

**City of Cave Springs, Arkansas**

**Planning Commission & Board of Zoning Adjustment Meeting**

**July 19, 2021 at 6:30 PM**

American Legion Building / 168 Glenwood Ave. Cave Springs, Ar. 72718

**Official Meeting:**

Planning Commission Meeting was called to order by Chairman Jason Strecker.

**Members:**

Jason Strecker	Present
Fallon Henry	Present
Nancy Jay	Present
Mark Smittle	Present
Tal Hudson	Present
Kayleigh Barnes	Present



**Approval of Agenda:**

Motion was made by Jason Strecker to amend the agenda to add the approval of the following meeting minutes:

May 3, 2021

June 7, 2021

June 21, 2021

July 6, 2021

Motion was seconded by Fallon Henry and passed unanimously.

Board of Zoning Adjustments Meeting was moved to end of meeting.

**Approval of Meeting Minutes:**

Motion was made by Jason Strecker to make the following correction to the May 3, 2021 meeting minutes:

Page 1 and Page 2, under Variance for Main Street Commercial / P-4 Partners – Location s/b East Side of S. Main Street not west.

Motion was seconded by Nancy Jay and passed unanimously.

Motion was made by Jason Strecker to approve all meeting minutes presented.

Motion was seconded by Nancy Jay and passed unanimously.

**Tract Split – Chris Brown – 9836 Philpott Road**

C/O Blew & Associates – Certified Professional Surveyor

Request – To split 10 +/- acres into two tracts. Tract 1 to be 4.599 +/- acres retaining existing dwelling.

Tract 2 to be 5.403 +/- acres with existing pond.

Property fronts along the north side of Philpott Road, approximately 600' west of the intersection with Murdock Road, and approximately 1/3<sup>rd</sup> mile north of hwy 264 / Healing Springs Road.

The property is located in unincorporated Benton County, but is within the City of Cave Spring's adopted planning area.

The site is served by private well and septic system.

Staff report was presented by Juliet Richey.

Staff recommended the approval of the tract split.

Motion was made by Nancy Jay to approve as recommended by staff.

Motion was seconded by Fallon Henry and passed unanimously.

#### **Rezone Public Hearing – Jarrett McClelland – 739 Sands Road**

Request – Rezone 3.41 +/- acres from R-3 to R-4

Property is located on the south and east side of Sands Road, approximately ½ mile east of Main Street / hwy 112. Benton County Parcel # 05-10094-00.

Staff report was presented by Juliet Richey. (Copy attached).

Staff recommendation was as follows:

The proposed density is in line with the "Future Land Use Plan" density range for the area.

The developer will be responsible for obtaining all necessary easements, as well as design and construction of required water and sewer extensions / connections to the subject property.

Staff was comfortable recommending the approval of the requested R-4 zoning.

Jarrett McClelland was not present at the meeting – representing him was Kelly Hamlin.

Public Comments opened.

Present voicing concerns and opposed to the rezone were 5 individuals.

Public comments closed.

#### **Rezone – Jarrett McClelland – 739 Sands Road**

Request – Rezone 3.41 +/- acres from R-3 to R-4

Property is located on the south and east side of Sands Road, approximately ½ mile east of Main Street / hwy 112. Benton County Parcel # 05-10094-00.

Juliet Richey presented a recap of staff recommendations and public comments regarding drainage, road and other related issues.

Motion was made by Nancy Jay to approve the rezoning request from R-3 to R-4 with complete respect from the comments from the public (I don't feel they are related to the zoning issue) (The zoning request is consistent with our future land use plan and with the areas surrounding) (I agree with staff recommendations and move we approve).

Motion was seconded by Fallon Henry and passed unanimously.

#### **Preliminary Plat – Rainwater Estates (Jarrett McClelland – owner) – 739 Sands Road**

Request – To create 8 new residential lots, and 1 stormwater detention lot from an existing 3.41 +/- acre tract.

Property is located on the south and east side of Sands Road, approximately ½ mile east of Main Street / hwy 112. Benton County Parcel # 05-10094-00.

