

**MINUTES**  
**WASHINGTON COUNTY PLANNING BOARD**  
**&**  
**ZONING BOARD OF ADJUSTMENTS**  
**Nov 10, 2016**  
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. Replat PT Lot 113 Wedington Woods (Unit 1) SD**

**Approved**

**CONDITIONAL USE PERMIT HEARINGS**

Fayetteville

**b. Huntsville Road Storage (Eastside Self Storage) CUP**

**Approved**

**LAND DEVELOPMENT HEARINGS**

Fayetteville

**c. Huntsville Road Storage (Eastside Self Storage) LSD**

**Approved**

**CONDITIONAL USE PERMIT HEARINGS**

County

**d. Meadows at River Mist CUP**

**(To be tabled at the applicant's request)**

**Tabled**

County

**e. White River Landing CUP**

**Approved**

**1. ROLL CALL:**

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

**2. APPROVAL OF MINUTES:** *Kenley Haley made a motion to approve the minutes of Oct 06, 2016. Daryl Yerton seconded. All board members were in favor of approving. Motion passed.*

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

**4. NEW BUSINESS**

**LAND DEVELOPMENT HEARINGS**

**County**

**a. Replat PT Lot 113 Wedington Woods (Unit 1) SD**

***Preliminary and Final Minor Subdivision Replat Approval Request***

Location: Section 05, Township 16 North, Range 31 West

Owners: Jonathan & Trista Green

Surveyor: Blew & Associates

Location Address: 13735/13741 Redbud Drive

Approximately 22.70 acres/ 2 lots. Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.08606956, Longitude: -94.29498601

**Project #: 2016-324 Planner: Nathan Crouch email: [NCrouch@co.washington.ar.us](mailto:NCrouch@co.washington.ar.us)**

**REQUEST:** The applicant is requesting Preliminary and Final Minor Subdivision Replat Approval of Replat PT Lot 113 Wedington Woods (Unit 1) Subdivision. The request is to split a 22.7 acre parcel into two tracts of 10.82 & 11.88 acres respectively.

**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 7, Rick Cochran.

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

**SCHOOL DISTRICT:** Farmington

**INFRASTRUCTURE:** **Water-** Washington Water Authority      **Electric-** Ozarks Electric  
**Natural Gas-** N/A      **Telephone-** AT&T      **Cable-** Cox

**BACKGROUND/ PROJECT SYNOPSIS:**

The property owners are Jonathan and Trista Green. The surveyor/applicant is Heath Myers of Blew & Associates. The applicant is requesting to divide a 22.7 acre parcel into two tracts. There is an existing shop building on the property at this time. (See attachments A-5 – A-7)

Parent Tract: 532-02981-000, 22.7 acres, 1 existing work shop building, Wedington Woods Subdivision (Unit 1).

Proposed Replat:

- Tract 1: 10.82 acres, 1 existing work shop building
- Tract 2: 11.88 acres, no existing structures

As this proposed split involves a lot platted in an existing subdivision, it must process as a Minor Subdivision Replat.

**TECHNICAL CONCERNS:**

**Sewer/Septic**

The two tracts will utilize individual septic systems. A Designated Representative of the Arkansas Health Department carried out a soil pit analysis and determined that "the soil is suitable for any Standard Septic system."

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

**Ozarks Electric (General Comments)**

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. Please contact Ozarks Electric if you have any questions.  
Wes Mahaffey at (479)263-2167 or [wmahaffey@ozarksecc.com](mailto:wmahaffey@ozarksecc.com)

**Ozarks Electric (Additional Comments)**

1. Ozarks will need 15ft. U.E. along existing underground line.  
**-Shown on current Plat**

The requested 15ft. Utility Easement has been delineated and is shown on the current plat.

### **Phone/Gas**

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

### **Washington Water Authority**

Josh Moore originally commented:

1. Tract 1 currently has water service.
2. Tract 2 may require a water main extension to get service on the property.
3. Put the 911 address of Tract #1 on the plat.
4. Any plat needing WWA signoff must be dropped off at the office and will have to be picked up later. The office will notify you when the plats are signed and you can pick them up. It might take a few days to get the signatures.
5. Water main extension will be at owner's cost.

Planning Staff and the Surveyor discussed lot configuration options that would meet the requirements of Washington Water Authority, eliminating the need for a water main extension. However, the lot configuration remained unchanged upon resubmittal. So at Planning Staff's recommendation the proposal was tabled (before the Oct 6<sup>th</sup> meeting) at the request of the applicant (Surveyor) to allow sufficient time for the Surveyor to discuss those options with the property owner.

The current proposal shows the lot lines reconfigured such that the water main extension is no longer required by Washington Water Authority. Upon review of the current proposal, Josh Moore stated, "It looks good from WWA."

### **Addressing**

There are currently two 911 addresses assigned to this property: 13735 & 13741 Redbud Drive.

### **Environmental**

No stormwater permit is 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**

Any work done in the County road right of way requires a permit from the road department. Any tile that may be installed must be sized by the road department.

Both tracts have 82ft of frontage onto Redbud Drive, WC-2156, which meets the minimum subdivision required frontage of at least 75 feet.

### **SITE VISIT:**

A site visit to this location was conducted during a related project last year. No issues were noted at that time.

### **NEIGHBOR COMMENTS:**

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

### **CHECKLIST:**

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

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

**STAFF RECOMMENDATION:**

**Staff recommends Preliminary and Final Plat Minor Subdivision approval of Replat PT Lot 113 Wedington Woods (Unit 1) Subdivision with the following conditions:**

**Road Conditions:**

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

**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).

**Washington Water Authority Conditions:**

1. Put 911 addresses of both tracts on the plat.
2. Any plat needing WWA signoff must be dropped off at the office and will have to be picked up later. The office will notify you when the plats are signed and you can pick them up. It might take a few days to get the signatures.
3. Water main extension will be at owner's cost.

**Standard Conditions:**

1. Pay neighbor notification mailing fees (\$74.48) within 30 days of project hearing. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 9/28/16).
2. 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.
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. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. All general plat checklist items must be corrected.
6. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
7. 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, Nathan Crouch, presented the staff report for the board members.*

*No Public comments.*

*Public Comments Closed.*

Robert Daugherty made a motion to approve the **Replat PT Lot 113 Wedington Woods (Unit 1) Subdivision** subject to staff recommendations. Daryl Yerton seconded. Walter Jennings and Chuck Browning were not present. Board Members Randy Laney, Daryl Yerton, Robert Daugherty, Cheryl West, and Kenley Haley were in favor of approving. Motion passed.

## **CONDITIONAL USE PERMIT HEARING**

### **Fayetteville**

#### **b. Huntsville Road Storage (Eastside Self Storage) CUP**

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

Location: Section 32, Township 16 North, Range 33 West

Owners: Shirley Combs

Surveyor: Blew & Associates

Location Address: E Huntsville Rd

Approximately 4.22 acres. Proposed Land Use: Commercial Storage Units

Coordinates: Latitude: 36.05711039, Longitude: -94.1114966

**Project #: 2016-325 Planner: Courtney McNair email: [CMcNair@co.washington.ar.us](mailto:CMcNair@co.washington.ar.us)**

**REQUEST:** Huntsville Road Storage (Eastside Self Storage) is requesting Conditional Use Permit Approval to allow 3 storage unit buildings that are each approximately 12000 sq ft in size on two parcels that total approximately 4.22 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 Fayetteville's Planning Area. The City did submit planning comments.

**QUORUM COURT DISTRICT:** District 15, Butch Pond / City Parcels: District 12, Sue Madison

**FIRE SERVICE AREA:** Round Mountain VFD / City of Fayetteville FD  
Fayetteville School District

**SCHOOL DISTRICT:**

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

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

The owner of this property is Shirley Combs. The engineer is Blew and Associates, and the developer is J&N Rent and Store, LLC.

**Huntsville Road Storage (Eastside Self Storage)** is requesting Conditional Use Permit Approval and Preliminary Large Scale Development Approval to allow 3 storage unit buildings (each approximately 12000 sq ft in size) on two parcels that total approximately 4.22 acres in size.

The applicant is also proposing a 6-foot tall chain link fence with a planting screen, security gate with key pad, and security cameras. They plan some outdoor storage (vehicle) along the north side of the proposed development.

This project is located in the City of Fayetteville's Planning Area, and adjacent to the City of Fayetteville. The developer plans to use parcels within the City Limits to access the proposed storage facility. They are also proposing an internally lit sign, security gate and keypad, and detention pond that are related to the storage facility, within the City Limits.

**Please see the attached letter from the applicant and site plans for further information.**

### **TECHNICAL CONCERNS:**

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

Fayetteville Water services this property. No onsite office building or restroom facilities are being requested.

The GPM fire flow was submitted and found to be adequate by the Fire Marshal.

The Washington County Fire Marshal's Office requires that two hydrants be placed on site in order to meet State Fire Code, and fire extinguishers are required to meet 75 feet of travel distance. The hydrants are shown on the plans, but the extinguishers must be added. Additionally, the Fire Marshal wants the hydrant in back to be brought up to the edge of the drive, out of the parking area in back, and put some concrete pillars around it so no one can hit it.

The applicant will be required to meet all City of Fayetteville standards in order to extend the water main to service the required hydrants. There is currently a 4-inch loop proposed to connect to the adjacent property. The City of Fayetteville provided comments that it must be an "8-inch line all the way through the site, and loop offsite to the 8-inch line in the trailer park (not the 4" line). There is a mix of 4" and 8" lines in the trailer park currently." This will need to be updated on the plans, and all proper easements will be required prior to construction plan approval.

The plans also show a gate near the entrance of the proposal for access control and security. This gate is required to be siren activated. Specifications have been submitted, and are under review by the Washington County Fire Marshal. The Siren Box needs to be set for 15 minutes (be in the stay in the open position for 15 minutes after activation). It must be in YELP mode. The applicant must contact the Fire Marshal for a live test every three months per manufacture specifications.

No turn radius can be less than 38-feet throughout the proposal, and no parking is allowed on the entrance drive. "No Parking" signs are shown, however, the Fire Marshal is requesting additional Fire Lane signage, "There should be a sign on the gate itself, and additional areas may need to be marked if they must be kept clear for fire apparatus access".

All drives must be a minimum of 26-feet wide and must be compacted to support 75,000lbs in all weather conditions. A statement will be required at Final LSD regarding compaction.

In order to ensure that the interior roads can be accessed by responding emergency vehicles, a Fire Truck Turn Model was required by the Fire Marshal prior to Conditional Use Permit approval. This has been submitted and is adequate.

**Architect plans shall be submitted prior to construction. Must be reviewed and approved by the Washington County's Fire Marshal's Office.**

**Sewer/Septic:**

No restroom facilities are proposed for this site. No soil work has been performed.

There is a large sewer transmission line crossing the property, but site elements should not have a negative impact on this easement.

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

This property is serviced by Ozarks Electric, Black Hills Energy, Cox Communications, and AT&T. Generally, any damage or relocation of existing facilities will be at the owner's expense.

Ozarks Electric also commented that any power line extension that has to be built to the property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed. Ozarks also provided a diagram to the engineer that showed easements needed to supply power and keep existing utilities in the U.E. These have been updated on the plans.

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

This project is proposing a single access drive connecting to AR Highway 16 E (E. Huntsville Road). A permit from the Arkansas Highway and Transportation Department (AHTD) is required prior to any work being completed in the right-of-way.

A sight distance diagram has been submitted and is adequate.

