

**MINUTES
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS**

Feb 05, 2015

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

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

LAND DEVELOPMENT HEARING

Fayetteville Planning Area

a: Reindl Woods Subdivision

Approved

1. ROLL CALL:

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

2. APPROVAL OF MINUTES: *Kenley Haley made a motion to approve the minutes of Jan 08, 2015. Walter Jennings seconded. All board members were in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA: *Robert Daugherty 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

Fayetteville Planning Area

b. Reindl Woods Subdivision

Preliminary Plat Approval Request

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

Owner: Reindl Woods, LLC

Applicant: Reindl Woods, LLC / Blew & Associates

Location Address: N Gulley Road

Approximately 44.09 / 13 lots (8 residential, 1 detention, 4 common area). Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.11991221, Longitude: -94.08576279

Project #: 2014-293 Planner: Courtney McNair email: CMcNair@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary Subdivision approval of Reindl Woods Subdivision to create a subdivision with 13 lots (8 residential, 1 detention, and 4 community lots) on a parcel that is approximately 44.37 acres in size.

CURRENT ZONING: Project lies within Washington County's Zoned area (Agricultural/Single-Family Residential 1 unit per acre). All residential lots are at least one acre in size and this proposal is in compliance with Washington County Zoning.

PLANNING AREA: This project is located within the City of Fayetteville's Planning Area. The Preliminary Plat for this project was approved by the City of Fayetteville on 12/08/14.

QUORUM COURT DISTRICT: District 15, Butch Pond.

FIRE SERVICE AREA: **Goshen & Fayetteville-** no comments were received from either Fire Department. Washington County Fire Marshal's office reviewed the plans and provided comments.

SCHOOL DISTRICT: Fayetteville School District

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

BACKGROUND/ PROJECT SYNOPSIS:

This project was heard at the Planning Board Meeting on January 8, 2015. It was tabled by the Board at that meeting due to sight distance concerns. The engineer has submitted the requested information for review.

The applicant for this project is Reindl Woods, LLC. The engineer is Blew and Associates.

This Subdivision proposes to create a subdivision with 13 lots (8 residential, 1 detention, and 4 community lots) on a parcel that is approximately 44.37 acres in size. The subject property is located within Fayetteville's Planning Area.

The property is located within Fayetteville's Planning Area, just outside of the one-mile buffer. It is located east of Fayetteville's City Limits, off Gulley Road WC# 345. This project has been processed through Fayetteville Planning for Preliminary Subdivision Approval on December 8, 2014.

The project includes parcel 001-15483-000 and 001-15531-002. It is currently a wooded lot with no existing structures.

The main concern for this project was sight visibility at the proposed entrance. The engineer has submitted several sight distance updates (A-3-6). According to the engineer's letter, all sight distance measurements are in compliance with Washington County and AASHTO sight distance requirements.

The engineer explained that they went to the proposed project location and field checked to confirm that the calculated sight distance was free of obstruction the entire distance.

A previous concern for this project involved the connection to Gulley Road. It is very narrow. Staff was concerned that there may not be enough space to fit the required road right of way (ROW) and the required utility easements. The applicant located an existing off site utility easement to allow for those connections. And thus, this concern has been resolved.

Some minor plat corrections remain to be addressed.

TECHNICAL CONCERNS:

Sewer/Septic & Public Utility

Soil work was submitted and is adequate.

A note that "each individual lot developer shall obtain approval of septic system from the Washington County Health Department Sanitarian Division" must be added at Final Plat.

Electric/Phone/Gas

This property is serviced by Ozarks Electric, Source Gas, AT&T, and Cox Communications. Generally any damage or relocation of utilities will be at cost to the developer.

Ozarks Electric Comments:

Ozarks Electric submitted general comments which are listed in full in the conditions section.

Additional Comments:

1. Ozarks has an existing Three Phase junction power pole and guy wire system in the proposed subdivision entrance that will need to be moved. This pole will require extensive redesign and restructuring which will be at the owner's expense. The cost would be approximately \$9000.00 to rework the overhead lines or \$60,000.00 to retire the overhead lines and replace it with underground line.
2. We will need a 25' UE connecting to Gulley Road and along the front of all lots-**The applicant located a General Utility Easement (Book 9, Page 4-Final Plat of Oakland Meadows) to make this connection.**
3. We will need (2) 4" conduits crossing the road between Lots 1&9 to Lots 7&8, 1&2 to Lot 6 and between Lots 2&3 to Lot 5.