Staff report was presented by Juliet Richey. (Copy attached).

Drainage report was presented by city engineer, Adam Osweiler from McClelland.

Lengthy discussion was held between city engineer, staff, commissioners and concerned individuals present at the meeting.

Concerned individuals whom have pictures and videos of flooding were asked to forward items to city engineer.

There was mentioned that the city adopted a new drainage manual in January 2020 (# 2020-01).

Road improvements, and public right-of-ways were discussed.

Chairman Jason Strecker stated the following:

"There are several items that need to be addressed."

- Easements for Sewer/Water extensions.
- Tapping saddle, valve, etc. at far southern end of proposed water extension.
- Existing sewer line size conformation.
- Eight items regarding drainage report.
- Public Works approval

Refer to page 2 of staff report for detailed list.

Motion was made by Jason Strecker to table Preliminary Plat until detailed items listed on page 2 are addressed and individual's drainage issues are reviewed by city engineer. (Property owners/individuals, are to forward pictures and video to city engineer).

Motion was seconded by Kayleigh Barnes and passed unanimously.

**Rezone – Public Hearing – Landmarc Custom Homes / Chris Bradley applicant – 758 Burdine Lane**

C/O Tim Sorey, Sand Creek Engineering

Request – Rezone 30.69 +/- acres from R-3 to R-4

Property is located along the west side of Burdine Lane, approximately 0.4 miles south of East Lowell Ave. / hwy. 264. Benton County Parcel 05-10045-322.

Staff report was presented by Juliet Richey. (Copy attached).

Connectivity concerns were addressed by Juliet Richey in detail. (Refer to staff report, page 2.)

R-4 Zoning was as well addressed by Juliet – "The only type of housing allowed by right in this zoning category is single family detached homes, no duplexes or multifamily."

Juliet stated that the proposed rezoning is in compliance with the city's future land use plan.

Staff recommended the request to rezone the property from R-3 to R-4.

Public comments opened.

An e-mail of concern was read.

Another individual voiced concerns with drainage.

Tim Sorey addressed rezoning questions.

Public comments closed.

**Rezone – Landmarc Custom Homes / Chris Bradley applicant – 758 Burdine Lane**

C/O Tim Sorey, Sand Creek Engineering

Request – Rezone 30.69 +/- acres from R-3 to R-4

Property is located along the west side of Burdine Lane, approximately 0.4 miles south of East Lowell Ave. / hwy. 264. Benton County Parcel 05-10045-322.

Motion was made by Jason Strecker to approve the rezone from R-3 to R-4.

Motion was seconded by Mark Smittle and passed unanimously.

**Rezone – Public Hearing – Anastacio and Gregoria Martinez – 700 Blk. Ford Lane**

C/O Tim Sorey, Sand Creek Engineering

Request – Rezone 11.5 +/- acres from A-1 to R-4

Property is located along the east side of Ford Lane, approximately 0.4 miles south of E. Lowell Ave / hwy 264. Benton County Parcels 05-10045-309 – 10.62 +/- acres and 05-10045-310 – 0.88 +/- acres

Staff report was presented by Juliet Richey. (Copy attached).

Juliet stated that the proposed rezoning is in compliance with the city's future land use plan.

Staff recommended the request to rezone the property from A-1 to R-4.

Public Comments opened and closed with no comments.

**Rezone – Anastacio and Gregoria Martinez – 700 Blk. Ford Lane**

C/O Tim Sorey, Sand Creek Engineering

Request – Rezone 11.5 +/- acres from A-1 to R-4

Property is located along the east side of Ford Lane, approximately 0.4 miles south of E. Lowell Ave / hwy 264. Benton County Parcels 05-10045-309 – 10.62 +/- acres and 05-10045-310 – 0.88 +/- acres

Motion was made by Jason Strecker to approve the rezone from A-1 to R-4 and recommend to city council for final approval.

Motion was seconded by Nancy Jay and passed unanimously.

**Rezone – Public Hearing – Fairway Valley, Phase 3 – Hash Properties, LLC**

C/O Ferdi Fourie, Nicco Bersi, and Kyle

Request – Rezone an approximate 9.13 +/- acre portion of the proposed Final Plat for Fairway Valley, Phase 3 development project, for which a single family residential subdivision has been submitted, from R-2 to R-4.