**Drainage:**

The Washington County Contract Engineer has reviewed the corrected drainage report for this project and had an additional comment, "Pre vs Post Study Point No 1 shows an increase of 6.54 cfs and decrease in flow at Study Point No 2 due to a portion of pre-development subbasin 2 being routed to the proposed detention area.

A third study point should be considered downstream that incorporates the subbasins and any additional off-site areas to determine the overall pre vs post condition flows. This would account for routing water through all subbasins within the development and determining the peak flow leaving the site. See attached marked-up exhibits from the drainage report as an example for Study Point No 3.”

The portion of this project within city limits must comply with all City of Fayetteville requirements. A grading permit will be required through the City of Fayetteville for work on the proposed detention pond.

**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:**

The applicant has submitted specifications for “full cutoff” wall pack lighting. Full cutoff lighting is lighting that does not have any direct uplight (no light emitted above horizontal-only toward the ground) and must have reduced glare. They provided some lighting diagrams, but those were unclear. Staff has requested additional lighting information. In addition to the updated lighting diagram, staff has asked the applicant to indicate whether the lights will be on 24/7, or if they will be timed or motion activated.

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.

The applicant is proposing to leave the existing vegetation intact on the north and east property lines. They are proposing to plant 66, one gallon, Carolina Jessamine, an Arkansas native species, along a 6-foot high chain-link fence on the east property line. The south property line is within the City of Fayetteville and will be where the entrance drive connects to Highway 16 E. (Huntsville Road).

A sign is proposed to be located within the City of Fayetteville portion of the site, near Highway 16 E. (Huntsville Road). The applicant is aware that this sign is contingent on City of Fayetteville rezoning approval, and that they must follow all City of Fayetteville requirements regarding the proposed sign.

**City of Fayetteville Concerns:**

The City of Fayetteville submitted comments in response to this proposal (the original submittal). They have concerns with the compatibility of this proposed use. The proposed use does not meet their Future Land Use designation, and “could adversely impact the public interest including the adjoining and surrounding residents and property owners in the vicinity”. Please see the attached letter from Mr. Garner, City of Fayetteville Planning Director.

**COMPATIBILITY CONCERNS:**

**Surrounding Density/Uses:**

The surrounding uses are primarily single family residential. There is also some agricultural and residential agricultural (to the north and east), and light commercial uses (within the City Limits). The site is currently vacant with no structures.

The adjoining property use to the north is residential; to the east is light commercial (a repair type shop), residential, and agricultural; to the south is The Bar-B-Q Place, a small restaurant (within the City Limits); across Huntsville Road is residential; and to the west is a residential mobile home park.

Staff had several concerns when this project was initially submitted about the compatibility of this type of use with the surrounding residences. The applicant has taken several steps that staff feels will help mitigate these concerns. The applicant is proposing to leave existing vegetation in most areas, and is adding a planted chain link fence for security and screening along the west property line. They have also submitted a Landscape Maintenance plan to keep the vegetation in good condition, and a Grounds-keeping Maintenance Schedule with daily and weekly cleaning detailed. Staff is expecting more information on the lighting proposal, but does feel that the choice of lighting fixtures is appropriate.

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

According to the County’s Land Use Plan,

## A. LAND USE CONSIDERATIONS

### 3. GENERAL COMMERCIAL

Again, the goal of retaining the rural aspects of the county should remain a priority. Other goals to be met in general commercial land use are:

- a. Provision of accessible, convenient and attractive commercial locations, while avoiding or minimizing commercial development where inadequate or substandard infrastructure exists; **This site does have good access as it is located on Highway 16 E. (Huntsville Road), there are utilities and fire protection available.**
- b. Location of general commercial development at the intersection of major roads for convenient access, and to discourage strip commercial development; **This is not at an intersection, but is located off a major highway. There is some adjacent light commercial use.**
- c. Identification of areas within the county for future general commercial development;
- d. Encouragement of attractive, safe and sanitary commercial development with adequate fire protection, utilities, and access; **This proposed site has access to adequate fire protection, utilities and access.**
- e. Discouraging the indiscriminate mixing of commercial development into residential and agricultural areas; and, **Staff does not feel that this is indiscriminate. Many conditions have been added to protect the surrounding neighbors, and this is in an area that does have some adjacent light commercial use.**
- f. Provision of safe, adequate, and regulated access to commercial areas. **The applicant is proposing one driveway entrance onto Highway 16 E. (Huntsville Road)**

In order to realize these goals, the county should take the following actions:

- a. Adopt zoning regulations, and update subdivision regulations to guide commercial development;
- b. Encourage planned, integrated commercial areas by discouraging spot commercial development in residential neighborhoods and agricultural areas, and the stringing out of commercial development along roads;
- c. Adopt a future land use map, which identifies potential commercial locations; Adopt codes to insure safe and sanitary development;

Through zoning, restrict the location of new general commercial development to commercial nodes and/or with certain conditions;

- a. Restrict non-commercial, incompatible uses from locating in areas designated for general commercial uses;
- b. Assure traffic safety by guaranteeing sufficient off-street parking, off-street loading facilities, and well-located ingress and egress points; **This project has one proposed entrance on to Highway 16 E. (Huntsville Road), with adequate sight distance.**
- c. Provide adequate physical screening, and open areas to serve as a buffer between the commercial uses and abutting residential areas or agricultural areas; and, **This proposal includes leaving a majority of the existing edge vegetation intact as well as adding additional screening plant material.**
- d. Encourage attractiveness by designing areas to integrate with residential areas.

#### **Future Land Use Plan**

The Future Land Use Plan for this area is for Residential-Compatible to the surrounding area. While this proposal is not residential, staff has worked with the applicant to put site elements in place that help make it more compatible.

### **SITE VISIT:**

A site visit was conducted by Planning Staff. We met with the applicants onsite to discuss potential concerns. At that meeting, Planning Staff and the developer agreed that in several locations, the edge vegetation was already providing a good screen to the residential and agricultural neighbors. The applicant has agreed to leave much of this edge vegetation intact in order to retain the natural screen.

### **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 called with general questions. One neighbor submitted comments in favor of the project, but asking that the existing vegetation on the north property line be left intact. The applicant has agreed to leave much of that vegetation.

Planning staff has also heard from another neighbor over lighting concerns. Planning Staff is waiting for additional information to review on the lighting plan for this project.

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

### **STAFF RECOMMENDATION:**

The applicant has taken several steps that staff feels will help mitigate compatibility concerns. The applicant is proposing to leave existing vegetation in most areas, and is adding a planted chain link fence for security and screening along the west property line. They have also submitted a Landscape Maintenance plan to keep the vegetation in good condition, and a Grounds-keeping Maintenance Schedule with daily and weekly cleaning detailed. Staff is expecting more information on the lighting proposal, but does feel that the choice of lighting fixtures is appropriate.

### **Staff recommends approval of the proposed Huntsville Road Storage (Eastside Self Storage) Conditional Use Permit with the following conditions:**

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

1. Washington County Fire Marshal's Office requires that two hydrants be placed on site in order to meet State Fire Code. The hydrant in back to be brought up to the edge of the drive, out of the parking area in back, and put some concrete pillars around it so no one can hit it.
2. Fire extinguishers are required to meet 75 feet of travel distance. The extinguishers must be added to the LSD plans.
3. The applicant will be required to meet all City of Fayetteville standards in order to extend the water main to service the required hydrants.
4. The water line must be an 8-inch line all the way through the site, and loop offsite to the 8-inch line in the trailer park (not the 4" line). This will need to be updated on the plans.
5. All required easements must be obtained prior to construction plan approval.
6. The entrance gate is required to be siren activated.
7. The Siren Box needs to be set for 15 minutes (be in the stay in the open position for 15 minutes after activation). It must be in YELP mode. The applicant must contact the Fire Marshal for live test every three months per manufacture specifications.
8. No turn radius can be less than 38-feet throughout the proposal
9. No parking is allowed on the entrance drive.
10. In addition to the "no parking" signs shown on the plans, there should be a "no parking" sign on the gate itself, and additional areas may need to be marked if they must be kept clear for fire apparatus access.
11. All drives must be a minimum of 26-feet wide and must be compacted to support 75,000lbs in all weather conditions. A statement will be required at Final LSD regarding compaction.
12. Architect plans shall be submitted prior to construction. Must be reviewed and approved by the Washington County's Fire Marshal's Office.

#### **Sewer/Septic Conditions:**

1. No restroom facilities are approved with this proposal.
2. There must be no interference with the large sewer transmission line crossing the property.

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

1. Generally, any damage or relocation of existing facilities will be at the owner's expense.

2. Ozarks Electric also commented that any power line extension that has to be built to the property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed. Ozarks also provided a diagram to the engineer that showed easements needed to supply power and keep existing utilities in the U.E. These have been updated on the plans.

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

1. A permit from the Arkansas Highway and Transportation Department (AHTD) is required prior to any work being completed in the right-of-way.

**Drainage Conditions:**

1. The Washington County Contract Engineer has reviewed the corrected drainage report for this project and had an additional comment, "Pre vs Post Study Point No 1 shows an increase of 6.54 cfs and decrease in flow at Study Point No 2 due to a portion of pre-development subbasin 2 being routed to the proposed detention area. A third study point should be considered downstream that incorporates the subbasins and any additional off-site areas to determine the overall pre vs post condition flows. This would account for routing water through all subbasins within the development and determining the peak flow leaving the site. See attached marked-up exhibits from the drainage report as an example for Study Point No 3."
2. This project must also comply with all City of Fayetteville requirements. A grading permit will be required through the City of Fayetteville for work on the proposed detention pond.

**City of Fayetteville Engineering Conditions:**

1. Part of this project is located within the City of Fayetteville city limits. The portion of this project proposed in the city limits includes the addition of approximately 22,000 square feet of new impervious surface. This portion of the project will be required to show compliance with the 4 minimum standards of the city's drainage criteria manual and will be required to submit a grading permit application for review and approval prior to start of work. The applicant should review the recent changes to the drainage manual located here prior to detailed design work: <http://www.fayetteville-ar.gov/DocumentCenter/Home/View/10546>.
2. The remaining portion of this project is located outside the city limits and should meet all drainage requirements per county standards. The portion of this project located in the county is proposed to drain back into the city limits, be detained in an earthen pond, and be released within the city limits. Therefore, the drainage design for the county portion of this project must be reviewed and approved as part of the grading permit for the city of Fayetteville as mentioned above to ensure compliance with county standards.

**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).

**Signage/Lighting/Screening Conditions:**

1. Additional lighting information is needed. In addition to an updated lighting diagram, staff has asked the applicant to indicate whether the lights will be on 24/7, or if they will be timed or motion activated.
2. 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.
3. The applicant must leave the existing vegetation intact on the north and east property lines
4. The applicant must leave a portion of the south property line vegetation intact, as indicated on the plans.
5. For screening purposes, the applicant must plant a screening buffer, along a 6-foot high chain-link fence on the east property line, as indicated in the plans.
6. A sign is proposed to be located within the City of Fayetteville portion of the site, near Highway 16 E. (Huntsville Road). The applicant is aware that this sign is contingent on City of Fayetteville rezoning approval, and that they must follow all City of Fayetteville requirements regarding the proposed sign.

**Standard Conditions:**

1. This project should be developed generally as stated in the applicant's CUP letter, as detailed on the plans, and with additional conditions proposed by staff. It is understood that there may be slight variations.
2. Pay neighbor notification mailing fees (\$185.85) within 30 days of project hearing. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 11/1/16).

