

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

**Aug 27, 2015**

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

DEVELOPMENTS REVIEWED:

*ACTION TAKEN:*

**CONDITIONAL USE PERMIT HEARING**

Springdale Planning Area

**a: Reed Commercial Building CUP**

**Approved**

Goshen Planning Area

**b: White River Café CUP**

**Approved**

**LAND DEVELOPMENT HEARINGS**

Fayetteville Planning Area

**c: Eastern Park Minor Subdivision Preliminary Subdivision**

**Tabled**

County

**d: Summers Baptist Church Final**

**Removed**

**(To be removed from the agenda. Placed on agenda by mistake).**

**CONDITIONAL USE PERMIT HEARING**

County

**e: Summers Missionary Baptist Church CUP Youth Center/Gymnasium**

**Tabled**

**(To be tabled due to lack of resumbittal)**

**LAND DEVELOPMENT HEARINGS**

County

**f: Summers Missionary Baptist Church LSD Youth Center/Gymnasium**

**Tabled**

**(To be tabled due to lack of resumbittal)**

**1. ROLL CALL:**

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

**2. APPROVAL OF MINUTES:** *Kenley Haley made a motion to approve the minutes of Aug 27, 2015. Daryl Yerton 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. Daryl Yerton seconded. All board members present were in favor of approving. Motion passed.*

4. NEW BUSINESS

**CONDITIONAL USE PERMIT HEARING**

Springdale Planning Area

**a. Reed Commercial Building CUP**

***Conditional Use Permit Approval Request***

Location: Section 10, Township 17 North, Range 29 West

Owner/Applicant: Timothy Reed/Joe Reed

Location Address: 16823 E. Hwy 412

Approximately 3.51 acres. Proposed Land Use: Commercial Building

Coordinates: Longitude: -94.05262432" W Latitude 36.16439446" N

**Project #: 2015-189 Planner: Nathan Crouch e-mail at [ncrouch@co.washington.ar.us](mailto:ncrouch@co.washington.ar.us)**

**REQUEST: Conditional Use Permit approval to allow commercial use in an area zoned for Agricultural or Single Family Residential, 1 unit/acre.**

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

**PLANNING AREA:** This project is located within the Springdale Planning Area.

**QUORUM COURT DISTRICT:** District 5, Joe Patterson **FIRE SERVICE AREA:** Nob Hill Rural

**SCHOOL DISTRICT:** Springdale

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

**BACKGROUND/ PROJECT SYNOPSIS:**

The owner of this property is Timothy Reed. The applicant is Joe Reed. This property is located off Ar. Hwy 412, just west of Sonora Middle School. **(See Vicinity Map attachment, page A-7)**

The applicant is requesting Conditional Use Permit approval to allow light commercial use on a parcel that is zoned Agricultural/Single-Family Residential, at 1 unit/ acre. There is one existing residence and one existing shop building on this parcel. **(See Site Map and Property Line Adjustment attachments, pages A-8 and A-9)**

This proposed project is located within Springdale's Planning Area. The applicant is proposing to use the existing shop building to operate a plumbing business. The requested hours of operation are 9:00 a.m. – 5:00 p.m., Monday to Friday, with seven (7) staff members. The applicant doesn't anticipate any customers coming to the shop, does not propose any signage, and stated the pumping equipment gets cleaned with an enzyme rather than rinsing with water, therefore there is no odor from the work trucks. Noise levels typical of a plumbing shop are to be expected.

This project proposal must process as a Conditional Use Permit due to the commercial nature of the plumbing business, located in an area zoned for Agricultural and Residential use.

**TECHNICAL CONCERNS:**

**Water / Fire Issues:**

Since the shop building and the residence both have existing water service, and no new structures or water service are proposed, Planning Staff anticipates no concerns with Springdale Water.

Fire Code states that since the entry drive is in excess of 500', its width must be increased to 26', compacted to support 75,000 lbs. in all weather conditions, and the entry gate must also be increased to 26' wide to accommodate all fire support vehicles. However, Planning Staff received a letter from Gary Hull, Fire Chief at Nob Hill Fire Department, stating that, given the distance off the Hwy, he can deploy his fire trucks to the shop location if the driveway is at least 16' wide, without any of these upgrades. **(See email attachments from Gary Hull, Nob Hill Fire Chief, page A-10 & 11)**

Therefore no modifications of the driveway or gate are necessary.

The applicant stated in conversation with Planning Staff that the business is negotiating a service contract with a fire extinguisher supply/servicing company, and expects fire extinguishers to be delivered soon. The fire extinguishers must then be inspected by the fire marshal prior to operation.

The entry drive and area outside the lobby of the building (west end of bldg.) are to be designated Fire Lane. There must be no parking in the Fire Lane. "No Parking – Fire Lane" signs must be installed, and inspected by Planning Staff prior to operation.

**(See Fire Lane diagram, Page A-26).**

**Septic / Health Dept:**

The residence and shop building both have existing septic systems with associated lateral lines. A Designated Representative of the Washington County Health Department inspected the system connected to the shop building, and certified it is functioning properly and that it is sufficient to support the proposed use.