Property is located along the west side of hwy 112 / N. Main Street at the intersection with West Brown Road, and it is bounded by Osage Creek (floodplain) along its western edge.

Benton County Parcel # 05-12294-000. The parcel is accessed via Doral Drive, an existing local road extending west from hwy 112.

Staff report was presented by Juliet Richey. (Copy attached).

Staff recommends the approval of the rezone from R-2 to R-4

Public comments opened.

One floodplain question was asked and answered – property is not in a floodplain area.

One comment regarding flooding, drainage, and opposed to any development was made.

Public comments closed.

**Rezone – Fairway Valley, Phase 3 – Hash Properties, LLC**

C/O Ferdi Fourie, Nicco Bersi, and Kyle

Request – Rezone an approximate 9.13 +/- acre portion of the proposed Final Plat for Fairway Valley, Phase 3 development project, for which a single family residential subdivision has been submitted, from R-2 to R-4.

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Benton County Parcel # 05-12294-000. The parcel is accessed via Doral Drive, an existing local road extending west from hwy 112.

Motion was made by Jason Strecker to approve the rezone from R-2 to R-4 and recommend to city council for final approval.

Motion was seconded by Fallon Henry and passed unanimously.

**Final Plat – Fairway Valley, Phase 3 – Hash Properties, LLC**

C/O Ferdi Fourie, Nicco Bersi, and Kyle

Request – Approval of Final Plat for development project; including approval for final public infrastructure extensions, services, lot layout, and other required improvements to support the project.

Final Plat as submitted proposes 24 single family detached lots, 1 multi-family / townhome lot, 1 commercial lot and adjustment of an existing commercially zoned lot / recreational vehicle park, and creation of associated community amenity / stormwater detention lot (s).

The approximately 25 +/- acre site is located along the west side of hwy 112, at the intersection with west Brown Road and Doral Drive, and bounded by Osage Creek (Floodplain) along its western edge.

To the south of the site is an existing recreational vehicle park. To the north of the site is Fairway Valley, Phase 2 of the project, which is nearly built out of its platted, single family residential lots.

Benton County Parcels – 05-12294-000 – 14.34 +/- acres and 05-10213-002 – 10.55 +/- acres.

Staff report presented by Juliet Richey. (Copy attached).

Several review item were still needed and were discussed by commissioners, city engineer and applicants representatives. (Refer to pages 7 and 8 of staff report).

Motion was made by Jason Strecker to table Final Plat to the August 2, 2021 Planning Commission Meeting, to have all needed paperwork done, city attorney Justin Eichman to review, Pubic Works review and receiving all needed paperwork in a timely manner.

Motion was seconded by Fallon Henry and passed unanimously.

**Other Business:**

None

**Adjournment:**

Motion was made by Jason Strecker to adjourn the July 19, 2021 Planning Commission meeting.


Motion was seconded by Fallon Henry and passed unanimously.

**Board of Zoning Adjustments Business**

Planning Commission BZA Meeting was called to order by Chairman Jason Strecker.

**Members:**

Jason Strecker	Present
Fallon Henry	Present
Nancy Jay	Present
Mark Smittle	Present
Tal Hudson	Present
Kayleigh Barnes	Present

Planning Commission & BZA Approval:	
	8/2/21
Chair or Vice-Chair	Date

**Approval of Agenda**

Motion was made by Jason Strecker to amend the agenda to add the approval of the following meeting minutes:

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Motion was seconded by Nancy Jay and passed unanimously.