AT&T: No comment was received from AT&T.

Cox Cable: is requesting all setbacks be utility easements and setbacks. This is now shown on the plat.

SourceGas:

1. Any damage or relocation of existing facilities will be at the owner's expense.
2. Sourcegas does not currently have facilities in place to serve the subdivision. SourceGas will decide feasibility upon final approval of subdivision.
3. Please apply for service by contacting my office.
4. Will need to provide my office with specific load requirements for the equipment being installed in proposed buildings that would utilize natural gas.

Water & Fire

This property is serviced by Fayetteville Water. This project is subject to the latest design criteria of the City of Fayetteville.

The Washington County Fire Marshal's office reviewed the plat. This project is proposed to have a dead end road with a cul-de-sac turn around. Dead end roads cannot exceed 1,200 feet in length according to Washington County Code. The total length proposed is approximately 1,500 feet. In order to be in compliance with Washington County Code, the applicant is proposing a divided entrance for approximately 400 feet. Therefore the dead end length will be approximately 1,100 feet long and in compliance with Washington County Code.

The 26' and 20' roads must be marked with "No Parking" on both sides. The 28' road must be marked with "No Parking" on one side. These designations are marked on the plat.

The GPM fire flow and hydrant spacing appears adequate. All curves must have a minimum 28 foot radius. All curbs must be "modified" type curbs.

The Fire Marshal would also like to see the plan for the mailbox pull off area on the detail portion of the plat. He would like to know if the mailboxes will be a "break-away" type (or be located at least 8 (eight) feet from the roadway according to Washington County Code Sec. 12-2). **This should be submitted with the corrected Preliminary Plat.**

Addressing

At Final Plat review, a note must be added per the Subdivision Checklist that lots over one-half acre will be addressed when the home location is known.

Environmental

No storm water 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. This project will need a Construction Stormwater for Large Sites permit from ADEQ.

http://www.adeq.state.ar.us/water/branch_permits/general_permits/stormwater/default.htm

Fayetteville's Preliminary Plat Approval

This project has received City of Fayetteville Preliminary Approval by the Planning Commission on 12/08/14.

All conditions of the City of Fayetteville's approval must be completed. **(Please see attached letter and conditions section for all of the City of Fayetteville conditions).**

Road

This project accesses off WC 345, N. Gulley Road. One entrance is proposed. The applicant is proposing a divided entrance and cul-de-sac turn around. They opted to use the divided entrance in order to be in compliance with the Washington County Code that states the maximum dead end length may not exceed 1,200 feet in length. They are proposing to use one of the listed alternatives as the total road length is approximately 1,500 feet in length.

"Sec. 11-90. - Street design criteria for land development.

(7) Permanent cul-de-sac: Streets with permanent cul-de-sacs shall not exceed twelve hundred (1,200) feet in length, measured to the outer edge of the turnaround, from the edge of the right-of-way of the existing county road which serves as access to the land development. All turnarounds shall have radii as follows:

a. Hard surface pavements: Surface radius with curb and gutter at forty-five (45) feet; without curb and gutter at fifty (50) feet. Right-of-way with curb and gutter shall be fifty (50) feet; without curb and gutter, sixty (60) feet.

b. Gravel surface: Driving surface radius shall be at fifty (50) feet with a sixty-foot right-of-way.

Alternative methods that may be used to conform to the cul-de-sac lengths, include but are not limited to:

(a) Divided entrances;

(b) Emergency access only roads, with or without gating; and/or

(c) Bonds or other adequate surety to insure future improvement of alternative access roads.

Such alternative methods shall be approved by the County Judge and the County Fire Marshal and such approval shall not be unreasonably or arbitrarily withheld."

No trees are to be planted on the divided street portion. No trees can be planted in the ROW on the islands.

A soil analysis is required to determine street sections. This has been submitted, and construction plans will need to reflect the findings.

Drainage

Updated drainage information has been submitted. Washington County Engineer, Clay Grote, has reviewed this report and had one additional comment:

"The 8" HDPE pipe at the spreader should have a concrete "splash pad" on the upstream and downstream end to help prevent clogging and erosion."