**Electric / Phone:**

Ozarks Electric commented stating any relocation of OECC facilities, if needed, may be at the developer's expense, and that the applicant needs to show 30' utility easement for overhead power lines. No comments were received from AT&T.

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

No new roads or driveways are being proposed. The applicant has submitted the easement granting access to Hwy 412 across the adjacent property. This easement must be filed with the Washington County Circuit Clerk. No new parking is being proposed.

**Drainage:**

No new structures or parking are proposed with this project. Planning staff does not expect the drainage to be significantly increased by this proposal. The Washington County Contract Engineer, Clay Grote, had no comments.

**Environmental Concerns:**

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

**Signage/Lighting/Screening Concerns:**

No signage is proposed with this project. Outdoor lighting is proposed only on the exit doors. The vegetative screening along the access easement is adequate for screening the neighbor to the south. This vegetation must be intact, or replaced with fencing or planting if it is removed in the future. Any replacement screening must be approved by Planning Staff.

Staff is recommending opaque fencing for the outdoor storage area on the east side of the shop building. Staff recommends fencing at least the entire outdoor storage area to the east end of the building, from the southeast property corner north to the existing shed, and west to the edge of the building (as shown in option "A", pg. A-23). Staff has included two additional fencing options for the applicant to consider, in addition to the required option "A", when screening/securing the outdoor storage. **(See fencing options attachment, Page A-25).**

The applicant does not wish to install a fence. However, the situation is very similar to the David Jones Plumbing CUP, project # 2008-173, in that conditions were placed on the CUP to screen all outdoor storage areas with opaque fencing, including an opaque gate. Staff feels the recommended fencing will also help security.

**(See site photo attachments, Page A-11).**

All fencing must be uniform (cannot be “recycled metal” unless all material matches) and kept in good repair. Fencing must be inspected and approved by Planning Staff.

**Addressing Concerns:**

Both existing structures have 911 addresses assigned. No new addresses are proposed with this project.

**Sheriff’s Office Concerns:**

Washington County Sheriff’s Office has provided no comments on this project.

**COMPATIBILITY CONCERNS:**

**Surrounding Uses:**

The surrounding uses are primarily Single Family Residential and Agricultural. This proposal is for a Light Commercial building.

As this proposal will add very little additional traffic to Ar. Hwy 412, it shouldn’t negatively affect neighboring properties. Staff feel this proposed land use, with recommended conditions, is compatible with surrounding properties, won’t affect property values, and will not affect emergency and other rescue services. Staff feels this this proposal is appropriate and compatible with the surrounding uses as recommended.

**Washington County’s Land Use Plan (written document):**

The nature of this proposed use will be “Light Commercial”.

According to the County’s Land Use Plan:

**SECTION III. PHYSICAL DEVELOPMENT**

**A. Land Use Considerations**

**2. Light Commercial**

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

- a. Not incompatible with adjacent residential and agricultural uses; or by conditions placed on such to mitigate its impact. Together with community facilities and compatible residential uses, this use typically serves as a buffer between general commercial and strictly residential uses. **Planning Staff feels this proposal is not incompatible with the adjacent and surrounding uses based on these facts:**

- **The building and associated parking already exist.**
- **The project site isn’t visually changing, except possibly improving with the installation of privacy fencing around the outdoor storage area.**
- **No additional structures are being proposed.**
- **The proposal, coupled with Staff recommendations, will have minimal impact on the surrounding properties.**

**Future Land Use Plan**

The future land use for this area (derived from the City of Springdale adopted Land Use plan) is Low Density Residential. Low Density Residential is defined as 1-4 units/acre.

However, the adjacent future land uses are General Commercial, along the Hwy 412 corridor, ending just before the location of this project proposal, and High Density Residential, found just beyond the General Commercial zone as you move away perpendicularly from the Hwy 412 corridor. The area directly across Hwy 412 is zoned for High Density Residential as well.

Planning Staff feels that this proposed commercial use is compatible with the surrounding area because its Light Commercial use will serve as a buffer between General Commercial and Residential use. **(See Future Land Use Map excerpt and Surrounding Uses Map attachments, pages A-16 and A-17).**

**NEIGHBOR COMMENTS/CONCERNS:**

(All neighbors within 300 feet of the boundary of this property were notified by certified mail of this project proposal.) Staff has not received any written comments from neighboring property owners.

Staff will update you at the meeting if any additional neighbor comments are received.