Submitted by:   
Grace Fielding, City of Cave Springs

Approved by:   
Jason Strecker, Planning Commission Chairman



**Technical Review Comments:** Yellow – partially addressed, Red – Not Addressed or additional follow up required

1. Easements shown for public water, sewer extensions should be labeled separately on plat. Check with one-call / surveyor if there is enough room for **water** extension through existing U.E. on SW side of parcel. **For sewer and water main extension easements, need comment from City Engineer and Public Works.** *Staff Comment: Cannot see the easement clearly; Waterline appears to be in portions of the proposed roadway (Tate Place), City may take issue and/or not permit this alignment. Need to I.D. actual function of easements that have been noted for waterline extension and ask City if they will allow the use of these easements to satisfy the requirements of this review. There is some concern regarding extension of a water main through the rear lots of the existing subdivision due to the potential location of other utilities within the easement and lack of the City having its own exclusive UE for water.*
2. **Show tapping saddle, valve, etc. at the far southern end of proposed water extension.** From Applicant: 07/16/2021 This will be indicated on the construction plans. *City Engineer to determine if this is acceptable.*
3. Note size of existing sewer line along north side of site. *Awaiting on Public Works Information*
4. Show any traffic and street sign locations on plan. *Note no. 6 only; Not shown on SE corner of Sands and Tate*
5. Coordinate with Public Works on adding fire hydrant at southwest corner of proposed lot no. 4 at prop. waterline ext.  
*Applicant response: "Noted. I am presently working with Andrew at Cave Springs Public Works. Any hydrant location modifications will be shown on the construction plans." This needs to be a condition of approval and verified by the City Engineer.*
6. Address 6/29/2021 City Engineer comments (1-8) regarding applicant's 6/2/2021 drainage report.
  1. Include all storm sewer designs and calculations for pipes, inlets, structures, etc.
  2. Show gutter spread calculations for 10-year and 100-year storm events.
  3. Refer to the cave springs drainage manual chapter 5, section 6 for detention basin criteria.
  4. Provide detention pond pipe outfall calculations or provide outfall structure and calculations.
  5. Include culvert calculations on existing structures where additional flow is being conveyed.
  6. Provide construction site stormwater management measures per drainage manual chapter 8
  7. Provide water quality design, calculations, and requirements per drainage manual chapter 9
  8. Verify whether project site is in the cave springs direct recharge area, indirect recharge area, or outside the recharge area entirely.
    - i. **Reference revised calculations run by applicant and submitted on 7/15/2021.**
7. Discuss the continuation of pedestrian improvements south (within the extents of the newly dedicated ROW) along Sands Road – west side of site.
8. Show roadway designs along Tate and Sands Roads.
9. Revise side BSB table to indicate 'Side Interior' at 7', and add 'Side Corner' at 25'
10. Follow up w/ City Engineer on Drainage Report – link report to HDPE pipe discharge.

**Staff Recommendation:**

**To be determined after further review and discussion with Cave Springs Public Works and the City Engineer.**

Possible Conditions:

1. All proposed offsite improvements (water and sewer connections and related infrastructure) shall be constructed within a single-phase of development. Further, no final plat shall be granted without all required onsite and offsite improvements constructed, inspected, and approved by the City.
2. All required easements for offsite water and sewer line construction must be obtained prior to construction plan approval.
3. This Preliminary Plat is contingent upon rezoning approval by the Cave Springs City Council.



**Staff Review Comments (7/15/21 resubmittal), strike through items have been addressed.**

1. Provide notation stating lot no. 87 is a ~~NON-RESIDENTIAL LOT~~ due to not meeting residential lot frontage requirements. This should also be indicated on the building setback chart.
2. Remove BSL for lot 90 and notate in the plat that the setbacks are dependent upon the proposed building height for townhomes, to be determined during permit review and approval.
3. Adjust the 34' wide access easement strip between lots 81 and 82 that extends south between lots 87 and 90 so that it is entirely within proposed lot 87 (POA lot). This is to ensure lot 87 has legal access to a public right of way.
4. Final Plat states Federal wetland areas are contained on this property. Please clearly depict these areas on page two (2) of the plat and extending north onto page one (1) if the wetland area extends this far north. Federal wetland delineation graphics should be differentiated from drainage easement.
5. Please qualify the flood notation, specially stating that the portion of the property described in the LOMA case no (insert) has been removed from the SFHA. Please amend plat showing which lots / area of final plat corresponds to the Legal Description provided in LOMA Case No. 18-06-3087A. Verify and state on the plat if there are any remaining 'A' zones within the bounds of the Final Plat as submitted.
6. Submit drainage report for Phase 2, as Phase 2 detention is accepting / receiving stormwater flows from Phase 3. This document has been requested, but not received from the engineer. Submitted, but pending City Engineer Review and Comment.
7. Given multiple sheets are used for this plat, add a key map to the first sheet showing the entire subdivision on a smaller scale. Revise match lines to read 'match line to sheet 1' and 'match line to sheet 2' where appropriate.
8. Provide and label all needed utility and access easements for the STEP system tank and pipes. This includes access easements around the tank and through the golf course to the tank area. Utility easements are also needed where utilities are run to serve the tank (i.e., sewer and powerlines, etc.).