3. Pay engineering fees. This total will be calculated at the Final LSD phase for this project once all invoices are received.
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. A statement from the applicant, owner, architect or engineer must be submitted prior to the building being occupied that says the building, parking, and access, are in compliance with all ADA regulations.
6. Hours of operation must be generally as stated (7:00 am- 8:00 pm).
7. The Landscape Maintenance and Grounds-Keeping Maintenance Schedule must be generally followed as proposed.
8. **This CUP must be ratified by the Quorum Court. No CUP is fully approved until it is ratified by the Quorum Court and the appeal period has passed.**
9. The County Ordinance allows for an appeal period (for any party: applicant, neighbor, member of the public, etc) within 30 days of the Planning Board/ZBA approval. Even if the Quorum Court ratifies the CUP; the right of appeal remains until the 30 days has passed. If an appeal is filed within the 30 day period then a subsequent hearing will be scheduled and held by the Quorum Court.
10. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
11. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - a. This project requires additional review (Subdivision or Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.

Additional Conditions agreed upon by the applicant and neighbors:

1. Regarding the neighbors to the North:
  - Lighting: We ask that every possible effort be made to use a lighting design that keeps lighting on the site, thereby minimizing the lighting impacts to our property. Following our conversation with Nathan and visit to the site, we are more assured that the proposed lighting will be well contained to the site with the current design which locates lights at the corners of the buildings and directs the lighting in a downward cast.
  - Vegetative buffer and clearing: We request that every effort be made to minimize the removal of vegetation along our property boundary. We agree with the guideline of removing vegetation of 4" diameter or less, which has been applied to other property boundaries. We would like to see that same guidance applied along our property boundary as well. We had a great discussion with Nathan with regard to the vegetative buffer and he invited us to come out again when they begin working on the fencing to further provide input on the vegetative clearing. We sincerely appreciate his willingness to continue the conversation about the vegetative buffer.
  - Fencing: After meeting with Nathan, visiting the site and discussing the vegetative buffer options, we feel much more at ease about the fencing. We agree with the proposed 6' chain-link fence with Carolina jessamine planted as an additional vegetative buffer (on the north line in addition to the west line).
2. Regarding the neighbors to the East:
  - Prefer to be as close to the existing fence/property line as possible. Under-brush may be cut back, but large trees must be protected.
  - Prefer to have barbed wire on top for added security.
  - Keep the grading as close to three feet of fill or less to minimize impact to adjacent residences on the South / East side.

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

*Daryl Yerton, Planning Board Member, asked "The property that is in the dog leg of the notch, Is that a rental property?"*

*Courtney McNair, Washington County Senior Planner, replied "Yes, I assume so. We notify the property owner."*

*Nathan Harries, Applicant for project, answered "Yes, that's a duplex rental property."*

*No Public comments.*

*Public Comments Closed.*

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

## **LAND DEVELOPMENT HEARING**

### **Fayetteville**

#### **c. Huntsville Road Storage (Eastside Self Storage) LSD**

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

Location: Section 32, Township 16 North, Range 33 West

Owners: Shirley Combs

Surveyor: Blew & Associates

Location Address: E Huntsville Rd

Approximately 4.22 acres. Proposed Land Use: Commercial Storage Units

Coordinates: Latitude: 36.05711039, Longitude: -94.11114966

**Project #: 2016-326 Planner: Courtney McNair email: [CMcNair@co.washington.ar.us](mailto:CMcNair@co.washington.ar.us)**

**REQUEST:** **Huntsville Road Storage (Eastside Self Storage)** is requesting Preliminary Large Scale Development Approval to construct 3 storage unit buildings that are each approximately 12000 sq ft in size on two parcels that total approximately 4.22 acres in size.

**CURRENT ZONING:** Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre). This project is contingent on if CUP 2016-325 receives approval. All conditions of CUP 2016-325 will apply to this project.

**PLANNING AREA:** This project is located within Fayetteville's Planning Area. The City did submit planning comments.

**QUORUM COURT DISTRICT:** District 15, Butch Pond / City Parcels: District 12, Sue Madison

**FIRE SERVICE AREA:** Round Mountain VFD / City of Fayetteville FD

**SCHOOL DISTRICT:** Fayetteville School District

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

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

The owner of this property is Shirley Combs. The engineer is Blew and Associates, and the developer is J&N Rent and Store, LLC.

**Huntsville Road Storage (Eastside Self Storage)** is requesting Preliminary Large Scale Development Approval to allow 3 storage unit buildings that are each approximately 12000 sq ft in size on two parcels that total approximately 4.22 acres in size.

The applicant is also proposing a 6-foot tall chain link fence with a planting screen, security gate with key pad, and security cameras. They plan some outdoor storage (vehicle) along the north side of the proposed development.

This project is located in the City of Fayetteville's Planning Area, and adjacent to the City of Fayetteville. The developer plans to use parcels within the City Limits to access the proposed storage facility. They are also proposing an internally lit sign, security gate and keypad, and detention pond that are related to the storage facility, within the City Limits.

Please see the attached letter from the applicant and site plans for further information.

### **TECHNICAL CONCERNS:**

**Water/Plumbing/Fire Issues:**

Fayetteville Water services this property. No onsite office building or restroom facilities are being requested.

The GPM fire flow was submitted and found to be adequate by the Fire Marshal.

The Washington County Fire Marshal's Office requires that two hydrants be placed on site in order to meet State Fire Code, and fire extinguishers are required to meet 75 feet of travel distance. The hydrants are shown on the plans, but the extinguishers must be added. Additionally, the Fire Marshal wants the hydrant in back to be brought up to the edge of the drive, out of the parking area in back, and put some concrete pillars around it so no one can hit it.

The applicant will be required to meet all City of Fayetteville standards in order to extend the water main to service the required hydrants. There is currently a 4-inch loop proposed to connect to the adjacent property. The City of Fayetteville provided comments that it must be an "8-inch line all the way through the site, and loop offsite to the 8-inch line in the trailer park (not the 4" line). There is a mix of 4" and 8" lines in the trailer park currently." This will need to be updated on the plans, and all proper easements will be required prior to construction plan approval.

The plans also show a gate near the entrance of the proposal for access control and security. This gate is required to be siren activated. The Siren Box needs to be set for 15 minutes (be in the stay in the open position for 15 minutes after activation). It must be in YELP mode. The applicant must contact the Fire Marshal for live test every three months per manufacture specifications.

No turn radius can be less than 38-feet throughout the proposal, and no parking is allowed on the entrance drive. "No Parking" signs are shown, however, the Fire Marshal is requesting additional Fire Lane signage, "There should be a sign on the gate itself, and additional areas may need to be marked if they must be kept clear for fire apparatus access".

All drives must be a minimum of 26-feet wide and must be compacted to support 75,000lbs in all weather conditions. A statement will be required at Final LSD regarding compaction.

In order to ensure that the interior roads can be accessed by responding emergency vehicles, a Fire Truck Turn Model was required by the Fire Marshal prior to Conditional Use Permit approval. This has been submitted and is adequate.

**Architect plans shall be submitted prior to construction. Must be reviewed and approved by the Washington County's Fire Marshal's Office.**

**Health Department Issues:**

This proposed addition will not have any type of restroom facilities, and therefore will not be connected to a septic system.

**Electric/Phone:**

This project is serviced by Ozarks Electric, AT&T, SourceGas, and Cox Communications. Generally, any relocation of existing facilities will be at the developer's expense.

Ozarks Electric also commented that any power line extension that has to be built to the property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed. Ozarks also provided a diagram to the engineer that showed easements needed to supply power and keep existing utilities in the U.E. These have been updated on the plans.

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

This project is proposing a single access drive connecting to AR Highway 16 E (E. Huntsville Road). A permit from the Arkansas Highway and Transportation Department (AHTD) is required prior to any work being completed in the right-of-way.

A sight distance diagram has been submitted and is adequate.

**Drainage:**

The Washington County Contract Engineer has reviewed the corrected drainage report for this project and had an additional comment, "Pre vs Post Study Point No 1 shows an increase of 6.54 cfs and decrease in flow at Study Point No 2 due to a portion of pre-development subbasin 2 being routed to the proposed detention area.

A third study point should be considered downstream that incorporates the subbasins and any additional off-site areas to determine the overall pre vs post condition flows. This would account for routing water through all subbasins within the development and determining the peak flow leaving the site. See attached marked-up exhibits from the drainage report as an example for Study Point No 3.”

This project must also comply with all City of Fayetteville requirements. A grading permit will be required through the City of Fayetteville for work on the proposed detention pond.

**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).

**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 called with general questions. One neighbor submitted comments in favor of the project, but asking that the existing vegetation on the north property line be left intact. The applicant has agreed to leave much of that vegetation.

Planning staff has also heard from another neighbor over lighting concerns. Planning Staff is waiting for additional information to review on the lighting plan for 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.

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		✓	

**Checklist items remaining: (highlighted)**

(9)	All LSD Plans presented to the planning board and filed for record shall note the <b>uses</b> of adjacent property. The determination of said use shall be the <b>responsibility of the developer.</b> (sec. 13-1)
(10)	Existing roads, streets, culverts, railroads, and other features: The <i>LSD plan</i> shall show the location, name, width, surface type, <b>surface condition</b> and right-of-way width of all existing or platted roads, streets or other public ways within or adjacent to the proposed improvement, including features such as existing permanent buildings, water courses, railroads, municipal corporation limits, county's state lines, planning district limits, oil and gas lines or wells, abandoned wells and dry holes.
(15)	Plat and deed restrictions: Restrictions, if any, with use and perimeters defined. Plat restrictions should be certified as to current legality by a member of the Arkansas Bar. <b>Are there any?</b>
(17)	<i>If none, add a note to the plans stating there are none. (Signature Block 6)</i> Street typical sections and pavements sections for each classification of street.

**Additional Plan corrections:**

- Remove signature blocks until Final Large Scale Development Plans are submitted.

**STAFF RECOMMENDATION: Staff recommends approval of the proposed Huntsville Road Storage (Eastside Self Storage) Preliminary Large Scale Development with the following conditions:**

**Water/Plumbing/Fire Conditions:**

1. Washington County Fire Marshal's Office requires that two hydrants be placed on site in order to meet State Fire Code. The hydrant in back to be brought up to the edge of the drive, out of the parking area in back, and put some concrete pillars around it so no one can hit it.
2. Fire extinguishers are required to meet 75 feet of travel distance. The extinguishers must be added to the LSD plans.
3. The applicant will be required to meet all City of Fayetteville standards in order to extend the water main to service the required hydrants.
4. The water line must be an 8-inch line all the way through the site, and loop offsite to the 8-inch line in the trailer park (not the 4" line). This will need to be updated on the plans.
5. All required easements must be obtained prior to construction plan approval.
6. The entrance gate is required to be siren activated.
7. The Siren Box needs to be set for 15 minutes (be in the stay in the open position for 15 minutes after activation). It must be in YELP mode. The applicant must contact the Fire Marshal for live test every three months per manufacture specifications.
8. No turn radius can be less than 38-feet throughout the proposal
9. No parking is allowed on the entrance drive.
10. In addition to the "no parking" signs shown on the plans, there should be a "no parking" sign on the gate itself, and additional areas may need to be marked if they must be kept clear for fire apparatus access.
11. All drives must be a minimum of 26-feet wide and must be compacted to support 75,000lbs in all weather conditions. A statement will be required at Final LSD regarding compaction.
12. **Architect plans shall be submitted prior to construction. Must be reviewed and approved by the Washington County's Fire Marshal's Office.**
13. **The Fire Marshal will inspect all improvements prior to the building being occupied.**

**Sewer/Septic Conditions:**

1. No restroom facilities are approved with this proposal.
2. There must be no interference with the large sewer transmission line crossing the property.

