Center of the Arkansas Department of Health reported that Corbitt Environmental Consulting did a site assessment on this property on June 5, 2014 and that the water usage currently does not meet or exceed the approved septic system as installed. The addition of restrooms used on an infrequent basis will not exceed the system design. Ms. Wonnacott-Center also reported that the septic field is at the north-western corner and so will not be impacted by the parking area to be located in the north-eastern portion of the property.

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

Ozarks Electric reported that any damage or relocation of existing facilities will be at the owner's expense and any extension of a line that has to be built specifically to feed this property will be at full cost to the owner. No other utility company commented on this project. Note that the auction facility has already been constructed.

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

A gravel drive provides access onto Harmon Road WC#31. The Fire Marshal's office, Mr. Rusty Hulse from the Tontitown Fire Department Area, and the Road Department are okay with the drive's width and a compaction statement was submitted which showed the drive to be able to handle 75,000 pounds in all weather conditions. Also, the Road Department and Fire Marshal's office are okay with the concrete apron that was poured.

Parking is proposed to occur in the field to the northeast of the auction facility. No gravel or hard surface is proposed; it will remain as a grass field.

#### **Drainage:**

The Washington County Contract Engineer had no comment on this proposed project. The applicant's Engineer submitted a letter stating that it is his conclusion that the construction of the Auction house buildings did increase runoff but that the runoff flows to an existing pond to the west (off the applicant's property) and that that pond is adequate to contain a 100 year flood event without overflowing. Staff is requiring a letter from that parcel's property owner stating that they are okay with this.

**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).

At the back of the property there is an area where trash has been burned and therefore this area is considered to be an illegal dump. This must be cleaned up per Washington County Department of Environmental Affairs conditions and this activity cannot continue in the future. Staff is waiting for a letter from Environmental Affairs as to what will be the cleanup requirements. Staff will update the Planning Board on those conditions at the June 26, 2014 Planning Board and Zoning Board of Adjustments meeting (H-14).

**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) (H-49).

**City of Tontitown's Concerns:**

No one from the City of Tontitown commented on this project.

**COMPATIBILITY CONCERNS:**

**Surrounding Uses:**

Agricultural, residential, and agricultural/residential. The surrounding uses are mostly residential with some large agricultural parcels. This property is surrounded on all sides with Subdivisions (H-15).

Staff feels that the applicant's request can be compatible with the surrounding uses due to the facility only having events up to twenty times a year and due to the facility being setback from the road and from many residences.

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

According to the County's Land Use Plan,

**SECTION III. PHYSICAL DEVELOPMENT**

**A. LAND USE CONSIDERATIONS**

**A. LAND USE CONSIDERATIONS**

**1. RESIDENTIAL**

- a. To provide for development of residential areas at appropriate densities.
- b. Update, administer and enforce subdivision regulations; and develop, adopt, and enforce zoning and related regulations and codes;
- c. Require development to be connected to utilities and utilize zoning as a means to guide the progression of development; **Utilities are already connected.**
- d. Protect the character and integrity, and property values, of single-family, residential areas; **Staff feels that the occasional activity of this auction house will be compatible with the surrounding area.**
- e. Protect residential neighborhoods from inappropriate non-residential influences through the use of regulatory controls; **At the time of the Staff Report, there were no complaints from neighbors.**
- 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 Fire Marshal inspected the site; the**

site passed inspection.

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. No right of way is required.**

**Planning Staff feels that since the land use of an auction house to operate only up to twenty times a year (with some of those auctions to be internet only sales), that the use of this auction house can be compatible with the surrounding land uses.**

***Future Land Use Plan***

The Future Land Use Plan shows this area as being Low Density Residential (1-3 units per acre).

**SITE VISIT:**

A site visit was conducted by planning staff on June 12, 2013 with the Assistant Washington County Fire Marshal, Tyler McCartney. Mr. Colvin's property was found by Mr. McCartney to be in compliance.

Planning Staff noticed an illegal dump on the property caused by burning of trash (H-).