Some easements are shown on the current Preliminary Plat approval, but concerns remain over access; U/E shown on n. side of lot 74 does not appear to provide actual access. Access was understood to be gained through the adjacent golf course lot. This matter must be addressed and clarified by the applicant and commented on by City Engineer.
9. Need verification of water pressure tests. City Engineer to verify if these are still needed.
10. Verification that the Final City inspection has taken place and that all previous 'punch-list' items have been addressed. Not yet addressed to our knowledge. City Engineer to verify.
11. Provide compaction and thickness test results for all concrete sidewalks, curb & gutter, roadways / roadway cores. Unsure if all tests have been received. City Engineer to verify.
12. Prior to final plat, the temporary cul-de-sac turnaround (compliant with AR State Fire Code) must be installed at the end of Torrey Pines Dr., along with submittal of either a two- year LOC or Performance bond for cost of transitioning the turnaround into a finished roadway in case construction on lot 90 (that would provide compliance with Arkansas State Fire Code) is not commenced within 1 year.
  - a. The plans for the temporary cul-de-sac shall be submitted to the City engineer (including drainage accommodations if needed) for review and approval. Please provide information regarding the placement of the required turn-around and any conflicts with existing drainage easements. A separate document containing a temporary easement was submitted (attached with this report), however, we will need more detailed comment from City Engineer regarding radius, drainage capacity, etc. No easement verbiage regarding terms has been submitted for review.
  - b. The installation of drainage structures may be required for the temporary or final cul-de-sac. Temp. Access Easement does not appear to show drainage structures (perhaps c/g), but no conveyance structures, or inlets. Follow up w/ City Engineer needed. Need more detailed comment from City Engineer regarding radius, drainage capacity, etc...
  - c. City inspection and/ or Fire Chief should verify that the temporary cul-de-sac is constructed and compliant with Arkansas State Fire Code prior to final plat.

To our knowledge this has not taken place.
13. Testing/operation and inspection status of tank is needed prior to City's consideration of acceptance.
  - a. Via 07/16/2021 E-mail from Applicant Engineer: *We did an inspection on the settling tank yesterday but since it was empty and taking a while a fill decided to do the actual pump run this morning. I will send the certification after this is completed.* To our knowledge this testing failed and will be reperfomed Monday, July 19<sup>th</sup>.
14. Provide daily reports/inspection for installation of STEP tank.



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14. a. Applicant response is that third party tank / pump installers (Aquatech and BBB Septic, respectively), did not provide written daily reports. City Engineer must determine next steps in regard to validity of ADH permit and any other issues. Regarding potential acceptance by the City. It is our understanding that a 2-year maintenance bond will be provided.
- b. 07/06/2021 E-mail from Cl. Engineer on this; *"The letter this morning is only results from testing done by the supplier/installer for the tank. The EOR needs to certify the full construction of the tank and sewer lines is done per his specifications and plans and is functioning. It should include a statement that all tests have passed, and it would be desirable if any testing results and inspections are included as attachments."* City Engineer to review 7/15/21 submittal items and provide comment.
15. While Maintenance / Performance Bond estimates were submitted to and approved by the City Engineer, per code, a City/Attorney approved bond must be submitted.
- Not yet received for review.

**Recommendation:**

Pending outcome of tank testing and City Engineer review and Comments. Update to be provided at the Meeting.