Staff has included a copy of the detail page that was submitted 1/26/15 with the most updated information on the detention pond area **(A-41)**.

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project for the January 8, 2015 Planning Board Meeting. Four neighbors submitted comments for that meeting **(A-29-36)**.

As discussed at the January meeting, two neighbor comments were received from the Jones family. Staff and the engineer for the project have previously spoken with them regarding drainage. They have a flooding situation already and want to insure that this proposal will not worsen the impact. After speaking with the County Engineer again, staff feels that we have done everything in our power to make sure they are not impacted. The detention has been redesigned, reviewed by Fayetteville and County Engineers, and will have a lower peak flow than currently exists. This still cannot guarantee that no issue will arise, but this project meets all County standards, therefore the Board cannot use drainage as a reason for denial.

Additional concerns from neighbors included sight visibility on Gulley Road, water wells being impacted, and a small property line concern.

Staff feels that the engineer has addressed the sight distance concern, and is waiting for a final statement to be signed by the engineer. The soil work for the septic systems has been submitted and found to be adequate. Each individual lot owner must also obtain an approved septic permit prior to installation; therefore, staff is not concerned about well water contamination.

The engineer has contacted the neighbor with the property line concern and is researching the information. This must be resolved prior to construction.

Staff sent out courtesy notifications by regular mail to inform neighbors that the project had been tabled and would be placed on the February 5, 2015 Planning Board Meeting agenda.

At the time of this report, staff has received no additional comments. **Staff will update the Planning Board at the meeting if any additional comments are received.**

CHECKLIST:

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

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

Checklist items to be addressed:

(9)All plats presented to the planning board and filed for record shall note the uses of adjacent property. The determination of said use shall be the responsibility of the developer. (sec. 13-1)

STAFF RECOMMENDATION: (if the final signed statement regarding sight distance is received)
Staff recommends approval of Reindl Woods Subdivision Preliminary Plat with the following conditions:

Septic Conditions:

1. A note that “each individual lot developer shall obtain approval of septic system from the Washington County Health Department Sanitarian Division” must be added at Final Plat

Utility Conditions:

1. Generally any damage or relocation of utilities will be at cost to the developer.

Ozarks Electric:

General:

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed the subdivision will be at full cost to the developer.
2. All lot corners must be marked with lot numbers clearly written on the stakes before construction will begin.
3. If off site easements are needed for Ozarks to provide electricity to the development, easements must be obtained by developer and provided to Ozarks before the design will begin.
4. All conduits placed at road crossings by developer must have 48 inch of cover at final grade and marked with post to identify end of conduits. (3 – 4 inch schedule 40 conduits to be used for electric only at all road crossings, conduits must extend past the edge of any obstructions so that they are accessible during construction. Other utilities will require more conduits at road crossing.) There must be minimum separation of 12 inches between conduits for electric and conduits for other utilities. This is NESC code 354.
5. All conduits for road crossings and specific widths of U.E. must be shown on final plat before Ozarks Electric will sign the final plat.
6. Subdivisions will be built on Policy 45 (Ozarks is responsible for up to 50% and the Developer is responsible for the remainder of the cost of construction) There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
7. All back lot and side lot utility easements to be 20 feet except side lot utility easements to be used for street lights to be 10 feet. All front lot utility easements to be a minimum of 25 feet.
8. Developer must provide Ozarks Electric with a Digital copy (AutoCAD 2004) of the Final plat as well as a hard copy.
9. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
10. Please contact me when construction begins on subdivision and again when construction is within three months of completion. Greg McGee at (479) 684-4634 or gmcgee@ozarksecc.com

Additional:

1. Ozarks has an existing Three Phase junction power pole and guy wire system in the proposed subdivision entrance that will need to be moved. This pole will require extensive redesign and restructuring which will be at the owner’s expense. The cost would be approximately \$9000.00 to rework the overhead lines or \$60,000.00 to retire the overhead lines and replace it with underground line.
2. We will need a 25’ UE connecting to Gulley Road and along the front of all lots
3. We will need (2) 4” conduits crossing the road between Lots 1&9 to Lots 7&8, 1&2 to Lot 6 and between Lots 2&3 to Lot 5.