**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, Mr. Clyde McCamey, gave a written letter to Mr. Colvin in which he stated that he saw no reason for screening between their properties because he could not see or hear the auction from his home (H-).

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

**STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Block Auction Conditional Use Permit with the following conditions:**

**Planning Conditions:**

1. Hours of operation must be generally as stated:
  - Saturday 10:00am - 5:00pm
  - Sunday 1:00 pm – 5:00pm
  - If weekday auctions occur, the hours would be from 4:00pm - 9:00pm with outdoor sales during the weekday ending at 6:00pm and the remaining hours being conducted inside the building.
2. **Generally limit outdoor auction times to a maximum of 3 (three) hours.**
3. The number of yearly events must be as stated: no more than twenty events a year; the majority of these events will be conducted on the weekend.
4. **The auctions shall be limited to 20 (twenty) days a year.**
5. No dumpster is approved with this CUP.
6. All outdoor storage must be screened with opaque material. (this includes anything stored under the building overhangs)
7. Parking and bathroom facilities must be ADA compliant and there shall be two ADA parking spots.
8. The use of an Auction Facility is approved with this project.

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

1. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either).

**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.

**Fire Conditions:**

2. Six Fire Lane signs must be placed along the drive as shown on the Fire Lane Placement Drawing in order to prevent parking along the fire lane and blocking fire truck access.

**Environmental Conditions:**

1. No stormwater permit is required by Washington County at this time; however, applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality. [www.adeq.state.ar.us](http://www.adeq.state.ar.us)
2. Clean up the illegal trash burning area as required by the Washington County Environmental Affairs office.

**Utility Conditions:**

1. Any damage or relocation of existing facilities will be at owner's expense. Any extension of line that has to be built specifically to feed this property will be at full cost to the owner. Please contact Greg McGee at (479) 684-4634 or [gmcgee@ozarksecc.com](mailto:gmcgee@ozarksecc.com) if you have any questions.

**Signage/Lighting/Screening Conditions:**

1. Signage cannot be placed in the County Right-of-Way.
2. A four foot by four foot mobile sign is approved at the entrance of the property. It will not be a permanent sign – it will be moved to the site prior to each auction.
3. There may also be a small "Auction Today" sign like that shown here (about 1.5' x 1.5'). (*This condition refers to the sign shown in the June 26, 2014 Planning Board/Zoning Board of Adjustments presentation*).
4. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately. Please refer to the diagram in the staff report attachments.

**Standard Conditions:**

1. Pay neighbor notification mailing fees (\$49.80) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 6/17/2014).
2. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
3. Lots over one-half acre in size will need to be addressed after the home location is known.
4. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
5. This CUP must be ratified by the Quorum Court. The next Quorum Court meeting will be held on July 17, 2014.
6. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - This project does not require additional review through Washington County Planning. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

*Washington County Planner, Sarah Geurtz, presented the staff report for the board members.*

*Kenley Haley, Planning Board Member, asked if the fire signs were permanent signs.*

*Sarah Geurtz, Washington County Planner, replied yes. There is also a state code for how the signs should look. The applicant has received a copy of the state code as well.*

## Public Comments

Mary Sparks, neighbor at 18581 Harmon Rd, stated that she has a direct line view of the auction, specifically the area that has the overhang with the seating. Most of the activity is in that area. She states that there is no barrier between her and the area. She can hear the loud speaker system and finds it annoying, whenever she is out in the yard with her family. She feels that it devalues her property. She would not have purchased the property with the auction being there. She feels it is disruptive to the peaceful environment out there. Mrs. Sparks has a question about pg H32 in the document that references 18832 Lake Sequoyah Rd in Fayetteville. She just wanted to verify that it showed the correct address. The document is from Corbitt Environmental consulting.

Sarah Geurtz answered that the paper work was submitted to the Department of Health and Corbitt Engineering which is a designated representative of the Health Department.

Mary Sparks replied, "It just seems that it is referencing a different property. That's just my concern."