**STAFF RECOMMENDATION:** Staff recommends *approval* of the proposed Reed Commercial Building Conditional Use Permit with the following conditions:

**Environmental Conditions:**

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

**Utility Conditions:**

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

**Ozarks Electric Conditions:**

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

**Additional and Standard Conditions:**

1. Any splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
2. File the deed for the property line adjustment you filed with the Circuit Clerk on 9-14-12.
3. File the access easement with the Circuit Clerk.
4. No new parking is approved with this CUP proposal.
5. No new signage is approved with this CUP proposal. Any signage desired in the future must be approved by Planning Staff.
6. Outdoor lighting is approved only on the exit doors.
7. Vegetative screening along the access easement (fence row) must remain intact, or replaced with fencing or planting if it is removed in the future. Any replacement screening must be approved by Planning Staff.
8. Fire Extinguishers must be acquired and appropriately located in the building, and inspected by the Fire Marshal prior to operation.
9. The entry drive and area outside the lobby of the building (west end of bldg.) are to be designated Fire Lane. There must be no parking in the Fire Lane. "No Parking – Fire Lane" signs must be installed, and inspected by the Fire Marshal prior to operation.
10. No parking is allowed on any portion of the septic system (including the alternate area).
11. All commercial outdoor storage (plumbing salvage and dumpster) must be screened by opaque fencing. Fencing should be either wooden or composite privacy fencing, uniform metal fencing, or

- masonry in nature. Fencing cannot be “recycled metal” unless all material is uniform. All gates must also be opaque.
- Planning Staff must approve the proposed area to be fenced prior to the construction of the fence.
  - The applicant shall have 12 months from the date of the CUP ratification to install the fence.
  - Fencing must be kept in good repair, and must be inspected and approved by Planning Staff.
12. Hours of operation, Monday – Friday, 9:00 a.m. to 5:00 p.m., must be generally as stated.
  13. Number of employees (7) must be generally as stated.
  14. Any other land divisions, commercial structures, or other types of uses not considered with this submittal must come through a separate CUP or review process with the County.
  15. **This CUP is not fully approved until all of these conditions are fully implemented. If the applicant operates the business before all conditions are met, they will be out of compliance.**
  16. This CUP must be ratified by the Quorum Court.
  17. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  18. This project does not require additional Planning Board review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project’s ratification.
  19. The Applicant is responsible for scheduling all inspections with Planning Staff.
  20. Pay engineering fees within 30 days of receiving your invoice. Any extension must be approved by the Planning Office (invoice total will be calculated once all charges are received by Planning Staff. If less than one hour of review, there will be no charge).

*Washington County Planner, Nathan Crouch, presented the staff report for the board members.*

*Juliet Richey, Washington County Planning Director, added, “The screening option is based on where the storage is now. If the applicant wishes to, we can offer a smaller screening area for a smaller proposed storage area.”*

*Kenley Haley, Planning Board Member, asked, “What kind of screening does staff recommends?”*

*Juliet Richey replied, “It’ll be an opaque type screening but we are willing to do vegetative screening as well. We usually recommend fencing for something like water heaters since it provides a more complete screening.”*

*Daryl Yerton, Planning Board Member, asked, “With the location of the school, is the point of the screening to keep the kids out?”*

*Nathan Crouch, Washington County Planner, replied, “It’s not to keep anyone out. It’s just to screen the outdoor storage.”*

*Chuck Browning, Planning Board Member, asked, “Have you looked into an option of screening and vegetation to lower the cost?”*

*Juliet Richey replied, “Those options were given to the applicant.”*

*Nathan Crouch added, “I have given the applicant the Washington County screening vegetation policy.”*

*Joe Reed, Applicant for the project, replied, “I don’t hate fences. We’re trying to be good neighbors. One thing to consider is the cost. It’s a lot to bear. When we found out that we weren’t in compliance we wanted to be right. It feels like we have to throw up a fence at a cost of a fence. We’re looking at six to seven thousand dollars. We talked about security and the school. I have a great working relationship with the Springdale school district. Somebody tried to steal their tractor. They parked their tractor next to my shop. I can’t watch their tractor if I have screening up. I also can’t watch the school from there. If we put the fence up and there is an emergency and they needed to access that? There is a 100’ strip of land between our property and the school. I actively have a contract to buy that piece of land. If I’m putting a screen up I’m screening myself from myself at that point. I’m not saying I won’t do it. It’s going to cost a lot. I know*

*the water heaters are out there and it doesn't look pretty in the pictures. But I'll clean it up. Those are my guy's Christmas bonuses sitting out there. We'll store them up and sell them at a high price. I'm not trying to hoard anything. I'm just trying to be cost effective."*

*Juliet Richey stated, "A majority of this could possibly be condensed to a smaller area for the plumbing business. What does the Board think about designating an area where you can put water heaters, reducing the screening area? It'll save on a cost and he'll still have an outdoor storage area."*

*Joe Reed replied, "Anything is better than the whole thing. Yes, I'm open to something like that."*

*Juliet Richey stated, "You can limit the types of things that can be stored outdoor without screening. We can craft a condition that certain things would have to be screened or they can't be stored outside."*

*Kenly Haley, Planning Board Member, asked, "Can you do a smaller area?"*

*Joe Reed replied, "I can do a smaller area. I can haul the water heaters on a trailer when it gets full. It's not as ideal but it's better than the expensive fence."*