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

1. Generally, any damage or relocation of existing facilities will be at the owner's expense.
2. Ozarks Electric also commented that any power line extension that has to be built to the property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed. Ozarks also provided a diagram to the engineer that showed easements needed to supply power and keep existing utilities in the U.E. These have been updated on the plans.

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

1. A permit from the Arkansas Highway and Transportation Department (AHTD) is required prior to any work being completed in the right-of-way.

**Drainage Conditions:**

1. The Washington County Contract Engineer has reviewed the corrected drainage report for this project and had an additional comment, "Pre vs Post Study Point No 1 shows an increase of 6.54 cfs and decrease in flow at Study Point No 2 due to a portion of pre-development subbasin 2 being routed to the proposed detention area. A third study point should be considered downstream that incorporates the subbasins and any additional off-site areas to determine the overall pre vs post condition flows. This would account for routing water through all subbasins within the development and determining the peak flow leaving the site. See attached marked-up exhibits from the drainage report as an example for Study Point No 3."
2. This project must also comply with all City of Fayetteville requirements. A grading permit will be required through the City of Fayetteville for work on the proposed detention pond.

**City of Fayetteville Engineering Conditions:**

1. Part of this project is located within the City of Fayetteville city limits. The portion of this project proposed in the city limits includes the addition of approximately 22,000 square feet of new impervious surface. This portion of the project will be required to show compliance with the 4 minimum standards of the city's drainage criteria manual and will be required to submit a grading permit application for review and approval prior to start of work. The applicant should review the recent changes to the drainage manual located here prior to detailed design work: <http://www.fayetteville-ar.gov/DocumentCenter/Home/View/10546>.
2. The remaining portion of this project is located outside the city limits and should meet all drainage requirements per county standards. The portion of this project located in the county is proposed to drain back into the city limits, be detained in an earthen pond, and be released within the city limits. Therefore, the drainage design for the county portion of this project must be reviewed and approved as part of the grading permit for the city of Fayetteville as mentioned above to ensure compliance with county standards.

**Environmental Conditions:**

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

**Addressing Conditions:**

1. The applicant must apply for a 911 address to be assigned.

**Signage/Lighting/Screening Conditions:**

1. Additional lighting information is needed. In addition to an updated lighting diagram, staff has asked the applicant to indicate whether the lights will be on 24/7, or if they will be timed or motion activated.
2. 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.
3. The applicant must leave the existing vegetation intact on the north and east property lines
4. The applicant must leave a portion of the south property line vegetation intact, as indicated on the plans.
5. For screening purposes, the applicant must plant a screening buffer, along a 6-foot high chain-link fence on the east property line, as indicated in the plans.
6. A sign is proposed to be located within the City of Fayetteville portion of the site, near Highway 16 E. (Huntsville Road). The applicant is aware that this sign is contingent on City of Fayetteville rezoning approval, and that they must follow all City of Fayetteville requirements regarding the proposed sign.

**Additional and Standard Conditions:**

1. **Please note that most of these conditions are similar to the ones on CUP 2016-325, however, there are differences between the projects. Take care to read ALL conditions carefully.**
2. Make the required corrections to the plans:

**Checklist items remaining: (highlighted)**

(9)	All LSD Plans presented to the planning board and filed for record shall note the <b>uses</b> of adjacent property. The determination of said use shall be the responsibility of the developer. (sec. 13-1)
(10)	Existing roads, streets, culverts, railroads, and other features: The <i>LSD plan</i> shall show the location, name, width, surface type, <b>surface condition</b> and right-of-way width of all existing or platted roads, streets or other public ways within or adjacent to the proposed improvement, including features such as existing permanent buildings, water courses, railroads, municipal corporation limits, county's state lines, planning district limits, oil and gas lines or wells, abandoned wells and dry holes.
(15)	Plat and deed restrictions: Restrictions, if any, with use and perimeters defined. Plat restrictions should be certified as to current legality by a member of the Arkansas Bar. <b>Are there any?</b> <i>If none, add a note to the plans stating there are none. (Signature Block 6)</i>
(17)	Street typical sections and pavements sections for each classification of street.

**Additional Plan corrections:**

- Remove signature blocks until Final Large Scale Development Plans are submitted.
3. This project should be developed generally as stated in the applicant's CUP letter, as detailed on the plans, and with additional conditions proposed by staff. It is understood that there may be slight variations.
  4. **All conditions approved with project 2016-325 shall apply to this project.**
  5. Pay neighbor notification mailing fees (\$185.85) within 30 days of project hearing. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 11/1/16).
  6. Pay engineering fees. This total will be calculated at the Final LSD phase for this project once all invoices are received.
  7. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
  8. A statement from the applicant, owner, architect or engineer must be submitted prior to the building being occupied that says the building, parking, and access, are in compliance with all ADA regulations.
  9. Hours of operation must be generally as stated (7:00 am- 8:00 pm).
  10. The Landscape Maintenance and Grounds-Keeping Maintenance Schedule must be generally followed as proposed.
  11. **The Preliminary Large Scale Development approval is contingent on the Conditional Use Permit (CUP) approval. This includes Planning Board/ Zoning Board of Adjustments (PB/ZBA) CUP approval, CUP Ratification by the Quorum Court, and no CUP appeal being filed within 30 days of the PB/ZBA approval.**
  12. **Prior to construction, all updated site and building plans must be submitted to the Planning Office and approved (2 copies for review).**
  13. **No construction may begin until Preliminary LSD Plans (2 copies) have been submitted with all corrections shown and approved by Planning Staff.**
  14. Once construction is commenced, it is the applicant's responsibility to inform the Planning Office.
  15. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
  16. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
    - (a) Construction must commence within 12 months of this approval or Preliminary LSD approval will be void.
  17. **Final Large Scale Development approval will be required prior to occupation of this proposed office building.**

*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 **Huntsville Road Storage (Eastside Self Storage) LSD** subject to staff recommendation. Daryl Yerton seconded. Walter Jennings and Chuck Browning were not present.*

Board Members Randy Laney, Daryl Yerton, Robert Daugherty, Cheryl West, and Kenley Haley were in favor of approving. Motion passed.

## **CONDITIONAL USE PERMIT HEARING**

### **County**

#### **d. Meadows at River Mist CUP**

**Tabled at the Request of the Applicant**

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

Location: Section 06, Township 17 North, Range 28 West

Owners: Bank of Fayetteville

Applicant: Jamal Parker, Parker Enterprises & Memphis Synder, FH&G Properties, LLC

Engineer: Charles Presley

Location Address: Intersection of E Hwy 412 and WC 386

Approximately +/- 65.35 acres/155 lots Proposed Land Use: Residential Subdivision

Coordinates: Latitude: 36.17437745, Longitude: -94.01026113

**Project #: 2016-249 Planner: Juliet Richey email: [JRichey@co.washington.ar.us](mailto:JRichey@co.washington.ar.us)**

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

### **County**

#### **e. White River Landing CUP**

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

Location: Section 09, Township 15 North, Range 30 West

Owner: Terry Presley

Applicant: Terry Presley

Location Address: 5241 Shaeffer Rd

Approximately 7.24 acres Proposed Land Use: Wedding Barn/ Event Center

Coordinates: Latitude: 35.98965276, Longitude: -94.16338163

**Project #: 2016-277 Planner: Nathan Crouch email: [NCrouch@co.washington.ar.us](mailto:NCrouch@co.washington.ar.us)**

**REQUEST: Conditional Use Permit approval to allow a wedding/event center on a parcel of land that is 7.24 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 Greenland's planning area. Staff has not received any comments from Greenland to date.

**QUORUM COURT DISTRICT:** District 14, Ann Harbison **FIRE SERVICE AREA:** West Fork Rural  
**SCHOOL DISTRICT:** Greenland

**INFRASTRUCTURE: Water-** Fayetteville Water **Electric-** SWEPCO **Natural Gas-** Black Hills  
**Telephone-** AT&T **Cable-** Cox

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

The owner/applicant of this property is Terry Presley. The property is located east of Greenland off Shaeffer Road WC # 69 (see Vicinity map, page E-9, and Site map, page E-10). This CUP request is to allow a wedding/event center on a property that is approximately 7.24 acres in size, and currently zoned for Agricultural and Single Family Residential uses. This project does not require formal approval by the City of Greenland as the applicants are not proposing a split, but the County will receive the City's comments and consider possible conditions via the CUP process. Please see the applicant's detailed letter of explanation (See attached Letter of Explanation, page E-12). Any alcoholic beverages will be catered by persons using the facilities, not by the owner. The primary issue with this project is compatibility with surrounding single family residential & agricultural uses.

## **TECHNICAL CONCERNS:**

### **Water/Plumbing:**

Fayetteville Water services the property. A water easement was established in 2005, providing access for the service line from the house to the water main (see water easement attachment, page E-13 – E-14). Corey Granderson, of Fayetteville Water, commented that “water use demand and meter sizing should be coordinated with City of Fayetteville Water Department to ensure serviceability.

### **Fire Issues:**

The entry to the development onto Shaeffer Rd is 65ft north of the existing residential driveway, and 26ft wide. The fire lane (see Site Plan attachment, page E-15) must be 24ft wide at minimum and constructed with gravel compacted to support 75,000 lbs in all weather conditions. The fire lane loops around the portion of the property east of the existing shop building, with 51 parking spaces, and an additional 3 handicapped parking spaces at the front of the building. The fire lane must be kept clear of parked cars, etc., and all turning radii must be no less than 38ft. to accommodate the larger tankers that would respond should a fire emergency take place. If overflow parking is needed, it will be located between the fire lane entry and the residential driveway, just to the east of the pond.

The proposed floorplan includes a covered patio area on the south and west sides of the building. No tables or chairs may be used in this space. No cooking, or grilling, may take place anywhere within 20’ of the roof line. A separate covered grilling area is proposed to the south of the southwest corner of the building, and a smoking area just to the west of that.

The nearest fire hydrant is approximately 1.5 miles to the south, in the Homestead Addition subdivision. The hydrant has a fire flow of 1,272 gpm, considered adequate by the fire marshal, in regard to use as a fill hydrant for tanker support.

Based on the floor plan provided by the applicant (see Floor Plan attachment, page E-16), the bldg. will be approx. 5,970 sq ft after the renovations, with 4,069 sq ft. enclosed, and 1900 sq ft open sided (covered patio). The fire marshal has classified the bldg., including the proposed improvements, an A2, which does not require a fire suppression (fire sprinkler) system, and has a maximum occupancy load of 100 people. The maximum occupancy must be posted inside the bldg. All fire exits must be marked with signs, lights, and fire extinguishers must be placed according to state fire code.

Architect’s plans are required at Preliminary Large Scale Development if the CUP is approved. The architect may have additional requirements.

### **Septic:**

The existing home utilizes an existing individual septic system. Its condition is unknown, as the DR did not check the system. The existing home will not be used as part of the proposed Commercial use.

The building associated with the CUP proposes to utilize a separate individual septic system as well. The system has been designed, and the permit was approved by the Arkansas Department of Health on 8/31/2016. It appears adequate for the proposed use.

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

Ozarks Electric provided general comments.

1. Any damage or relocation of existing facilities will be at owner’s expense.
2. Any power line extension that has to be built to this property will be at the owner’s expense. The cost will be determined after the owner makes application for electric service and the line has been designed.

3. Please contact Ozarks Electric if you have any questions.  
Wes Mahaffey at (479)263-2167 or wmahaffey@ozarksecc.com

Black Hills Energy, Cox Communications, and AT&T provided no comments.