Juliet Richey, Washington County Planning Director, stated "we're not sure on that. The other information on the permit application seems to be correct. It could have been a mistyped. They were working from a template letter. We would not know that without talking to the DR."

Mary Sparks stated that she just wanted to be sure that the right septic system was approved.

Sarah Geurtz stated that the other document attached with H32 is correct. Melissa Wonnacott did review the permit. It also references the actual property.

Juliet Richey stated, "we can double check with Corbitt Engineering and the Health department. We're pretty sure that is a typo."

Mary Sparks noted that in the letter Mr. Colvin referred to the auction as an event. The temporary uses states that an event can last 15 consecutive days. Four times a year. This was for more days. If there were 20 auctions a year and there's an auction on Saturday and Sunday, is that considered one auction? Or 20 individual days of auctions or 20 auctions event. That could be 300 days in a year.

Paul Colvin, Auction Owner, answered, "it is a maximum of 20 auctions days a year."

Mary Sparks replied that personally she would not like to have it all back there. She feels that 20 weekend days is enough. Her other comment is that as the site became more familiar as an auction facility, there would be more traffic and more people in attendance which would be a concern.

Paul Colvin stated, "I tried to look at the neighbor's complaint to see if there was anything different that he could do to change the auction operations to satisfy the neighborhood and not cause any kind of disruptions. One of the things that we did do is a sound check on the facility. It was done in the dark of the night at 10:00 p.m. since that is the quietest time in the neighborhood on Harmon Rd. We had a gentleman stand 30 feet on my brother's property north of the fence that is adjacent to Mrs. Spark's property to test the dB levels. We had the microphone system turned up to about 80 percent capacity which is louder than we normally conduct an auction at just to see what dB levels are in the area. We usually have the system turned down about half."

I spoke with Sarah Geurtz regarding questions about permissible dB levels in the County. Unfortunately, she did not have that information available and she we would have to contact the Washington County Sheriff's Department. We still do not know what the permissible dB levels are. Our test shows that we are at 60 decibels level. To give a relationship to that in reality, we had the gentleman holding the dB gauge in his hand and speak to me in normal tone of voice and he was at 80 dB levels. As far as cutting down on noise, I agree. We're all about it. It's no different than weekends when we sit on our back porch while Mrs. Spark grandkids ride their 4-wheelers and motorcycles across their property.

*We understand the need to maintain a little peace and quiet in the neighborhood. If we can do anything to limit any more noise level for her we'll be more than happy to do so. We might have to put up a structure on my brother's property line. The immediate time that I moved there the Sparks family immediately planted several rows of evergreens. Obviously it's going to take several years for them to become tall enough for them to have any effect. We will be more than happy to entertain the idea of planting some more trees. If you go out to my property right now and take a picture from the awning to the south of Mrs. Spark's property, we placed all the top soil for this building in that area. It stands about 6 and a half foot tall. I have not removed that top soil mainly because I am trying to keep some sort of barrier for them and also if there is any kind of noise coming from me it might absorb some of it. But if she still feels like that is not enough, we are all about working with Washington County and have them come out to my property either during an auction or at night and conduct their test with their own dB gauges and tell me where I am at with the dB levels. I've stated to Sarah that typically the outside auctions are overflow pieces that we could not get inside the building to display. The typical average for us has been an hour or hour & a half outside total time. Most generally we want to hold our auctions indoors because it's more comfortable than standing outside in the 100 degree heat. From a time perspective we're going to keep our auctions to about an hour or hour & a half outside. The noise that Mrs. Sparks is referring to will be occurring an hour and half times twenty in a year's time. If that is upsetting to the Sparks family I'll do my level best to sell faster and go inside. Or if we need to plant some trees to keep down the noise I can do that. Referring back to Mrs. Spark's comments about having fewer auctions, I agree. I do not intend for this facility to ever become a full time job for my company. What has occurred out there is several people call and they have a small estate or grandma passed away and they have a couple of chairs. So we group everything together to create enough items to conduct a sell. Now unfortunately what has occurred in this last event is that I had a lady from Mountain Home whose husband has passed away and we moved everything over and tried to make sure to be neighbor friendly, we ran our auctions on a Sunday, Sunday, and Saturday and the time limit that I try to maintain on every auction to make sure that we didn't wear out our crowd and wear our neighborhood was have each auction done by 5:00 pm on Sunday. We have enough stuff left over that we had to finish up on a following Saturday to stay within the confines of the 14 days. Getting back to what Mrs. Sparks have talked about as far as days, if I multiply 14 times 4, 64 days (56 days actually). I am trying to limit myself to the confines of 20 days a year versus 64 days a year which is allowable by the temporary use permit. Once again we initially started this process working with Juliet and spoke to her about a year and half ago. We were gracious to the fact that the planning board enabled us to use the temporary use permit. Once again we are trying to comply with Washington County and trying to be a good neighbor. I feel like we tried to jump through several hurdles during this project. We'll do what we can to pass able vote with the County, the Planning Board members, the neighbors and Mrs. Sparks."*