*Daryl Yerton asked, "Have you had any issues with the kids coming over playing?"*

*Joe Reed replied, "Every now and then we get a soccer ball but we'll throw it back. Now they moved it to the other side of the school."*

*Daryl Yerton stated, "I was just concerned about the kids coming and playing in that area."*

*Joe Reed replied, "No sir, we never had any children come over."*

*Randy Laney, Planning Board Chairman, asked "Are there any suggestions on the language of the conditions?"*

*Juliet Richey replied, "Depends on what you (the Board) want to do. I'm not sure which vehicles are related to work and personal."*

*Joe Reed stated, "The school bus belongs to the company. The dump truck, box truck, and trailer belong to the company. The red truck is my personal truck. The truck next to it and everything else is personal. That's three personal vehicles."*

*Juliet Richey replied, "If you want to exclude vehicles, the screened area should include all work and salvaged materials."*

*Joe Reed asked, "If I do away with the materials am I still required to have the screened area?"*

*Juliet Richey replied, "We're going to say that if you have outdoor storage of certain types of things, then it has to be screened. If you don't store them outside you don't have to screen them."*

*Chuck Browning, Planning Board Member, asked, "Could you use the chain link with the slats in it?"*

*Juliet Richey replied, "Yes."*

*Daryl Yerton added, "Since security is not an issue, does it all have to be inclusive with the gate?"*

*Juliet Richey answered, "No, we already told them they do not have to do a gate."*

*Kenley Haley asked, "We're talking about Area A correct?"*

Courtney McNair, Washington County Senior Planner, stated, "It's wherever he preferred to put his outdoor storage and dumpster."

Chuck Browning asked, "Where is the dumpster at?"

Joe Reed answered, "It's behind one of the big trees."

Chuck Browning asked, "Why would you screen it separately?"

Juliet Richey clarified, "You don't have to screen it separately. You can include it."

Daryl Yerton, added, "The dumpster can be relocated too."

Joe Reed asked, "Can I put the dumpster inside?"

Juliet Richey answered, "No, it can only be in a screened area."

Joe Reed replied, "If I wasn't going to store those things there can I put the dumpster inside?"

Juliet Richey stated, "You can put the dumpster inside if that's where you want your dumpster."

Joe Reed replied, "I'm just looking at it from a cost perspective."

Juliet Richey, asked, "Does somebody come and pick up trash from your dumpster?"

Joe Reed, replied, "Yes, we can move it out. We've got a backhoe".

Kenley Haley, stated, "Are you saying that option A is too expensive?"

Joe Reed replied, "Yes, ma'am, I'm just trying to get by with what I can at this point. I will get rid of the scraps but it's just not at the magic number yet."

Juliet Richey added, "In the past with similar business such as plumbing businesses, we required them to do screening outdoors. We're trying to treat you the same way we treat everybody. We're bringing your noncompliance use into compliance. This is one of the standard conditions."

Joe Reed replied, "I'm trying to figure out what I need to do to get me where I need to be now and still be in compliance. For example, move the dumpster inside. I know it's a temporary fix to a long term problem but at least I am fully in compliance. Then I can build the screening when I have the money."

Juliet Richey stated, "Another thing we can do is set a certain amount of time that we can have the screening completed. We can give him nine months to complete it to help ease the cost burden."

Joe Reed replied, "Once again, I'm not exactly sure where I want the screening. I got an offer on that piece of property. It's not an easement. I will own that 100ft. I don't know where I want holes to drive through there. I'll be back for that later."

Daryl Yerton asked, "If we were to put in a u-shape vegetative screening where option A is, would that suffice?"

Juliet Richey replied, "We can look at it. We don't recommend vegetative only for this type of project."

*Kenley Haley asked, "What if we phased it in. If we choose option A and it has to be completed in a 12 months with an opaque fence."*

*Joe Reed stated, "I guess so but how does it work with my permitting process?"*

*Juliet Richey replied, "We'll have to do a follow up inspection in 12 months."*

*Joe Reed added, "Or when it's ready correct?"*

*Randy Laney stated, "Yes, but you'll be in compliance with what's asked of you. That's the difference."*

*Kenley Haley stated, "If you think you can condense that in a smaller storage area, we may be able to compromise on that. But if you're going to have salvage material, I would recommend fencing."*

*Joe Reed, "Pointing on the map, from the edge of the pump truck to here I'll make a square. That's gravel and I could make that the area for storage. When the metal is right we don't hold on it. When the trailer gets full at the end of the week it goes to the scrap yard. That's what I was saying, I'll get rid of the stock pile and every week I'll empty that trailer except for around the dumpster. Would that work?"*

*Juliet Richey asked, "So are you going to store water heaters in an open trailer?"*

*Joe Reed, stated, "It's a landscaping trailer. It'll be empty weekly. It has sides but no top."*

*Juliet Richey stated, "We don't usually consider trailers outdoor storage. We don't regulate down to that level. Basically we wouldn't consider somebody's trailer as outdoor storage."*

