

City of Cave Springs, Arkansas

Planning Commission & Board of Zoning Adjustment Meeting

December 6, 2021, at 6:30 PM

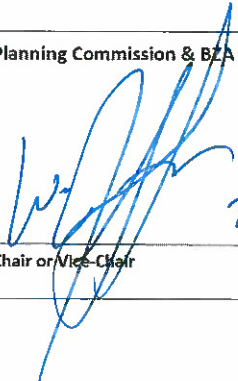
American Legion Building / 168 Glenwood Ave. Cave Springs, Ar. 72718

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	Absent
Mark Smittle	Present
Tal Hudson	Present
Kayleigh Barnes	Present

Planning Commission & BZA Approval:	
	3/7/22
Chair or Vice-Chair	Date

Approval of Meeting Minutes:

Motion was made by Tal Hudson to approve the October 4, 2021, meeting minutes.

Motion was seconded by Kayleigh Barnes and passed unanimously.

Public Hearing – Variance – Jeremy and Valarie Stobaugh – 253 Haxton Road:

Request – Applicants Jeremy and Valarie Stobaugh are requesting a rear building-to-property line setback of 10' in lieu of the required 25' to allow a particular placement/orientation for a proposed accessory building / shop building. The proposed accessory building / shop would encroach into the required 25' rear setback by approximately 15' (i.e., 10' to rear property line)

The 1.27 +/- acre property is located along the south side of Haxton Road, approximately ½ mile west of the Haxton / North Main Street intersection.

Staff report was presented by Juliet Richey. Staff was not opposed to the request for variance.

Public Hearing opened and closed with no comments.

Variance - Jeremy and Valarie Stobaugh – 253 Haxton Road:

Request – Applicants Jeremy and Valarie Stobaugh are requesting a rear building-to-property line setback of 10' in lieu of the required 25' to allow a particular placement/orientation for a proposed accessory building / shop building. The proposed accessory building / shop would encroach into the required 25' rear setback by approximately 15' (i.e., 10' to rear property line)

The 1.27 +/- acre property is located along the south side of Haxton Road, approximately ½ mile west of the Haxton / North Main Street intersection.

Motion was made by Jason Strecker to approve the variance as submitted.

Motion was seconded by Tal Hudson and passed unanimously.

Public Hearing – Variance – Better Remodeling, LLC (Julio Molano) (Daniel Lazenby - ESI – owner representative) – 308 E. Johnson Ave:

Request – Applicant is requesting a variance to allow as existing structural encroachment and a variance to reduce public right-of-way (ROW) dedications.

The applicant's representative, Daniel Lazenby, shows MSP ROW dedications that appear less than what is stipulated by the Master Street Plan. The plans submitted also show the existing commercial building (proposed lot 4) encroaching upon the required 25' building setback.

The site is located at the northwest corner of East Johnson Ave. and 3rd Street, approximately ¼ miles east of the North Main Street / Hwy 112 intersection.

Staff report was presented by Juliet Richey.

Staff recognized the non-conforming nature of the existing structural encroachment on proposed tract 4.

Staff stated that if the existing structure is demolished or relocated, it is typical for the affected tract (lot) to have its current zoning setbacks in effect and enforceable by the city.

Staff stated that they would support the variance for the setback for the existing structural encroachment only, if and/or when the existing structure is relocated or demolished. All previously granted setback variances would be considered null and void and all current setbacks would be in full force and effect.

Staff would support a reduction in the amount of required half-street public right-of-way dedication for that portion of the required 25' right-of-way dedication that is encroached upon by the existing structure on proposed tract 4 only. The remainder of the project's frontage along 3rd Street should dedicate the full amount of half-street right-of-way dedication so that improvements can be constructed for as much of the public right-of-way as possible in concert with the local roadways cross section provided in the adopted Master Street Plan.

Public hearing opened and closed with no public comments.

Variance – Better Remodeling, LLC (Julio Molano) (Daniel Lazenby - ESI – owner representative) – 308 E. Johnson Ave:

Request – Applicant is requesting a variance to allow as existing structural encroachment and a variance to reduce public right-of-way (ROW) dedications.

The applicant's representative, Daniel Lazenby, shows MSP ROW dedications that appear less than what is stipulated by the Master Street Plan. The plans submitted also show the existing commercial building (proposed lot 4) encroaching upon the required 25' building setback.

The site is located at the northwest corner of East Johnson Ave. and 3rd Street, approximately ¼ miles east of the North Main Street / Hwy 112 intersection.

Motion was made by Tal Hudson to approve the variance with staff recommendations and conditions.

Motion was seconded by Kayleigh Barnes and passed unanimously.

Other Business:

None

Adjournment:

Motion was made by Jason Strecker to adjourn the December 6, 2021, BZA meeting.

Motion was seconded by Fallon Henry and passed unanimously.

Official Meeting:

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

Members:

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

Approval of Agenda:

Motion was made by Jason Strecker to approve the adjusted agenda with the addition of item 10 – Adoption of the 2022 Planning Commission/Board of Zoning Adjustment Calendar.

Motion was seconded by Kayleigh Barnes and passed unanimously.

Approval of Meeting Minutes:

Motion was made by Jason Strecker to table the November 1, 2021, meeting minutes awaiting receipt of the minutes.

Motion was seconded by Fallon Henry and passed unanimously.

Public Hearing – Rezone – Illinois River Watershed Partnership - 219 South Main Street – Leif Kindberg, Associate Director, IRWP:

Applicant, Leif Kindberg, Executive Director for Illinois River Watershed Partnership, as owner representative, is requesting the property located at 219 S. Main St. be rezoned from R-2 to C-1 to support a locally based commercial/retail uses, lease space.