*Chuck Browning, Planning Board member, asked if it's imperative that Mr. Colvin used the amplify system outside as it is very small area. "I just want to understand why you would need to use it."*

*Paul Colvin replied, "it's not necessary to amplify my voice because I'm fairly vocal. It's when you have 40-50 people standing around you, that you need to amplify. That's why I ran the test at 10:00 pm at night with nobody around me."*

*Chuck Browning, stated, "I've been to a lot of auctions and some of yours. I'm just thinking about the noise. That would be annoying for me."*

*Paul Colvin replied that there are no mounted speaker systems on this building. "The speaker system that I utilize is a portable speaker system that you've seen at several auctions that is on a tripod. One of the things that I've done is have the speaker beside me turned up just enough so doesn't squawk at me because you'll get 30-40 standing around all talking and they can't hear my normal voice because they're talking over me, and that's the essential use for this speaker. What we could do to offset or help the situation is take the speaker and turn it back towards the north. Even inside our building the square size of the building is only 3700 sq ft. I had the speakers mounted up high that way the sound is reflected off the insulation inside with the doors down. Truthfully I had comments from people coming to the auction that said that they didn't know I was having an auction because they didn't hear anything while we were inside the building. I am vocal enough where I can do it without a PA if I have to. If we need to have the*

Washington County Sheriff's department comes out with their equipment to measure the dB levels and tell me where I need to be at, I can do that. I know a situation several years ago with the racetrack down here in Fayetteville. They came down and tested the dB levels when I was operating it. We mandated mufflers for the cars down there to get below 100 dB at the top of the hill. So I know it's possible from where I am at with the speakers."

Chuck Browning replied "the difference to me is that you're in a residential agricultural area. You injected a business in that area. That is different than a business that's been around a while and trying to project a sound."

Paul Colvin stated, "I agree and there is another business around the area it's on the corner of Harmon road and Arbor Acres which is Pete's Truck shop. It's within about 350 feet of my facility. Just north of the auction is another automotive shop. Are they apples to apples compared to me? No sir, sure they are not. I am not trying to operate everyday either. I don't want to operate everyday. I am basically trying to put handcuffs on myself and only do twenty days a year versus 64 days as permissible right now."

Eddie Bowling, neighbor to the southwest of the Auction, stated, "As far as the noise at my house I can hear all the neighbors around Mr. Colvin but I never heard an auction. Of course that really doesn't have anything to do with Mrs. Sparks' house and backyard. As far as the noise level and the way the sound travels I don't hear any of the auctions from there but I do hear all of Mr. Colvin's neighbors. I have attended some of the auctions. When you come up to the property and park, if it is inside you really don't hear anything. Outside of course you can hear the outside noise. From my house, when Mr. Colvin's conducting outside auctions, I can't hear the outside. That's a lot of difference when being about a quarter of a mile to being behind it. The noise level is not any higher than any of the other noise in the neighborhood as far as people that live a little ways from it."