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

This CUP proposal site takes access off Shaeffer Road, WC-69. Adequate sight distance at the proposed driveway was initially of concern to staff. The posted speed limit on Shaeffer Rd is 25mph, which has a 280ft requirement of clear, unobstructed sight distance. The survey provided by Cagle & Associates (see Survey attachment, page E-17) shows 291ft of sight distance to the north, and in excess of 475ft to the south. Staff feels the sight distance was achieved due to the applicant clearing some vegetation from the northeast corner of the property. An ongoing condition of approval will be to keep that portion of the property clear of sight obstructing vegetation in the future, especially during commercial operation, if approved. (Sight Distance was also evaluated in the Traffic Study and found to be adequate.)

Additionally, Matt Mihalevich, the City of Fayetteville's Trail Coordinator, submitted the Northwest Arkansas Bike & Pedestrian Plan, adopted by the Regional Planning Commission in Dec. 2015 (see Walk Bike NWA attachment, page E-18). It shows Shaeffer Road as a Proposed Shared Roadway on the paved portion, and a Gravel Grinding Route on the gravel portion, extending north to Lake Wilson.

At the September meeting, it was stated that Planning Staff, the County Road Superintendent, Charles Ward, the County Road Assistant Superintendent, Brad Phillips, and the County Contract Engineer, Dylan Cobb, all expressed concerns about Shaeffer Road's ability to carry the volume of traffic the proposal calls for. Concerns were in regard to drainage, subgrade, width, ability of the road to support the increase in traffic, private utilities in ditches, relocation of utilities, lack of right-of-way, safety, sight distance, and whether the road should be widened or paved up to the project site. Based on these concerns Planning Staff required the applicant to provide a full traffic study.

The Traffic Study was received Sep. 23<sup>rd</sup>. It was reviewed by Planning, Roads, and County Contract Engineer. Please see the study, and Staff's findings in the "Traffic Study" section of this report on Pg. E-4.

**Drainage:**

It is well known to the road department Superintendent, Charles Ward, and Assistant Superintendent, Brad Phillips, that Shaeffer road has drainage issues in front of this property, as the road department has attempted to repair it several times. The applicant, Terry Presley, Mr. Ward, and Mr. Phillips all met on-site to discuss the drainage issue and new ways to mitigate the flooding. They all agreed upon the solution to pipe the stormwater south, down the east side of the road, then cross under the road near the residential driveway on Mr. Presley's property, ultimately piping the water to the pond.

In addition, there are other flooding and drainage issues existing on Shaeffer Rd. (primarily to the north of the site) due to its proximity to the West Fork of the White River and the lack of Right-of-Way and drainage easements (See attached Drainage Statement, page E-19). A full drainage study will be required at Preliminary Large Scale Development.

**Environmental Concerns:**

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

ADEQ has visited the site in regard to stormwater concerns on 8-16-2016, and sent a formal letter to the property owner on 9-1-2016.

On 9-21-2016, ADEQ emailed Planning Staff stating, "Mr. Presley has provided all the information that I've requested, and is now covered under the Construction Stormwater Permit (ARR150000). I am sending him an adequate response letter today, indicating that he is in compliance with ADEQ's requirements at this time." (See ADEQ Compliance attachment, Page E-20)

**Signage/Lighting/Screening Concerns:**

The applicant has stated they wish to have two signs; a business sign and an exit sign. The business sign to let people know the name of the business, and the exit sign to encourage people to be courteous of the neighbors when leaving, to drive the speed limit, and to exit to the right.

Planning Staff responded that both of the proposed signs will have to be approved, and they must be no larger than 24 sq. ft. in size (each).

All outdoor lighting, including the sign, 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 lighting diagram for examples, page E-21).

**City of Greenland Concerns:**

No comments have been received from the City of Greenland to date.

**TRAFFIC STUDY:**

The Traffic Study was conducted by Peters & Associates Engineers, Inc. An excerpt from the conclusion of the study reads as follows: “With the very low existing and projected traffic volume on Shaeffer road at the site, from a service volume standpoint, the existing roadway in its current condition is adequate to accommodate existing and projected event traffic volumes. From a service volume standpoint, the existing Shaeffer Road is expected to adequately accommodate the expected continued low number of vehicles with the site developed as proposed.” (See attached Traffic Study, pages E-22 – E-27)

Upon review of the Traffic Study, the County Contract Engineer, Dylan Cobb, commented: “Based on the conclusions within the traffic report, it would appear that the development will increase traffic during events but will not exceed the capacity of the road. Even with this development in place and if they have as many events as expected, the volume of traffic would still be considered low. There is still a potential safety issue at the location where a short section of the roadway is narrow. (The County Contract Engineer revisited the site to look at this narrow portion of the road and found the most narrow stretches of the road are mainly located north of the project site.) I would assume most events would occur after the school buses have finished their routes. I would also assume that the increase in traffic would be mostly detrimental to the road during or after a rain event.” When asked about his determination whether GeoTech work should be completed to determine the structural integrity of the road and its ability to handle traffic, and about his thoughts on striping the portion of the road at the Hwy 71/Wallen Mtn/Shaeffer Rd intersection, Mr. Cobb commented further: “Due to the low traffic volume indicated in the report, I would not recommend performing geotech work on the road. We would probably need several borings along the road up to where the hard surface begins to get a good idea of the overall structural integrity. The majority of the traffic generated from this development will be from cars and light trucks. Typically, heavier vehicles including buses and trucks will do more damage to the road.” “I do like the idea of striping the intersection at Highway 71. I think this would be a low cost alternative to help delineate the two roads and decrease the chance of making a wrong turn on to Schaefer Road or Wallin Mountain Road. The applicant must complete proposed striping at Wallen Mtn/Shaeffer Rd intersection – Cost Share w/ County (Share Amounts TBD). This work must be permitted through ADTD. The Road Superintendents did not have further comments or concerns.

**COMPATIBILITY CONCERNS:**

**Surrounding Uses/Density:**

The surrounding uses are single family residential and agricultural. The site contains one permanent residence and one metal shop building. The parcels within proximity to this project site range from 1 house per 3 acres to 1 house per 86 acres. (see attached Surrounding Use map, page E-28)

Staff feels that the applicant's request is compatible with the surrounding density. However, based on the county's land use plan (see below), the future land use plan (see attached Future Land Use diagram, page E-29), and the neighbor comments staff has received, compatibility with the surrounding **uses** is questionable.

The applicants have attempted to address compatibility with surrounding uses by:

- Limiting the availability of the venue to a maximum of 3 events per week, and 1 event per day
- Distributing an info sheet listing rules the attendees will be expected to follow
  - No music to be played outside except the Wedding March for outdoor ceremonies
  - No Fireworks allowed
  - No outdoor activities after dark
  - WRL grounds close at 11:00 p.m.
- No events will be held in the front portion of the property
- Erect 200 feet of privacy fence along the north property line in conjunction with the building
- Plant additional trees/shrubs along the north property line to act as a sound buffer
- Insulate the building, which will act as a sound buffer
- Will not supply guests with alcohol – they must provide their own
- Sign visible upon leaving asking guests to be: courteous of neighbors, drive the speed limit, and exit to the south only
- An owner will be on-site during all gatherings
- Planting Plan

A Planting plan was submitted (see page E-30), detailing a plan to buffer the noise crossing the north property line. No buffering has been proposed to the east to shield that neighbor from the parking area and its associated noise/activity. The applicant has stated they are working with the designer to address compatibility with the properties to the east though. If the applicant desires to screen the east side from the eastern neighbors, the screen must not impede sight distance, the plants must be at least 4 feet tall, the plan and plant selection must be approved by Planning Staff, and it must either be a full screen or grouped plantings.

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

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. **This property and its associated structures exhibit a rural character, not unlike the surrounding properties. The A-frame home is of an endemic (native/local) style, and the metal building is constructed of the materials commonly found in typical agricultural settings in the area.**

According to the applicants the proposed improvements to the existing metal building will appear rustic in nature. While the structures are proposed to exhibit a rural character, the proximity of the event center and associated parking area is very close to the neighboring property line to the north (separated by a small vegetative buffer along the fenceline). The configuration of the property and the applicant's desire to utilize the existing metal building onsite do not allow for the use to have any large separation from the surrounding properties to the north and east. Planning Staff iterated to the applicant that there was a potential for the close proximity of the proposal to neighboring properties to cause an issue with compatibility, and has urged the applicant to try and mitigate the compatibility concerns.

The applicant has reached out to neighbors, but there are neighbors in opposition to this project. (See Neighbor Comments packet, *updated*, posted on the Planning Dept's website). Based on those concerns, staff asked the applicant to propose additional site plan additions or alterations to help mitigate the impact on surrounding neighbors.

-In an attempt to address these concerns, the applicants have submitted a proposed Planting Plan showing a 200 ft privacy fence and planted vegetative buffer.

### **Future Land Use Plan**

The Future Land Use designation for this area is Agricultural, shown in green, and Residential (Compatible with Surrounding Densities), shown in yellow (see attached Future Land Use diagram, page E-29). The surrounding residential densities range from 1 unit/ 2.3 acres, to 1 unit/ 79.9 acres.

There is an RV park (Cowpatty RV Park and Campground) approx. 1.4 miles to the south on Wallin Mountain Rd.

### **SITE VISIT:**

A site visit was conducted by planning staff on August 12, 2016. During the site visit, Staff noticed a substantial amount of clearing had taken place behind the existing shop building. Some of the clearing had taken place in the floodplain, and none of ADEQ's BMPs had been employed at that time. Staff contacted the applicant to request they halt clearing and construction activities (which they complied). And Staff reported to ADEQ the clearing activities were partially taking place in a regulatory floodzone. ADEQ followed up with an inspection and discussed the regulations, requirements, and BMPs with the applicant.

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

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

Several neighbors have responded, 20 opposed, 16 in favor, and 1 neutral. (See attached neighbor comment map, page E-31)

The applicant also wrote and distributed their own neighbor notification letter. (See attached neighbor letter, page E-32)

Additionally, the applicant submitted a Noise Statement. (See attached noise statement, page E-33)

Neighbor/Public comments in opposition to the proposal were based on (but not limited to) traffic volume, condition of Shaeffer Road and its ability to support the additional traffic, noise pollution, drinking and driving, wildlife habitat, proximity to neighboring properties, property value, and compatibility.

Neighbor/Public comments in favor of the proposal were based on (but not limited to) convenient location, tax revenue, stimulate local economy, affordability, design, and that the property had been vacant for quite some time.

Staff received a Powerpoint presentation from a neighbor summarizing the opposition to the

proposal.

Its conclusion states that an additional 12,000 trips per year will be generated by the White River Landing, as proposed. However, according to the Traffic Study, "Currently Shaeffer Road has a very low two-way daily volume of less than 200 vehicles per day."

Planning Staff used the numbers from the Traffic Study to calculate that, at 200 trips per day (existing traffic volume rounded up to 200 for ease of math), multiplied by 365 days per year= 73,000 trips per year.

- **Based on projections** provided by the applicant: with 60 parking spaces (includes handicapped and overflow parking) at 2 trips/event (1 trip in & 1 trip out), at a projected average of 2 events/week for 15 weeks, and 1 event per week for 25 weeks (55 total events)= 6,600 additional trips/year, or an **increase of 9%**.
- **Based on 3 events/week x 40 weeks** (120 total events/year): with 60 parking spaces at 2 trips/event (1 trip in & 1 trip out) x 120 events/year=14,400 additional trips/year, or an **increase of 19.7%**.