*Joe Reed replied, "We could condense it to the smaller area where the water heaters are located now. And somehow incorporate the dumpster into there. Is that a possibility?"*

*Walter Jennings, Planning Board Member, stated, "It seems to me that what needs to happen is that the commercial storage needs to have opaque fencing. We don't need to regulate the sizing or tell you where the fences should be. It just needs to be screened with opaque fencing."*

*Juliet Richey read the current conditions stating that all outdoor storage area must be screened by opaque fencing. "We can say all outdoor commercial storage. That way it'll eliminate private vehicles."*

*Walter Jennings, stated, "That sounds reasonable. I believe giving him some time to complete the fencing is fair. 12 months?"*

*Joe Reed asked, "What is considered commercial storage?"*

*Juliet Richey answered, "If it's not a vehicle and it's outside relating to your business."*

*Joe Reed asked, "So I have to put a fence where my pipe is too?"*

*Daryl Yerton, asked, "Is the pipe on the north or south side of the shop?"*

*Joe Reed answered the south. "The pipe is under the overhang. It keeps it dry and out of the shop. Here's the thing. In the winter time when I have all that stuff under that I won't have room for the pump truck that will freeze."*

*Chuck Browning stated, "You could do some vegetative screening on that side easily."*

*Juliet Richey added, "Or just a metal panel."*

Randy Laney stated, "He can do an opaque fence with a wire straps through it with a box in front of it."

Joe Reed stated, "If you're putting gates or anything on the fence row, you can't see it. The fence row sits about 3ft lower due to the lay of the land. I'm going to my hinder my ability to get to the parts. It was made so that my guys can drive up, see the parts, and get it and drive on."

Chuck Browning stated, "Under Plan A it doesn't matter where you put it anyways."

Joe Reed stated, "No it doesn't. I'll do Plan A if I have to."

Juliet Richey stated, "We're just concerned with the salvage materials."

Kenly Haley stated, "If you can condense it that's up to you. However it still needs to be screened."

Joe Reed stated, "So I need to condense it down and give myself an area where I can fit in a week's worth of storage."

Daryl Yerton added, "And include dumpster inside that screened area."

Joe Reed asked, "Can it have its own little screened area if I wanted it somewhere else, as long as it's screened?"

Juliet Richey replied, "Yes. He can bring us a proposal for review."

Public Comments Closed.

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

#### Goshen Planning Area

#### b. White River Café CUP

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

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

Owner/Applicant: White River Specialty Leasing / Steve Rehbock

Surveyor: Caster & Associates Land Surveying

Architect: Key Architecture

Location Address: 18231 Habberton Rd, Springdale, AR

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

Coordinates: Longitude: -94.06119800" W Latitude 36.13020557" N

Project #: 2015-026 Planner: Courtney McNair e-mail at [cmcnair@co.washington.ar.us](mailto:cmcnair@co.washington.ar.us)

**REQUEST:** Conditional Use Permit approval to allow a small café and storage and bottling related to the Saddlebock Brewery on a parcel of land that is approximately 5.17 acres in size.

**CURRENT ZONING:** Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre and 1 unit per 2 acres).

**PLANNING AREA:** This project is partially located within the Goshen planning area. The City submitted no comments. The lot line adjustment must be approved by Goshen and Washington County.

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

**FIRE SERVICE AREA:** Nob Hill/ Goshen VFD

**SCHOOL DISTRICT:** Springdale

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

**BACKGROUND/ PROJECT SYNOPSIS:**

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

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

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

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

**The main concerns with this project are sight visibility, fire access, concerns about the Habberton Road entrance, and septic system sizing. These are all in the process of being resolved. Planning Staff will update the Board at the meeting of any outstanding concerns.**

**TECHNICAL CONCERNS:**

**Water/Plumbing/Fire Issues:**

Fayetteville Water services this property and the applicant has stated that a water tap and line are being added to supply potable water to this building. City of Fayetteville will inspect plumbing, and the applicant must provide Washington County Planning staff with a copy of the inspection.

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

**Site Plan:**

The nearest hydrant is more than 500 feet away on Guy Terry Road, but Nob Hill Fire Chief has stated that he can provide tanker support that will be adequate to service this building. In order for Nob Hill to adequately access this building, the Fire Lane must be increased to 26 feet wide and compacted to 75,000lbs in all weather conditions with a 38' minimum turn radius. A statement about compaction must be submitted prior to occupation from the company that tests the compaction.

On the survey, the proposed entrance drive is called out at a 10% grade. It must not exceed this grade, and will be inspected by the Fire Marshal prior to occupation. Additionally, Fire Lane signs must be placed (staff has indicated 3 possible locations) along the fire access road.

**Structure:**

Architectural plans have been submitted and approved by the Washington County Fire Marshal. The building must be constructed per the signed architect plans, and will be inspected by the Fire Marshal prior to occupation. This includes proper construction of the fire wall, installation of the Fire Extinguishers, and the Hood system must have a contract with a fire extinguishing company that will tag its certification, along with any other fire safety elements shown in the plans.