Carl Gales, neighbor who lives directly east of the auction, stated: "Paul's auction service is tremendously quieter than the 35 donkeys that occupied the site before. Before that we had longhorn cattle, and before that we had a chicken farm. Mr. Gales states that he has no objections to the business. I feel like Mr. Colvin is trying to keep the noise level down. In my past experience there are numerous ways Mr. Colvin can do that. We can look at that with him on this outside portion of the auction. Also about 10:00 pm every night there are four guys that ride motorcycles in front of our houses. I don't know what their noise level is but I hear them when they come through."

Sarah Geurtz asked the Board to clarify some of the changes to the conditions. "Hours of operation must be generally stated Saturdays 10:00 am to 5:00 pm and Sunday 1:00 pm to 5:00 pm. If weekday auctions would occur the hours would be 4:00 pm to 9:00 pm with outdoor sales during the weekdays ending on 6:00 pm with the remaining hours conducted inside the building. Condition 4 concerning loose materials being stored within trailers has been reworded to state that all outdoor storage must be screened with opaque material. This includes any materials stored under the building overhangs. Parking and bathroom facility must be ADA compliant. There shall be two ADA parking spots. Prior condition of 6 fire lane signs must be placed along the drive as shown on the fire line placement drawing in order to prevent parking along the fire lane and blocking fire truck access. Under drainage conditions, that letter has been submitted so this condition has been removed. For signage, the 4 foot by 4 foot mobile sign is approved at the entrance of the property. It will not be a permanent sign it will be moved to the site prior to each auction. Item number 3 there may be a small auction sign 1 ½ by 1 ½ feet as shown in the presentation. The auction shall be limited to 20 days a year."

Chuck Browning asked Mr. Colvin, "what would be a reasonable amount of time. If we say no more than 2 hours outside or something like that you can work with?"

Paul Colvin stated, "I'll start the auction outside first. That way if we are starting on Saturday at 10:00 am then we are done at noon with any outdoor activities. The same goes for Sundays. Typically on Sunday we're trying to limit how much we're selling anyways. We'll try to sell for an hour on Sunday so we can get done by 2:00 pm or in reverse. Whatever decisions the Planning Board chooses."

Chuck Browning stated that the 2 hour slot feels restrictive. "I wouldn't want to limit you from 10 to noon even if it's raining."

Kenley Haley, Planning Board member, stated "we can place a general 2 hours without restricting the 10 to noon time frame."

Robert Daugherty, Planning Board member, added "this will allow Mr. Colvin to choose the best time to conduct the auction."

Paul Colvin stated, "I would like to have a DB sound test. If there is a requirement I would like to know what they are for Washington County. Like Mr. Gale mentioned earlier, we have a lot of traffic along the highway. It seems a lot louder at night."

Chuck Browning stated that he wanted to add the two hour limit on the weekends.

Kenley Haley asked Mr. Colvin if the two hour limit would work for him.

Paul Colvin stated that it's not restraining to him. "We'll make it work".

Chuck Browning asked if there was an exception and Mr. Colvin needed a longer period of time. Is there a process for him to ask for a permit to allow him to conduct the auction for longer hours outside under extraordinary circumstances?

Juliet Richey replied that we can craft something. "No, there is no current process. This hearing is the process."

Paul Colvin added, "What if I did this? If I foresee a longer auction than normal I will contact the Planning Department about it. I'll notify them that the auction may go on a little longer than usual".

Juliet Richey replied that it depends on how you phrase whatever conditions you want to use regarding the outside portion of the auctions.

Kenley Haley wanted to clarify that it's not the length of the auction but the outside noise that is the main concern. It wouldn't matter the time the auction was conducted. The issue is the amount of time he's going to spending outside on the speaker.

Cheryl West, Planning Board member, added that 2 hours doesn't seem like a long time.

Paul Colvin stated, "How we run our operation, the items that we sell outside are the items that people didn't have enough to have a total auction by themselves. I'm in control of how much influx I take in and how much goes out. As far as the outside areas goes, we've all been to auctions before. Sometimes I've been accused of selling too fast. I can run about 120 items an hour. Essentially I can sell about 240 items in two hours times. If I have 20 items left on my clock, I'll have everyone pick them up and move them inside. If that's what we have to do to accomplish the task. I'm still interested in knowing the dB levels. What is the normal traffic noise around the area vs. the noise I'm creating. I'm not just speaking behalf on Mrs. Sparks property but there are other neighbors too that I don't want to offend."