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

### **STAFF RECOMMENDATION:**

Staff feels that all of the technical concerns of this project have been adequately addressed for this stage of the development process, and the only remaining issue of real concern is the compatibility of the proposed event center with the surrounding existing uses.

Staff feels that in some ways an event center is similar to a church or community center (which are both generally considered to be compatible to agricultural and residential uses). But this request is proposing a number of outdoor activities and programmatic elements that would potentially impact neighbors more than a traditional church or community use, or other neighborhood assembly area. Also the programmatic elements are for party gatherings, and potentially activities that would create a noisier environment both during daytime and night time hours than traditional light commercial or community uses.

At the last meeting, staff reported to the Board that we had just received a planting plan, but had not had enough time to evaluate it. The plan has now been through multiple design iterations and currently shows a vegetative buffering scheme that will help to mitigate the noise near the northern property line. Staff has discussed compatibility concerns with the applicant numerous times, and the applicant has attempted to address compatibility in many ways. However, Planning Staff still have some reservations regarding compatibility with surrounding uses. These reservations are primarily based on the close proximity to the neighboring properties.

Based on the mitigation of so many of the compatibility issues, even though some still remain, staff puts forth the following recommendation:

**Staff recommends approval of the proposed White River Landing Conditional Use Permit with the following conditions:**

**\*Conditions shown in red have been added since the last meeting (Oct. 6, 2016).**

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

1. Water use demand and meter sizing should be coordinated with City of Fayetteville Water Department to ensure serviceability.

### **Fire Conditions:**

1. No tables or chairs are allowed to be used in the covered patio area on the west and south sides of the building. Any tables or chairs being used in these areas constitute a violation of this CUP.
2. No cooking, or grilling, may take place anywhere within 20' of the roof line.
3. The maximum occupancy must be posted inside the bldg.
4. All fire exits must be marked with signs and lights.
5. Fire extinguishers must be placed and marked according to state fire code.

6. All entrance drives must be 24ft wide at minimum, and fire lane must support 75,000lbs in all weather conditions.
7. The fire lane must be kept clear of parked cars, etc., and all turning radii must be no less than 38ft.
8. If overflow parking is needed, it will be located between the fire lane entry and the residential driveway, just to the east of the pond. -Shown on Site Plan
9. **Proposal must meet 2012 Arkansas International Fire Code.**

**Septic Conditions:**

1. The septic system must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to operation of the business.
2. **No parking (including overflow parking) is allowed on any portion of the septic system including the alternate area.**
3. **Physical barriers must be placed adjacent to the alternate septic field to prevent vehicles from entering the alternate area. The barriers must be placed such that driving between them is not possible.**

**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.
2. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
3. **No parking is allowed within Washington County's road right-of-way (ROW).**
4. Mow/Clear vegetation in the area at the Northeast corner of the property to maintain a clear line of sight from the commercial entry to the property. This is an ongoing condition and a note must be placed on the Final Plans that vegetation must be maintained in order to have a clear line of sight.
5. Must complete proposed striping at Wallen Mtn/Shaeffer Rd intersection – Cost Share w/ County (Share Amounts TBD). This work must be permitted through AHTD.
6. Speed limit sign must be moved to an area where it is more visible.

**Drainage Conditions:**

1. The stormwater drainage issue must be addressed. The applicant and Road Dept agreed upon the solution to pipe the stormwater south, down the east side of the road, then cross under the road near the residential driveway on Mr. Presley's property, ultimately piping the water to the pond.

**Environmental Conditions:**

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

**Utility Conditions:**

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

**SWEPCO Conditions:**

1. Any relocation will be at the owner's expense. Existing power line will cross new parking lot.
2. Will need 20' Utility Easement centered on all existing power lines.
3. Will need 20' Utility Easement along the edge of S. Shaeffer Rd.
4. Contact Swepco @ 888-216-3523 to make arrangements to upgrade service to remodeled building.
5. New building can not be extended into easement.

**Signage/Lighting/Screening Conditions:**

1. Signage cannot be placed in the County Right-of-Way.
2. **Any proposed signs must be approved.**
3. **Business signs must be no larger than 24 sq. ft. in size, each.**
4. Any outdoor lighting must be shielded from neighboring properties.
5. Any outdoor lighting must be indirect and not cause disturbance to drivers or neighbors.

6. All security lighting must be shielded appropriately. Please refer to the lighting diagram in the staff report attachments, page C-17.
7. If a dumpster is desired in the future, the location must be approved, and must be screened with opaque fencing material, including the gate. Washington County Planning will inspect the fencing.
8. **Final Planting Plan can be adjusted at Large Scale Development, but must be approved by Planning Staff.**
9. **If the privacy fence is not wanted, the planting plan should be implemented 5-8 ft south of the property/fence line, so as to avoid removal of existing, established vegetation.**

**Additional Conditions:**

1. Events are limited to 3 events per calendar week.
2. **Events are limited to 1 event per day.**
3. Architect plans must be submitted with Preliminary Large Scale Development
4. Full Drainage Study must be submitted with Preliminary Large Scale Development
5. **Vegetative buffer on north property line must remain intact, and must be replaced if damaged or removed.**

**Standard Conditions:**

1. Floodplain permits will be required if any work is done in the floodplain.
2. Outdoor activities must be shown on LSD plans.
3. Pay engineering fees within 30 days of project approval. Any extension must be approved by the Planning Office. **-NOT CALCULATED YET.**
4. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
5. This CUP must be ratified by the Quorum Court.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - This project requires additional review (Preliminary and Final Large Scale Development), and therefore, the applicant must submit for Preliminary Large Scale Development project review within 12 months of this CUP project's ratification.

*Washington County Planner, Nathan Crouch, presented the staff report, with revised conditions as shown above for the board members. **Additionally, Mr. Crouch covered the following updates:***

1. ***The neighbors to the north decided they did not want the applicant to build the 200 feet of privacy fence since it would likely require removing some of the existing vegetation along the fenceline.***
2. ***The applicant submitted a modified Planting Plan to include a row of evergreen shrubs along the northeastern portion of the site to help lessen the noise travelling across the road to the eastern neighbors.***

*Daryl Yerton, Planning Board Member, asked "Is the power line on the north easement owned by SWEPCO?"*

*Nathan Crouch, Washington County Planner, replied, "The one on the north property line is owned by Ozarks. Their right-of-way is actually clear. It's all contained on that property. None of the utility easement comes on this property."*

*Daryl Yerton asked, "So the mitigation of undergrowth and brushes will not be an issue with Ozark in the future?"*

*Nathan Crouch replied, "No, not on the north property line."*

*Public Comments*

*Ann Harbison, Quorum Court member, JP 14, stated, "I'm the JP representative for this project. I have already received complaints about the dust problems on Shaeffer Road. Especially when you come off of the pavement from Shaeffer Road. This would increase the amount of dust for the residents living there. I said I would address the issue of dust. This has to do with the Road Department. It's definitely something that has to be taken care of whether this project is approved or not. The only problem I have is that we have 7 acres to put this on. It's really 12' ft from the property line on the north. I am the first to favor property rights for you to do whatever you want with your property. But 7 acres for a project that's 60-70 cars, outside volleyball courts, and horseshoes. If we were only doing an inside venue that might be a different story. I want to make a suggestion for a noise level on the property because of the proximity of how close it is to the residents on the north. I am more concerned about the road issues that I've received complaints on. That's all I have to say, thanks."*

*Robert Hartney, Neighbor off Shaeffer Road, stated, "I have a few concerns in addition to comments you already heard. One, I do not see any benefit to the citizens of Shaeffer Road community having this business here. Second, 80-90% of the people against the project live on Shaeffer Road. Third, 90% of the people for the project do not live on Shaeffer Road. They live elsewhere. We live there. I see no need for another event center in Northwest Arkansas. If you get on the internet you can find a whole bunch of venues that will gladly host your events, weddings, anniversaries, birthdays, and reunions. There's somewhere around 100 of them, that includes churches, restaurants, country clubs, botanic gardens, chapels, legion halls, and event centers that are already existing. They will all sponsor and host events."*

*Jim Wilson, Neighbor off Shaeffer Road, stated, "I've lived here since 1978 with my wife. It has been a quiet road. We enjoy the country atmosphere. We are both in opposition of having this event center on our quiet little road. We do think that the traffic is not going to be okay. It will be a problem. There was no comment made about the road coming in from the south. But there's a corner that is pretty narrow. I do not believe it is adequate. We want to register our oppositions to this project. Thank you."*

*Janet Bachmann, Neighbor north of the project, stated, "Earlier Mrs. Hassell shared her dreams. I'd like to share a little bit of mine. I grew up on a 100 acre farm. My parents said, 'You cannot stay here. Go to college. Farming is hard work and you'll never make any money.' I didn't believe it but over time they were right. But I still wanted to live in the country. I still wanted a farm. Eventually I met Jim, he and I share the same values. We moved to Fayetteville in 1989. We found this 127 acre farm on Shaeffer Road. It's a blessing to us. It's beautiful. Half of the acreage is wooded hillside. The other side has the White River running through it. We continued to work off the farm for many years. Jim retired just a few years ago. I am a little bit older than he is so I got to retire a little sooner. I started market gardening but still working part time. 23 years ago I started growing small fruits, vegetables, and cut flowers to sell to Fayetteville farmer's market and local shops. My parents were right. It's hard work and you can't make a living but we don't have to. We paid for the farm. We have retirement and social security. We love to live there. In the photo I had put in you packet last month, the red outline is the area that I garden. One is just north of the machine shed that is supposed to become an event center. There is existing vegetation along the fence line; although Mr. Presley has had much of that removed. Most of the vegetation that is still there is on our side of our property. They have a landscape plan that will add some beautiful vegetation on their side of the fence line. It would make the event center more attractive but I do not believe that it would provide a visible barrier, and I cannot imagine it would be much of a sound barrier. I'm in my garden 12 months out of the year. On the busiest season I'm out there 12 hours a day. I begin picking flowers in February until a couple of days ago when we had frost. I feel like that activity there would be injurious to my peace and quiet. Our ordinance states the Conditional Use Permit will not be injurious to the use and enjoyment of other property in the surrounding area for the purposes already permitted, nor substantially diminish and impair property values within the surrounding area. This property is just too small and too close to the neighbors for the proposed use. It would definitely injure my enjoyment and use. It would decrease the value to future owners that we would care to sell to that would have similar dreams and values. I urge you to deny the permit. Thank you."*

*Debbie Champagne, neighbor off Shaeffer Road, stated, "I was asked to speak for Fred and Nessa McDaniels, who is called out of town for a family emergency. Fred and Nessa live directly across the street to the east which there will be no buffer that I have heard. They've lived there for many, many*

years. They have already experienced loud music, drunkenness, and foul language from the person living there previously. They're very concerned that it'll happen again. They've also had damage to their property, missing property, and things thrown in their yard. They're very much in opposition to this project. They're concerned about the road as well. Their niece lives with them. She gets home around 10:30 pm to 11:30 pm at night from work. They are very concerned about her safety. I have some questions myself. My name is Debbie Champagne. My husband and I lived at 705 E. Lee Froud Road, which is just up the street. We are concerned about who will be enforcing the rules and making sure they are followed. The condition states that there will be no table or chairs in the covered porch area. But who's going to make sure that there are no tables or chairs put there during the events? They stated that alcohol was to be catered. But what about alcohol brought in by the guests? We're also concerned about the landscaping. There is a landscape plan but what size plants are being planted? How long do plants take for them to grow to become a good barrier? As Janet said, it may be a barrier for visual but what about an auditory barrier. These are things that we are concerned with. The other one is parking. Will these people be allowed to park on the road? They said that there will be one family member on the property. One of the owners' daughters is supposed to live in the house on the property. Is that the person that is going to be there and make sure that things are secure and done properly? She's a young woman and I know that my young daughter who is 23 would not be able to make men and women, especially if they have been drinking, follow the rules. I don't see that happening. I would like to know if Mr. Presley or Mrs. Hassell are going to be there? Or are they are going to hire security for the events?"