All fire exits appear adequate, they must not be blocked by stored materials, and clear paths to the exits must be maintained.

**It is the applicant's responsibility to contact the County when inspections are needed.**

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

At Tech Review, many options regarding the existing entrance onto Habberton Road were discussed. It is located on a dangerous portion of the road because there is inadequate sight visibility. The applicant is requesting that this entrance be gated to public use, but would like for it to continue to be used for his employees.

There is some concern from staff about equipment that will be used to transport kegs from Saddleback Brewery to the bottling portion of this building (tractors, fork lifts, or other slow moving vehicles). After speaking with Jay Cantrell with the Washington County Sheriff's Office, it appears that as long as the vehicle does not impede normal traffic flow, and proper signage is used, they have no concern with this type of vehicle being used on the County Road. Proper signage includes marking the equipment with the orange, reflective, triangles to indicate it is a slow moving vehicle. He also suggested adding warning signs along Habberton Road that indicate slow moving vehicles will be in this area. The applicant has agreed to purchase these and "Pedestrian Crossing" signs from the Road Department to help improve safety. The purchase price includes the installation fee (sign installation will be completed by the Road Department). Additionally, Planning Staff is requiring that a sign be placed on the Habberton entrance that states that it is for employee use only, no public access, no deliveries.

Planning staff has also asked County Attorney, Steve Zega, for his opinion on existing drive accessing Habberton Road. He agreed that the proposal by the applicant, for employee use only, will be acceptable.

The applicant has agreed to remove the small residential driveway that crosses the property and have the residence use its existing entrance on Guy Terry Road only.

The applicant understands that he must not block fire access. Additionally, a hard surface apron (that is a minimum of 20 feet wide and 20 feet long) is required on ALL drives that connect to County Roads (including the one on Habberton if left in place, even if it is just used by employees).

The applicant is proposing a new entrance off of Guy Terry Road. Planning Staff has asked for verification of the sight distance at the proposed location (by the applicant's surveyor). It must meet minimum County Standards. Guy Terry Road has a speed limit of 35 mph, so according to Chapter 11, Appendix A of the Washington County Code of Ordinances, a minimum of 390 feet of horizontal sight distance is required for left turn movements. For right turn movements or straight movements, there must be a minimum 335 feet of horizontal sight distance. **This must be submitted prior to Conditional Use Permit Approval. Staff will update the Board at the meeting if this has been submitted.**

The Washington County Road Department will size all new road tiles and any work in the County Right-of-way (ROW) requires permit prior to construction (including work on the residential driveway).

**Sewer/Septic/Decentralized Sewer:**

There is an existing septic system on this site that is to be abandoned. A new system has been designed, but is in the process of being modified. This permit needs to show that the new system can support 500 gallons per day. It must be approved by the Arkansas Department of Health (ADH), then installed, and then Inspected and Approved by the ADH, prior to occupation.

Additionally, the applicant will need a food service permit and a new manufacturing permit for bottling beer per Will Hastings with ADH. These permits will not be issued until a septic permit has been approved. Washington County Planning must receive copies of these permits prior to operation.

Staff also received comments from Caleb Villanueva of ADH. He stated “My concerns are the same as Beaver Water District’s. Specifically on the setbacks from the lake. The system must be 300 ft back from any spring used as a public water supply or 300 ft back from any body of water if the system is within ¼ mile of a public water supply intake. Otherwise they only need to be 100 ft back from any body of water. This can be difficult to design around if the soil is not very suitable for a septic system. This needs to be kept in mind when designing a system and deciding where is the best place to put the system. Without seeing the plans for the White River Café and how much area it encompasses I can’t speak to the specifics of what is required, but it can be tricky when building close to a lake or stream”.

The designated representative (DR) designing the proposed septic system is aware of these restrictions. Two creeks are nearby. One creek is located on the north property line and one to the south of Guy Terry Road. Both creeks have been shown on the survey and are more than 100 feet from the proposed septic system. The design will be fully reviewed by ADH prior to installation.

**Beaver Water District Concerns:**

Dr. Robert Morgan of the Beaver Water District sent comments regarding the septic system placement as well. He stated, “Please note that this development is very close to a small tributary of Beaver Lake and the Lake itself. As there are many rock outcrops and other indicators of Karst in the area, it is reasonable to expect rapid movement of water and waste through the soil. The septic system needs to be sized and designed with that limitation in mind. A failure of the septic system may not show up as surfacing water. Beaver Water District asks that you be mindful of that issue in review. Especially we are concerned about the amount of waste produced from both the restaurant and the lab and bottling area. Also, attention needs to be placed on stormwater BMPs during the construction as well as to parking lot runoff.”

After speaking with the DR designing this system, it appears that ADH does not have any regulations pertaining to Karst topography. She indicated that they designed the system larger than current capacity and used all current standards.

**Drainage:**

The Washington County Contract Engineer has no comments on this proposed project.