Chuck Browning replied that it is not the dB levels per say. "It's the type of noise created from this particular setting. You're injecting a new noise to the area."

Sarah Geurtz asked if the board would like to put a condition regarding the time constraints.

Chuck Browning stated "if Mr. Colvin thinks he can work with the 2 hour time constraint on the weekend. I would like to start with that."

Kenley Haley asked Mr. Colvin if he's okay with the 2 hour time constraint.

Paul Colvin asked a question about the auction start time. "We typically advertise our start time. Who is going to the time keeper for the auction? My auction my start at 10:00 am but some people may show up early. If the auction is over at 5:00 pm but I have some stranglers hanging around, do I to have ask people to leave when the auction is over? I don't want to be accused of running past my time limit for somebody to complain about."

Robert Daugherty asked, "wouldn't it be the actual auction process and not the before and after that you are concerned about?"

Juliet Richey asked if the board can make it a general hour of operations.

Walter Jennings, Planning Board member, stated that the directions of the speakers might solve the crux of the problem. "I'm just trying to figure out how to state that in the conditions to make it work. Does the speaker have to be in the center and point to the center of the property?"

Robert Daugherty stated that Mr. Colvin can make that work. "We're just not sure how you would state it. With these types of auctions there is not a lot of outside time. The 2 hour limit will be enough. There's one at Sonora that's the same way. It's typically about the same. You're not going to typical regular auctions. This is more of a convenience for the people that do not have enough for an auction. It probably has a noise factor for a little while. I have lived in a farm all my life and there's a lot out of things out there that get noisy. When you're farming there are noises that last for 2 hours or longer. That can be just as annoying as the auction. That's the nature of farming and agriculture. We can make a condition for the 2 hour time limit. I'll entertain a motion for that additional condition."

Sarah Gerutz asked about the wording for the position of the speakers pointing towards the auction awning building where auction selling is occurring.

Kenley Haley stated that she is not for the condition regarding the speakers' position. "I'm not for tying someone's hands. We are really trying hard here to make this work not only for the business owners but the neighbor. I feel like we are being too restrictive."

Robert Daugherty stated, "From knowing Mr. Colvin he will do everything possible without the board constricting him. Most auctioneers will. They're serving the public."

Walter Jennings stated that just to be clear this is not about Mr. Colvin. It's about the auction which stays until someone changes it, possibly the next 300 years. We'll be using these rules. Can you work within the 2 hours?

Paul Colvin replied, "Yes, its fine. We'll do whatever it takes to make it work."

Cheryl West, Planning Board member, asked, "Does the outside auction usually last about 2 hours?"

Paul Colvin replied, "I remembered it usually lasts about 1 hour and a half. Honestly, I do not want to be outside myself."

Cheryl West, stated, "if you think you are you going to be through in 2 hours but there may be that one auction that you need 3 hours, is it going to hurt to say if we give you 3 hours knowing that you'll probably be done in 2?"

Paul Colvin replied, "Its fine for 3 hours. I'll try to do my best to get everyone inside the building anyways."

Cheryl West answered, "If we give you 3 and you have one or two auctions that year that went that long, you would not have to worry about a special permit."

Sarah Geurtz asked, "As far as wording how does "generally limit auction outdoor times to a maximum of 3 hours sound."

*Public Comments Closed.*

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

**5. Other Business**

- Discussion of Current Development and Planning Department Activities.
- Reminder of upcoming regular Planning Board meetings **August 7, 2014**, and **September 4, 2014**.
- Update on East Prairie Grove Tower CUP (if any updates are available).
- Any other Planning Department or Planning Board business.

**6. Old Business**

**7. Adjourn**

*Cheryl West moved to adjourn. Walter Jennings 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