Randy Laney, Planning Board Chair, asked Juliet to clarify on the rules and enforcement.

Juliet Richey, Washington County Planning Director, stated, "You cannot park in the county right-of-way, that's a condition. Generally the Planning department staffs enforce the conditions. Honestly we primarily rely on neighbors to report things if they are happening in a way that is not allowed. Usually a concerned neighbor is aware of the conditional use permit. We also occasionally do drive by inspections, specifically on problematic properties that we know we have trouble with. No, staff will not be out there for every event. However if there are issues you can call us. That's part of our job to handle those."

Debbie Champagne asked, "They stated that they were to operate during daylight hours but close at 11 pm. Those are definitely not daylight hours. I would like clarifications."

Juliet Richey replied, "They're open at both daylight and evening hours. They would limit the outdoor activities (volleyball and horseshoes) to daylight hours. The only event that is supposed to be happening in the evening is inside the building. They can talk and congregate in the covered areas. The fire marshal restricts them from having seating or tables in that area. They're not allowed to have any outdoor music except for the actual wedding march. People are not going to have a party out there. It'll be just a bunch of people standing around talking. I don't think it should be intrusive into the evenings. All the other outdoor activities will not be happening at that time. Thank you."

Debbie Champagne replied, "I just want to remind the board that Fred and Nessa McDaniel do strongly oppose this CUP. My husband Steve and I are also strongly opposed. Thank you."

Bryan Hurlly, A runner that lives in Fayetteville, stated "I spoke at the first meeting and just want to reiterate that this is a unique resource that Fayetteville has. You do not typically find agricultural areas so close to town in a growing metropolitan area. The city stops and it becomes a countryside. It's very well used for running and recreation. It will become more so once it's connected to the master plan. Runners use it because of the character of the area. It's a nice community. I know people from the community simply from being out there and running past them. On the comment about the use being similar to a church or a community center, to me a paid event space is fundamentally different from a church center. A church center is used by the community and the people. To me an event space is different from that. The way it is now Shaeffer Road is part of a larger Fayetteville community. Having the agricultural zone nearby draws people here. It drew me here. It made me stay here and moved my family here. My other question is has there been any precedent set by zoning change for an event center so that people can refer to later on? Thank you."

*Natalie Henderson, Neighbor off Wallin Mountain Road, stated "I am also a runner. To build on what he was saying, I also work in catering and am familiar with how things go at weddings. People tend to drink quite a lot at most of them. I say about maybe 5%, of the weddings I work, no one drinks. Coming out of that event center, someone who has been drinking is probably going to avoid going through Greenland to go back to Fayetteville. They're going to take that left and going to take that gravel road. As a runner I jump out of the way of sober people quite often. I see Fayetteville High School track team, UofA track team, Shiloh Christian track team. They run there on Saturdays. That's when people have weddings and that's when people drink at weddings. My concern is that it makes it more dangerous for runners. You can't dictate which directions people will turn out. It's a safety issue for people who ride their horses. It makes it a little scary for some of us. Thank you for your time."*

*Steven Champagne, Neighbor off E. Lee Froud Road, stated, "I am a little dumbfounded with this road study. Like some of the other people I use this road consistently. I walk it both ways all the time. One gentleman mentioned that if you're going south towards Hwy 71 there's a bend in the road. Well it's more than a bend; it's a hard S-curve. Even today, with locals that live there, we have near mishaps. That's one consideration. My second question is what about the maintenance of the road? We cannot keep the county on top of the road today. There are days that you're driving down that road and you're driving through a warzone. There are large and deep potholes everywhere. You almost have to go in a ditch to get around a lot of them. We've talked to the county people many times. I don't see any relief in sight. There's certainly no paving coming. Even with a 15% increase in traffic what's going to happen to the road? It's already ridiculous. Like my wife said we are very much opposed. Thank you."*

*Rebecca Wood, Neighbor off Shaeffer Road, brought a packet of information (see attached) for the board members. Courtney McNair handed out the presentation to the board. Mrs. Wood states, "It will explain the S-curve that Mr. Champagne was discussing. Please refer to page 6. These are primarily google earth photos from a winter perspective. Please look at it with summer vegetation. There are four photos on that page. Photo #2 is where is Andrea Hodges lives. She wasn't able to make it tonight. The driveway directly across from that is an agricultural drive that supports heavy hay vehicles and equipment. Those are directly in front of this S-curve. The road drastically narrows at this point. It doesn't narrow as much as it does in front of Mrs. Bachmann's house, but it does narrow. This is one of the areas where the runners run. I have to apologize, Mrs. Nessa (McDaniel) has given a video showing the UofA runners but it's not compatible with my equipment. If you look at these photos hopefully they can demonstrate what the S-curve is that we are all so concerned about. If you refer back to page 5 that also shows you where the gravel meets the pavement. As well as the Wallin Mountain concern. There's a large ditch in photo 1. Wallin Mountain is the road to the left and there's a driveway immediately at that turn then you turn onto Shaeffer road with a hard left. I just wanted to have those in front of you so you can get a better perspective of what we're talking about. I am remiss. I want to say thank you to the planning staff. They have worked tirelessly for all parties involved including the applicant and the neighbors who are commenting about this. They have been very responsive and we really appreciate that. I'll try to keep my comments short. We did purchase our property 9 years ago for the purpose of agricultural means. I am one of the ones that has horses on the property. It was an ideal location for us because we work in town. It was close enough we can still have our property and part of our dream. Just because staff recommended approval, I think the question now is because they have met the basic requirement. The question isn't can the road in the area support this conditional use permit, but should it? The residents that live on the road are opposed. All but one of the opposed comments was received from the folks that live on the road. Not because we don't want it there but for very direct reasons that you've heard. One of the main issues is we are long term residents. We live on that road. We see the everyday traffic. We use that road for the reasons that it's zoned for, single family / agricultural use. The crux of the issue is that the applicants are not going to live on that road. They're not going to be affected. They're the end of the road. They're not going to be passed by all the traffic twice. It seems rather unfair for those who live there and bought the property for that single family / agricultural use. There are going to be up to 14,000 possible trips with 60 vehicles given the calculations and projections of the use. That's a lot of trips. Given the overall use that may not seem a lot but those trips will be coming in big waves. We spend a lot of time outside. Most of the residents spend a lot of time outside with their families, gardening, etc. As Mrs. Harbison indicted the dust is tremendous with just one vehicle. Here's a photograph of the dust on page 4. That is dust from just one vehicle during a dry period of time approximately five weeks ago. Imagine that*

*multiply by 50 vehicles twice a day three times a week. That is absolutely choking. When you're outside you get dust in your mouth, it covers our fields, house, everything. That's something I would really like for you take into consideration. The quality of life, that the noise from the traffic from the dirt road, its exceedingly louder on dirt than it is on pavement. Not to mention again the extreme dust that this will cause. I just asked you to put yourself in our shoes if you were living there. We've lived there. We bought the property for that specific reason. For an applicant to come out and who's not even going to live there and subject us to the results of the traffic and noise seems a little less considerate. I have never been contacted by the applicant. I live approximately half a mile away. I appreciate you considering all of these issues for everybody involved. I appreciate the planning staff. Hopefully you can see what we're discussing. Thank you very much."*

*Jim Lukens, Neighbor off Shaeffer Road, stated, "You have a lot of information and opinions in front of you. You already know that Janet and I feel that the property is too small. The building is too close to our property boundary. I'd like to share a little bit of background. The criteria that are laid out in the Washington County ordinances for approving CUP are clear. But applying those criteria requires judgement. That's where the Planning Board comes in, to make those judgements. I want to share some of the values and priorities that my wife and I have that are pertinent to these issues. We take seriously our roles as stewards of the property that we have the privilege to live and work on. Being able to combine our place we live and work is a blessing. We feel responsible for maintaining the habitat for the native plants and animals that are there. We also try to protect the water quality. Including those that enter the West Fork of the White River. Even as we manage the land for income. We intend for those values to guide the use of the land by the next property owners as well. We have placed a portion of our land that borders the West Fork/White River into a land trust that puts ties to the deed limiting how that land can be used. We have intentions of making similar arrangements for the rest of the land so that both the natural and the agricultural use are both maintained after the land passes from our use. We think these steps benefit both the human and the non-human community that uses the land. Our values influence how activities that are on the adjoining properties effect our enjoyment of our property. We now live within nature and primarily the sound and activities we experienced are those of nature. We have expectation of the neighbors' activities, that those activities be consistent with agricultural and single use residential zoning. The activities that are proposed in this CUP application include things that are very different. The traffic levels, the number of people, parking lots, crowds, parties, and amplified music. All of these are different than if there was a family living on the property next to us. We met and talked with the applicants. They seem like good people but I think our values and expectations are different than those that are revealed by the actions they have taken. They purchase the property not to live there but to build this event center. They viewed the property not as a nice place to live, enjoy, and steward, but as a place to develop a retail commercial business. As this has been mentioned they don't intend to live either on or near the property. To my knowledge they visited with none of the immediate neighbors prior to purchasing the land even though they knew their intended use before they made the purchase. They certainly didn't visit with us before they applied for the CUP. I believe that if the planning staff had not strongly encouraged them to interact with the neighbors they would not have bothered to do so. In the initial presentation that was made to you they emphasized that our house was not near the property boundary, suggesting that we live only in our house and not on the rest of the property. Mrs. Hassell refers to the underbrush that they have cleared before talking to ADEQ as plants that aren't useful instead of considering it as a wildlife habitat or riparian zone protection. To me it's not surprising that my wife and I have opinions that differ from the applicants. We operate with differing values and priorities. I hope you that you can understand when those come into conflict that it's your responsibilities to find the proper motion. I hope you that deny this CUP request. Thank you."*

*Diana Champagne, neighbor off E. Lee Froud Road, stated "I live on Froud farms. I will not speak for the Frouds, I just work for them. Very often I am driving tractors and hay equipment down the road. The people who live around this area are very used to being around people driving tractors down the dirt road. I don't think that people who are coming to these events will have a lot of experience with that. They do not expect to see tractors or hay equipment coming down the road. As they pointed out several time there is a dangerous S-curve. Even going along the curve I had to almost go off into the ditch because people come flying around that curve. That's with people who drive this road frequently. Another point is a lot of us have animals there. We have cows, horses, goats, chickens, and pets. We try do as much as we*

possibly can to keep those animals in. These animals have a mind of their own and will push through fences and push down gates. We lock our gates consistently but every now and then we get a cow that pushes through. Cows and horses can jump fences when spooked. They can end up on the road. With the amount of traffic going down the road I don't feel like it would be safe for the animals, especially at night when there are a lot of people out there drinking. It makes it even more dangerous. There's a lot of deer that cross over that road. I just feel for the animal's safety. It's not the best thing to have 50-60 cars going through there twice a day, especially in the evenings. Thank you."