**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).

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

This property is serviced by Ozarks Electric, Source Gas, Cox Communications, and AT&T. No comments were received from Source Gas, Cox, or AT&T. Ozarks Electric commented that any relocation of OECC facilities if needed may be at the developer’s expense. And, the applicant must show 15’ UE outside the County Road ROW for overhead power line on Habberton Rd. There is a 25-ft setback and UE shown along Habberton Road on the most recent submittal. It appears the sign is placed within the UE. Planning Staff asked Ozarks Electric if this is allowed, and they stated that it is as long as the sign height does not exceed 10 feet. This is much higher than Planning Staff is recommending for approval, so the sign will be in compliance with OECC restrictions.

**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**). Signage may not be located in the ROW.

The applicant is proposing a sign at the corner of Habberton Road and Guy Terry Road. Staff recommends the new sign not exceed 24 sq ft in size, and be unlit as proposed. It must not block line of sight for patrons exiting the proposed cafe. The applicant must submit a sketch of the proposed signage. As stated above,

Planning Staff asked Ozarks Electric if signage is allowed in the UE, and they stated that it is as long as the sign height does not exceed 10 feet. This is much higher than Planning Staff is recommending for approval, so the sign will be in compliance with OECC restrictions.

At this time, staff is not recommending any additional screening. The building already exists on the site and has for many years. Staff does not feel the addition of a driveway and minimal parking will impact the visual nature of the property.

**Alcohol Beverage Control (ABC) Concerns:**

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

Generally, any additional permits that are required must be obtained prior to operation, and a copy of the permit must be submitted to Planning Staff.

**Additional Planning Concerns:**

The “future use” area indicated on the architect plans must come through for an additional CUP when it is desired to be developed. The applicant is aware of this condition.

Additionally, the lot line adjustment proposed must be approved by the City of Goshen and Washington County. It must then be filed with the Circuit Clerk. A deed must be filed to transfer ownership.

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

**COMPATIBILITY CONCERNS:**

**Surrounding Density/Uses:**

The surrounding uses are primarily single family residential and agricultural; however, there is a commercial business (Saddlebock Brewery) directly across the street. Sassafra Springs Vineyard is also in the vicinity on Guy Terry Road. The site contains one existing building used in the past for a commercial business and currently used for storage.

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

Staff feels that the applicant’s request is compatible with the surrounding uses with the recommended conditions.

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

According to the County’s Land Use Plan,

**2. LIGHT COMMERCIAL**

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

- a. Not incompatible with adjacent residential and agricultural uses; or by conditions placed on such to mitigate its impact. Together with community facilities and

compatible residential uses, this use typically serves as a buffer between general commercial and strictly residential uses. **Staff feels the requested use will be low impact. According to the Assessor's Records, the existing building was constructed in 2005. It was used as a commercial building at that time. Staff expects the requested café, storage, and bottling will be less impactful than the General Commercial Use that was operating previously.**

**Future Land Use Plan**

There is no future land use designation for this portion of the County.

**SITE VISIT:**

A site visit was conducted by planning staff on August 14, 2015. Staff did not notice anything of concern. Staff attempted to take site photos at the location of the proposed entrance onto Guy Terry (it is not marked yet), and it appeared that sight distance was adequate. However, staff must receive verification from the applicant's surveyor that the proposed entrance will meet Minimum County Standards.

**NEIGHBOR COMMENTS/CONCERNS:**

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. Staff has not received any comments at this time. Staff will update the Planning Board at the meeting if any comments are received.

**STAFF RECOMMENDATION: If the verified sight distance for the proposed entrance is submitted and meets minimum County Standards, Staff recommends *approval* of the proposed White River Café Conditional Use Permit with the following conditions:**

**Water/Plumbing/Fire Conditions:**

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

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

1. The Habberton Road entrance shall be gated to public use, but can continue to be used for employees only.
2. Slow moving vehicles transporting materials/product across Habberton Road to and from the

Saddlebock Brewery shall not impede normal traffic flow, and shall use proper signage. Proper signage includes marking the equipment with the orange, reflective, triangles to indicate it is a slow moving vehicle, and adding warning signs along Habberton Road that indicate slow moving vehicles will be in this area.

3. The applicant shall purchase "Slow Moving Vehicle" signs and "Pedestrian Crossing" signs from the Road Department. The Road Department will install them appropriately.
4. A sign shall be placed on the Habberton entrance that states that it is for employee use only, no public access, no deliveries.
5. The applicant shall remove the small residential driveway that crosses the property and have the residence use its existing entrance on Guy Terry Road only.
6. Fire access shall not be blocked.
7. Verification of the sight distance at the proposed entrance location on Guy Terry Road shall be submitted prior to CUP approval (by the applicant's surveyor). It must meet minimum County Standards.
8. The Washington County Road Department requires an apron to connect ALL entrance drives to the County Road (including the one on Habberton Road if it is left in place, even if it is just used by employees). The apron(s) must be paved (asphalt or concrete) and at least 20' x 20'. This must be completed prior to operating. Any extensions must be approved by the Washington County Road Department Superintendent.
9. All entrance drives and parking areas must support 75,000lbs in all weather conditions.
10. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.