SourceGas:

1. Any damage or relocation of existing facilities will be at the owner’s expense.
2. Sourcegas does not currently have facilities in place to serve the subdivision. SourceGas will decide feasibility upon final approval of subdivision.
3. Please apply for service by contacting my office.
4. Will need to provide my office with specific load requirements for the equipment being installed in proposed buildings that would utilize natural gas.

Cox Cable:

1. All setbacks must be utility easements and setbacks. This is now shown on the plat.

City of Fayetteville Water:

1. This project is subject to the latest design criteria of the City of Fayetteville.

Environmental Conditions:

1. No storm water 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. This project will need a Construction Stormwater for Large Sites permit from ADEQ.

http://www.adeg.state.ar.us/water/branch_permits/general_permits/stormwater/default.htm

Washington County Road Department Conditions:

1. No trees are to be planted on the divided street portion.
2. No trees can be planted in the ROW on the islands.
3. A soil analysis is required to determine street sections. This has been submitted.
4. The water line appears to be located within County ROW. The Road Department has asked for more detail on this as it appears to be very near the pipe outlet. The water line may be required to be located outside of the ROW. This can be discussed at the Construction Plan Phase in more detail.

County Fire Marshal Conditions:

1. Pull curb back on to site in order to allow for proper turn radius. (Minimum 28'). **Label this radius on the Plat for clarification.**
2. Curbs must be "Modified" type curbs.
3. The 26' and 20' roads must be marked with "No Parking" on both sides.
4. The 28' road must be marked with "No Parking" on one side.
5. Show plan for the mailbox pull off area on the detail portion of the plat. The mailboxes shall be a "break-away" type (or be located at least 8 (eight) feet from the roadway according to Washington County Code Sec. 12-2). **This should be submitted with the corrected Preliminary Plat.**

Washington County Engineer Conditions:

1. The 8" HDPE pipe at the spreader must have a concrete "splash pad" on the upstream and downstream end to help prevent clogging and erosion."
2. All road ditches and swale needs to be designed to carry the 100 year flow.
3. These corrections must be submitted when the Preliminary Plat corrections are submitted.

Addressing Conditions:

1. At Final Plat review, a note must be added per the Subdivision Checklist that lots over one-half acre will be addressed when the home location is known.

City of Fayetteville:

1. Planning Commission determination of appropriate street connectivity. Staff recommends in favor of a cul-de-sac design as shown, finding that the development patterns to the west and north, and steep wooded slopes to the east make future street connections unlikely. Further, requiring long street extensions to the property lines would be difficult to justify given the small number of lots being proposed.
2. Planning Commission determination of a variance of Chapter 166.05(A)(3), which requires each lot to have frontage on a public street. Lot 11 is the detention pond lot and is located at the low point of the site at the northeast corner of the property and approximately 600 feet from the street. An access and drainage easement has been provided to allow water flow to the pond. Staff recommends in favor of a variance, given the use of the property and that is can't be developed.
3. The applicant shall dedicate 38.5 feet of the ROW for the future extension of N. gully Road and 38.5 feet of ROW for the existing section of Gully Road along the project frontage.
4. This development is subject to final approval by Washington County.
5. The applicant shall make the following revisions to the plat:

- a. Show ROW dedication in the amount of 38.5 feet from centerline along Gulley road.
- b. Remove the “security gate” note from the plats.
- c. Revise note to read “POA to own and maintain all unbuildable/common areas, Lots 9-12.
Now Lots 9-13.
- d. Correct the spelling of Gulley Road.
- e. Add a note to the plat that the project is more than one mile from the Fayetteville City limits.

Standard Conditions of approval (Fayetteville):

1. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
2. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City’s current requirements.
3. Preliminary plat approval shall be valid for one calendar year.

City of Fayetteville Staff Engineer Comments:

Standard Comments

1. Street and storm drainage design requirements will be per Washington County requirements. City of Fayetteville Engineering Division will only be reviewing this subdivision for public water.

Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of meter set. Standard Construction Comments (Fayetteville)

Standard Construction Comments

1. The engineer of record shall provide “Full Time” inspection for utilities. The engineer of record shall also review and approve material submittals (approved submittals shall be submitted to the City for concurrence before material is ordered).
2. Weekly inspection reports should be submitted to the City of Fayetteville’s public works inspector along with all applicable reporting forms from section 6200 of the water and sewer specifications.
3. All materials and performance testing results (drainage, roadway, geotechnical, water/sewer testing, compaction, density, compressive strength, etc.) should be submitted to the City of Fayetteville’s public works inspector.
4. 2012 Standard Water & Sanitary Sewer Specifications & Details apply. (Document available at www.accessfayetteville.org/government/engineering).
5. Prior to Project Acceptance (Final Plat, Certificate of Occupancy, or Temporary Certificate of Occupancy) the following items must be performed or provided to the satisfaction of the Engineering Department:
 - The work shown on the civil site package must be complete and the items on the final punch list completed.
 - Vegetation must be established in accordance with Section 169.06 of the UDC and perimeter controls removed.
 - One (1) set of as-built drawings of the complete project (excluding details) as a hard copy and in Tiff or PDF format;

Public infrastructure and services shall be surveyed after installation in relation to easements, property lines, and ROWs.

- More than 2ft deviation of design alignment shall require new easement dedication or adjustment of the utility/storm drain

Professional surveyor shall provide stamp drawings specifically identifying the limits of as-built survey performed.

- Unit price construction costs for review and approval and a single 2 year maintenance bonds in the amount of 25% of the public improvements;
- Certification that the streets, sidewalk, storm sewer, water, fire line, and sewer lines, etc., were installed per approved plans and City of Fayetteville requirements;
 - Provide all Inspection Reports; approved submittals; Data Forms from Utility Specifications (Including Consultants sewer TV report); compaction test results, etc...

Planning Conditions:

1. Correct all remaining Subdivision Checklist Items:
 - **(9)All plats presented to the planning board and filed for record shall note the uses of adjacent property. The determination of said use shall be the responsibility of the developer. (sec. 13-1)**
2. Spell out "Drainage easement and access easement" instead of abbreviating it.
3. Property line concern (from neighbor) must be resolved prior to construction. Proof of this resolution must be submitted to the Planning Office.
4. Until the property concern is resolved, remove the "30' ROW" dimensions along Gulley Road.

Standard Conditions:

1. Washington County will not maintain common areas or park areas.
2. Pay Engineering Fees within 30 days of project hearing. Any extension must be approved by the Planning Office. This will be calculated once all invoices are received.
3. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. The Road Department may be reached at (479) 444-1610.
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. Once all plat corrections have been completed, submit two corrected plats for review to the Planning Office prior to construction plan review.
6. Please contact the City and County to determine the next steps for each entity in the construction process.
7. If you receive Preliminary approval- construction plans must be approved, bond and insurance (Washington County must be named on the insurance) must be received by the Washington County Road Department and approved by the County Attorney prior to a pre-con meeting being set up.
8. If the City wishes to hold a pre-con meeting as well, the County would prefer that we have a joint pre-con meeting.
9. Absolutely no construction may begin until the pre-construction meeting is completed and the plans have been accepted by Washington County.
10. Preliminary Plat approval is valid for 12 months from the date of approval by the Planning Board. Construction Plans must be approved and construction commenced prior to that time or you will be required to bring your project back through Preliminary Plat.

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

Public Comments.

Jorge Duquesne, Engineer from Blew & Associates, stated that he had talked to the land surveyor Buckley Blew about the land dispute. The property owner does own a piece up to the east right of way of Gulley Road. The owner previously purchased a triangular piece of land from Mrs. Bayley for the purpose of accessing Gulley Road. "We're not sure why Mrs. Bayley is coming back at this time. It was not a small amount of money. The piece costs \$35,000 for a very low acreage piece of property."

Public Comments Closed.

*Kenley Haley made a motion to approve the **Reindl Woods Subdivision** subject to staff recommendations Robert Daugherty seconded. Chuck Browning, Daryl Yerton, and Cheryl West were not present. Board Members Randy Laney, Walter Jennings, Robert Daugherty, 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 **March 5 and April 2, 2015.**
- Updates on various appeal projects:
 - East Prairie Grove Tower CUP (pending in Federal Appeals Court- upcoming oral argument in February).
 - Baldwin Cell Tower CUP (appeal was dropped prior to appeal hearings- CUP has now been ratified with one minor change regarding a requirement for no external antennas on the tower)
 - Rich Red Dirt Pit CUP (QC appeal dates: February 12, 19, and 24, 6:00pm, QC Room)
- Any other Planning Department or Planning Board business.

6. Old Business

7. Adjourn

*Robert Daugherty 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