Nancy Hartney, "Neighbor off Shaeffer Road, stated, "I won't go over all the things that I have written before. But several things jump out to me right now. One of them is the plants are being proposed for visual and noise screening are non-native species. My heart just turned over when I saw that property that been mutilated and scarred before this CUP stopped the construction. My heart just turned over when I hear my neighbor say I believe in the stewardship of the land. This isn't an in town urban event center that these folks are planning. I cannot wax this as eloquently as my neighbors. I come back over and over again to what the criteria is for the CUP. The conditional use permit will not be injurious to the use and enjoyment of other people. Further, it says that the proposed use will be examined in terms of compatibility with surrounding uses. This is counterproductive and not compatible. I urge you to decline this CUP. Thank you."

Nancy Hafliger, Neighbor off Lee Froud Road, stated "In August we bought the property east of the project. It's on the edge of the hill. Which means all the noise that will occur at the event will carry up the hill to us. The owner that sold us this property failed to mention that this was even a possibility. If we had known this was going in I would not have bought the place. I want to go outside and hear birds, crickets, and frogs. I don't want to hear cars going by. I don't want all the dust. I don't want the alcohol for sure because any drinking that goes during the day and into the night is not a good idea. Lord only knows what's going to happen when they leave there. I too have animals that are my kids. That's all I have to say."

Andrea Hodges, Neighbor off Shaeffer Road, stated "I want to reiterate that I live on Shaeffer road on the dangerous S-curve that everyone is speaking about. I wanted to ask a question about policing the applicant and making sure they're abiding by the conditional use. What is that process? Can you expound on how we do that?"

Juliet Richey replied, "If you're driving by and see a bunch of tables and chairs out in the covered areas call our office and let us know."

Andrea Hodges asked, "I'm just wondering what the consequences are for filling a compliant. Can the conditional use be revoked at the later date if the violation continues?"

Juliet Richey answered, "Yes, you have to abide by the conditions that are set out. Our attorney can expand more on it. Essentially the county would file suit against the owner if they are not complying. We usually give people a chance to get in compliance. And we'll proceed from there. Ultimately it'll be filing a suit."

Steven Zega, Washington County Attorney, added, "There's an option of prosecution. It's never happened but theoretically it's an option. We almost always have gone with the civil things. Typically the goal is to get them into compliance as opposed to suing them."

Andrea Hodges stated, "My main concern is that there would be a lot more events than they outlined in their conditional use. In consequence, more traffic. I just wanted to voice my opinion on that. I hope you decline the CUP."

Ann Harbison stated, "I know this is a hard decision when someone comes in like this and buys a piece of property and they want some money from it. My first thing when I looked at this was the 7.24 acres. If someone buys a piece of property you always want them to do well. At this point I don't think these people have financially invested in this piece of property. I strongly believe that is not compatible with the

surrounding neighbors. A part of this has to do with the road. This road is narrow and it does have curves in it. I'm going to ask you deny this CUP. Thank you."

Ron Wood, Neighbor off Shaeffer Road, stated, "Mr. Hartney and Mrs. Harbison did a wonderful job stealing my thunder. I would urge you to pay attention to what they both said. One thing I would like to throw out is that it is nice of them not to provide alcohol, however they cannot because it's a dry township. It doesn't mean you can't drink. You can't sell or provide alcohol. Last of all, I would urge you to look at the history of the project. You might be able to understand why we don't really trust Mr. Presley to keep this word. Trust was broken early on. They started the projects without permits. They didn't come into compliance until they were forced to. Thank you."

Terry Presley, Applicant of the project, stated "At least I can agree with the neighbors. It is beautiful out there. It can be a great place to have something like this. I think all of us can remember when the mall was an island to itself, and change happens. Things get developed. I just want to remind the Board members that our property is one mile from 4-lane highway 71. Our property joins the airport. The outdoor area that we're expecting people to use for volleyball or horseshoes is down under a hill. It's not visible from the road. We have no idea how many people will use the volleyball area. Our plan is to have a wedding on Saturdays, play volleyball, horseshoes, and enjoy some family time. We expect during the weekend this will be utilized. Also our proposed event center is just a few miles from downtown Fayetteville. As Nathan pointed out we're only going to increase the traffic from 9% to 15%. We expect most of the events will be on Saturday. We proposed a privacy fence along the north property line. But the neighbors requested we not do that. The traffic study is completed. The engineers have decided that the roads are fine. Do you have any questions?"

Kenley Haley, Planning Board member, asked "You were proposing a fence on the north property line? But Ms. Bachmann said no to the fence is that correct?"

Juliet Richey replied, "We spoke with Mr. Presley and Mrs. Hassell and talked about ways to buffer the north property line since it was so close. We told them, in our experience, we are good with either vegetative screening or a fence. We suggest that they should try to consult with the neighbors to see what they would prefer. Different people prefer different types of screening. Since the fence for the neighbor's benefit it would make sense. They did offer to do either one. We most recently met with Ms. Bachmann on Monday and she indicated at the time she was concerned about losing some of the good vegetation that already exists along the fence line. At that time I understood she wanted to keep that existing vegetation. We went out there to look at it afterwards. The vegetation varies between 5 and 8 feet from the existing fence line. Mr. Presley and Mrs. Hassell have this planting plan that will begin after that to beef the vegetation up even more. They're going to add additional screening with evergreens and other plants in it. The applicant has offered to do either. We were trying to make sure there were choices so we can accommodate what that neighboring property owner wanted."

Terry Presley replied "You can see on the right hand side all that vegetation. 3 to 4 feet in the vegetation is the old fence line and there's a few on our side. The fence is down. There's some remnant of barb wire here and there. So there are several feet of vegetation on our side and their side. Thank you"

Kenley Haley asked, "What is the speed limit on the road?"

Juliet Richey answered, "Its 25 mph."

Kenley Haley asked, "Is there a dust problem going 25 mph?"

Juliet Richey replied "It's a dirt road. We have a lot of dirt roads in the county. It's a rural area. I'm not going to argue there's dust in the dry times of years"

Kenley Haley asked about the county minimum setback.

*Juliet Richey answered, "The property line is 10 ft. Setbacks are only activated by this project because setbacks happen in two ways. There's actually a lot of properties in the county that don't have setbacks that even apply. If you split land after 2006 you have building setbacks on your property or if you're doing a large scale development or subdivision it'll activate building setbacks. This is an existing building but with the addition they shouldn't be within the setback. They had a survey done to verify that."*

*Vickie Hassell, Applicant, stated, "I want to thank the planning staff for working with us and assisting everyone in making this as smooth as a process we can get. Thank you Board Members for hearing all of us. I guess I'll go in reverse order for our comments for the opposing side. First of all, nothing along the north property line has been cleared out. There was an existing road there many years ago that crossed the river and went down through downtown Greenland. Any area that is cleared out along the north property was there from an existing road. We did not clear anything out. That includes the back part of the property and the front part that's an open field. There were a few scattered trees in there that definitely were cleared out. But nothing along the north line. On the planting plan we have said that we have put up a fence and additional trees. I consulted a landscape designer regarding this and he drew up a plan for us. He is the one that suggested these different trees and plants on the planting plan. He's familiar with the different trees for our area and ones that would assist in buffering any sound. As far as on the east property line with the McDaniels, we'd like to have additional time for that landscape planting, so that we can get the drive and parking areas figured out and observe the sight distance. Speaking on the McDaniels, this is difficult because we have spoken with the neighbors several times. To say anything bad or against anyone is not in my nature. We're just trying to put in a good family business for all us. It's our understanding according to the records that the McDaniel's are not property owners. I just want to point that out. The McDaniel's currently have equipment, dump trucks and tractors that they haul back and forth. I just want to point out a few things since there's been such opposition to cars that will be coming in our facility. While I do appreciate people talking about the max number of events taking place and it would be nice if that would happen, it's just not our thought that it will happen according to the research we have done. Eventually, years down the road, it will be nice to have 3 events per week, but to begin with, it will not be that way. We're not going to have a max number of vehicles in the beginning. Mr. Wood mentioned that about the dry township. We never intended to sell or provide alcohol. Mrs. Harbison came back on her second comment about making money. It's not only about making money. This whole plan came from when I helped my daughter planned her wedding. I enjoyed that so much that I wanted the opportunity to help families to have a nice place for weddings that did not cost so much. When we checked into these places the prices were outrageous. They did not include the tables and chairs. That will be part of the service for me to be there assisting with the setting and arranging the weddings. My background is also in flea marketing and collecting. I am already prepared to assist these families with setting up their wedding. I'll be there throughout the entire event to make sure nothing gets out of hand. I'll help clean up after the event. This is a passion that I have to help people. My daughter wants to help too. She is currently going to the Paul Mitchell School for hair and makeup. She has, very much, a passion to help the bride and wedding parties. My mom wants to be there to help. It's a family business. It's not a party place. It's not just for weddings. It's for people to come anytime they want to gather for family reunion, birthday, etc. Not all weddings have alcohol. I've been to several weddings where there was no alcohol provided. As to the ramification if we do not follow the conditions, I have worked in the legal field for almost 30 years. I know Mr. Zega well. I know what will happen if we do not follow the rules set out for us. I don't know if anybody on the board has been to the property, either before or after we bought the property. It's 150% better. It was vacant due to a tragic accident. We have cleaned up that property and made it beautiful already. That is just the house itself. My niece and her boyfriend will be living there. Someone will be on site all the time for the property. Several of us will be assisting during any rental times. I have been at this property several hours. No, I do not live down that road but our family moved to the West Fork area in 1974. I have been up and down this road. We're very familiar with the area. Whenever you live in small communities you just know areas. I'm very good friends with several people that live in the Greenland area. I'm very familiar with this road even though I don't live there. Terry and I wanted to know our neighbors. There was a comment made that we didn't talk to our neighbors. We did talk to them. Maybe not when the property was first purchased but before the CUP was applied for. We did talk to different individuals that lived on that road. Mr. Kern was in favor the CUP. He lives very close to our project. The Frouds that live up on the hill, they were very much in favor. They know us personally. They know that we will do a good job and abide by the rules. There was a comment about us meeting the basic requirements. We feel we have*

met more than basic requirements. One last thing about location, my brother mentioned how close it was to town. That's one of the benefits that it is close to town and that it's easy to find. A lot of the places I have been to for weddings are hard to get to. They don't have to be."

Public Comments Closed.

Cheryl West, Planning Board member, stated, "After much thought and consideration I would move to deny the White River Landing CUP."

Cheryl West made a motion to deny the **White River Landing CUP**. No second. Motion Failed.

Daryl Yerton, asked if Juliet Richey can briefly outline the process if the CUP was approved or denied tonight. "What are the next steps for the applicant?"

Juliet Richey replied, "If the project is approved or denied it has to be ratified by the Quorum Court. Either parties, concerned neighbors, or citizens can file an appeal whatever decision is made by the board. You have 30 days to file an appeal with the circuit clerk. I'll be happy to get you those forms. Usually we take the project to the Quorum Court on their next meeting. If there's a chance of an appeal we usually recommend the QC not move ahead with it at that time. Even if they did ratify it at the meeting it doesn't go into effect until after the appeal period has passed. If an appeal is filed, we will wait until the whole appeal period has passed to see if there are multiple appeals filed, and then after that time we'll set a date. All the neighbors previously notified will be re-notified of the appeal hearing dates."

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

Robert Daugherty, Planning Board Vice Chair, stated "Of all the years I've been on this committee this is by far the hardest I had to choose. I will second it."

## 5. Other Business

- Discussion of Current Development and Planning Department Activities.
- Discussion of 2017 schedule.
- Reminder of upcoming Planning Board meetings:
  - December 8
  - January 12
- Any other Planning Department or Planning Board business.

## 6. Old Business

## 7. Adjourn

Robert Daugherty moved to adjourn. Daryl Yerton 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

Item Agenda E  
Attachment