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

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

**Environmental Conditions:**

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

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

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

**Signage/Lighting/Screening Conditions:**

1. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.
2. The proposed sign shall not exceed 24 sq ft in size, and be unlit as proposed. It must not block line of sight for patrons exiting the proposed cafe. Signage may not be located in the ROW.
3. The applicant shall submit a sketch of the proposed signage to the Planning Office prior to installation.
4. No additional screening is required at this time.

**Alcohol Beverage Control (ABC) Conditions:**

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

**Additional Planning Conditions:**

1. The "future use" area indicated on the architect plans shall come through for an additional CUP when it is desired to be developed.
2. The lot line adjustment proposed must be approved by the City of Goshen and Washington County. It must then be filed with the Circuit Clerk. A deed must be filed to transfer ownership prior to construction.
3. A Large Scale Development will not be required for this proposal as no new structures are being added, and the site work is minimal.

**Standard Conditions:**

1. Pay neighbor notification mailing fees (\$47.41) within 30 days of the project hearing. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 08/21/15).
2. Pay engineering fees within 30 days of receiving your invoice. Any extension must be approved by the Planning Office (invoice total will be calculated once all charges are received by Planning Staff. If less than one hour of review, there will be no charge).
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. This CUP must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. This CUP is not fully approved until all of these conditions are fully implemented. If the applicant operates the business before all conditions are met, they will be out of compliance.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
8. This project does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

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

*No Public comments.*

*Public Comments Closed.*

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

**LAND DEVELOPMENT HEARINGS**

Fayetteville Planning Area

**c. Eastern Park Subdivision Preliminary Subdivision** **(To be tabled due to lack of resubmittal).**

***Preliminary Subdivision Approval Request***

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

Owner: L&F Construction, LLC

Engineer: USI Consulting Engineers, Ferdinand Fourie

Location Address: 4436 E. Mission Blvd

Approximately 7.66 acres / 15 lots. Proposed Land Use: 14 Single Family Residential (1 other lot for septic and detention)

Coordinates: Latitude: 36.097785, Longitude: -94.097156

**Project #: 2015-122 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. Daryl Yerton seconded. All board members present were in favor of approving. Motion passed.*

County

**d. Summers Baptist Church Final LSD** **To be removed from the agenda. Placed on agenda by mistake).**

***Final Large Scale Development Approval Request***

Location: Section 16, Township 15 North, Range 33 West  
Applicant/Architect: Barry Hoffmann with Hoffmann Architectural Inc.  
Owner: Summers Missionary Baptist Church / CHC/o Roland Bailey  
Location Address: 22055 & 22059 W. Highway 62 summers, AR 72769  
Approximately 16 acres / Proposed Land Use: church  
Coordinates: Longitude: 94° 29' 0.92" W Latitude: 35° 59' 34.92" N  
**Project #: 2012-143 Planner: Juliet Richey email: [JRichey@co.washington.ar.us](mailto:JRichey@co.washington.ar.us)**

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

### **CONDITIONAL USE PERMIT HEARING**

#### **County**

**e. Summers Missionary Baptist Church CUP Youth Center/Gymnasium** **(To be tabled at the request of the applicant).**

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

Location: Section 16, Township 15 North, Range 33 West  
Owner: Summers Missionary Baptist Church c/o Roland Bailey  
Applicant: Dax Morton  
Location Address: 22055 US HWY 62 West  
Approximately 13 acres. Proposed Land Use: Church multi-use building/gymnasium/youth center  
Coordinates: Latitude: 35.97703229, Longitude: -94.48436066  
**Project #: 2015-045 Planner: Juliet Richey email: [JRichey@co.washington.ar.us](mailto:JRichey@co.washington.ar.us)**

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

### **LAND DEVELOPMENT HEARING**

#### **County**

**f. Summers Missionary Baptist Church LSD Youth Center/Gymnasium** **(To be tabled at the request of the applicant)**

#### ***Preliminary Large Scale Development Approval Request***

Location: Section 16, Township 15 North, Range 33 West  
Owner: Summers Missionary Baptist Church c/o Roland Bailey  
Applicant: Dax Morton  
Location Address: 22055 US HWY 62 West  
Approximately 13 acres. Proposed Land Use: Church multi-use building/gymnasium/youth center  
Coordinates: Latitude: 35.97703229, Longitude: -94.48436066  
**Project #: 2015-046 Planner: Juliet Richey email: [JRichey@co.washington.ar.us](mailto:JRichey@co.washington.ar.us)**

*Chuck Browning made a motion to approve the agenda. Daryl Yerton seconded. All board members present 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 **October 1, 2015, and November 5, 2015.**
- Any other Planning Department or Planning Board business.

### **6. Old Business**

### **7. Adjourn**

Approved by the Planning Board on:

----- Date: -----  
Randy Laney, Planning Board Chairman