The 0.10 +/- acre property is located along the west side of South Main Street at the intersection with Glenwood Ave., and approximately ½ mile north of the East Lowell Ave. / Hwy 112 East intersection. Staff report was presented by Juliet Richey.

Public hearing opened and closed with no comments.

Rezone – Illinois River Watershed Partnership - 219 South Main Street – Leif Kindberg, Associate Director, IRWP:

Applicant, Leif Kindberg, Executive Director for Illinois River Watershed Partnership, as owner representative, is requesting the property located at 219 S. Main St. be rezoned from R-2 to C-1 to support a locally based commercial/retail uses, lease space.

The 0.10 +/- acre property is located along the west side of South Main Street at the intersection with Glenwood Ave., and approximately ½ mile north of the East Lowell Ave. / Hwy 112 East intersection.

Motion was made by Tal Hudson to approve the rezone from R-2 to C-1 with staff recommendations and to forward to city council for approval.

Motion was seconded by Kayleigh Barnes and passed unanimously.

Preliminary Plat - Better Remodeling, LLC (Julio Molano) (Daniel Lazenby - ESI – owner representative) – 308 E. Johnson Ave:

Request for Preliminary Plat approval to create three new tracts from an existing tract for a total of four tracts.

The site is located at the northwest corner of East Johnson Ave. and 3rd Street, approximately ¼ miles east of the North Main Street / Hwy 112 intersection.

Project will include extension of public water and sewer to the site in order to accommodate proposed new single-family detached dwelling units.

Staff report was presented by Juliet Richey.

Motion was made by Jason Strecker to approve with staff recommendations conditioned upon outstanding items #1, #2, #3, and #4 in staff report being addressed.

Motion was seconded by Fallon Henry and passed unanimously.

Final Plat – Pamela Gregrich – 855 Shores Ave.

Request to divide the property line into three tracts of land.

Current zoning is R-3.

The 2.5 +/- acre property is located along the south side of Shores Ave., identified by Benton County Parcel Number 05-10012-000. The property is located approximately 2/3 miles east of the intersection with Ar. Hwy. 112 / N. Main Street.

Staff report was presented by Juliet Richey.

Staff recommends that the Final Plat be approved, conditioned upon the technical review items being addressed and the completed construction of the sewer line extension. Once staff has confirmed the technical review items have been addressed and the sewer extension completed, then the Final Plat may be submitted to staff and the city for final signatures and recordation.

Motion was made by Tal Hudson to approve as recommended by staff with conditions.

Motion was seconded by Kayleigh Barnes and passed unanimously.

Public Hearing – Code Revision – Wireless Facilities (Cell Tower) Regulations:

Staff recommended the removal of “Guyed Tower”, as per City Attorney, Justin Eichmann’s, should have a separate code. Commissioners were in agreeance.

Public hearing opened and closed.

Code Revision – Wireless Facilities (Cell Tower) Regulations:

Motion was made by Tal Hudson to approve as recommended.

Motion was seconded by Kayleigh Barnes and passed unanimously.

Public Hearing - Code Revision – Recouping Consultation Fees

Regulations enabling the city to recoup consulting review costs associated with specific development.

Proposed code amendment for “Development Review Costs” –

For all development, including, but not limited to tract splits, subdivision plats, variances, waivers, conditional use permits, re-zonings, annexations, grading permits, site plans, and planned zoning developments, the non-refundable submittal fee (adopted for that specific process) shall cover initial review of the development/proposal by the city and its contact planning or engineering staff.

In the event that additional planning and/or engineering review or other contract services directly related to the development are required beyond the initial city planning and engineering review, and the contract fees expended exceed the original fee amount submitted by the applicant, the owners, and/or developers shall reimburse the City of Cave Springs for these additional expenses incurred throughout the review process. All fee reimbursement to the city by the owner/applicant must be received by the city prior to or as a condition of final approval by the city unless otherwise agreed by the city.

Public hearing opened and closed.

Code Revision – Recouping Consultation Fees

Regulations enabling the city to recoup consulting review costs associated with specific development.

Proposed code amendment for “Development Review Costs” –

For all development, including, but not limited to tract splits, subdivision plats, variances, waivers, conditional use permits, re-zonings, annexations, grading permits, site plans, and planned zoning developments, the non-refundable submittal fee (adopted for that specific process) shall cover initial review of the development/proposal by the city and its contact planning or engineering staff.

In the event that additional planning and/or engineering review or other contract services directly related to the development are required beyond the initial city planning and engineering review, and the contract fees expended exceed the original fee amount submitted by the applicant, the owners, and/or developers shall reimburse the City of Cave Springs for these additional expenses incurred throughout the review process.

All fee reimbursement to the city by the owner/applicant must be received by the city prior to or as a condition of final approval by the city unless otherwise agreed by the city.

Motion was made by Jason Strecker to forward to city council for approval as long as applications are all amended.

2022 Schedule Planning Commission /Board of Zoning Adjustment

Motion was made by Jason Strecker to approve the 2022 Schedule as submitted. Copy attached.

Motion was seconded by Kayleigh Barnes and passed unanimously.

Other Business:

None

Adjournment:

Motion was made by Jason Strecker to adjourn the December 6, 2021, Planning Commission meeting.
Motion was seconded by Fallon Henry and passed unanimously.

Submitted by: _____

Grace Fielding, City of Cave Springs

Approved by: _____

Jason Strecker, Planning Commission Chairman

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