

# Cave Springs Planning Commission & Board of Zoning Adjustment Meeting

February 3, 2020 at 6:30 PM

American Legion Building

168 W. Glenwood Ave. Cave Springs, AR 72718

## Official Meeting:

Meeting was called to order by Chairman Jason Strecker

### Members:

Jason Strecker	Present
Fallon Henry	Present
Nancy Jay	Present
Landon Spurlock	Present
Mark Smittle	Present
Mahmoud Chitsazan	Present



### Approval of December 17, 2019 Meeting Minutes:

Motion was made by Nancy Jay and seconded by Mahmoud Chitsazan to approve the meeting minutes as corrected.

Motion passed unanimously.

### Approval of January 6, 2020 Meeting Minutes:

Motion was made by Fallon Henry and seconded by Mark Smittle to table the meeting minutes until corrections could be made.

Motion passed unanimously.

Jason announced the city council adopted the Karst Ordinance. He explained that future applications would have both the Karst Overlay and CUP Applications heard at the same time. He explained that The Meadows Pet Resort if the pending Conditional Use Permit moved forward tonight, would need to have a separate Conditional Use Permit Public Hearing for a Karst Conditional Use Permit.

Variance for 308 Deere Run was added to agenda - BZA

### Old Business:

#### Conditional Use Permit – The Meadows Pet Resort (River Ridge Ranch, LLC owner /manager Cynthia Russell)

Property is located at – Lot 4 and Lot 6 Woodruff Subdivision

Property is currently zoned C-2

Request – Conditional Use Permit to allow the construction of a Pet Resort on a Highway Commercial (C-2) property. The facility would provide animal care services.

Planning Commission discussion opened regarding the following information available:

Relevant Research

Revised design standards incorporated into CUP application

Prior input from residents

Traffic considerations, and input from Police Chief

Jason Strecker reviewed the existing CUP language in the zoning code as well as research he had done on the barking noise issue, as this was the biggest question mark.

The Applicant recommends that the City of Fayetteville's noise ordinance language be applied to their application.

Cave Springs' current noise ordinance was reviewed. Applicant stated they were confident their building components and operating standards would keep them compliant, the lack of specified decibel limits or other measurable means of compliance in our code rendered them uncomfortable with how it would be enforced, particularly on the southern exposure.

After lengthy discussion, Jason Strecker advised that the commissioners had three options remaining:

- (1) Deny the application with specific reasoning;
- (2) Approve the application with conditions specified, or
- (3) Defer to city council for decision

Applicant chose not to table

Mahmoud Chitsazan moved to defer to city council due to intercedes of subsequent ordinances and how it relates to rewrite.

Motion was seconded by Landon Spurlock.

Motion to defer vote roll call –

Landon Spurlock – Yes

Mahmoud Chitsazan – Yes

Mark Smittle – Yes

Fallon Henry - No

Nancy Jay - No

Jason Strecker - No

Motion failed due to tie vote of 3/3

Nancy Jay moved to approve the application with all conditions.

Motion failed due to a lack of a second.

Jason Strecker made a motion to deny the motion as put forth.

Motion was seconded by Landon Spurlock.

Motion to deny vote roll call –

Landon Spurlock – Yes

Mahmoud Chitsazan – Yes

Mark Smittle – Yes

Fallon Henry - No

Nancy Jay - No

Jason Strecker – Yes

Motion passed 4/2



Reasons for denial are based on:

- Definition of Conditional Use as defined by ordinance
- Specifics to Conditional Use as defined by code in Section 7, and concern that external effects, land use compatibility and safeguards to limit emissions can be adequately controlled; Conditional Uses Sections 7.1.1.6 and 7.1.1.10 of zoning code
- Concerns with current ordinance 6.04.09 (Ord. 2013-3 Sec. 9) as it relates to Barking Dogs and the ambiguity and the impacts this may have

**New Business:**

**Lot Split 12022 Farrar Road**

The applicant was not present; motion was made by Jason Strecker and seconded by Mahmoud Chitsazan to table this issue. Motion passed unanimously.

**Adjournment:**

Motion was made by Fallon Henry to adjourn the October 1, 2019 Planning Commission meeting. Motion was seconded by Mahmoud Chitsazan and passed unanimously.

**Board of Zoning Adjustment (BZA):**

Board of Zoning Adjustment Meeting was called to order by Chairman Jason Strecker

**Members:**

Jason Strecker	Present
Fallon Henry	Present
Nancy Jay	Present
Landon Spurlock	Present
Mark Smittle	Present
Mahmoud Chitsazan	Present

Planning Commission & BZA Approval:	
	
Chair or Vice Chair	Date

2/2/2020

**Business:**

- Variance –

Applicant – Creeks Golf Course, LLC

Location - 308 Deere Run Drive; Fairway Valley, Cave Springs

Request - side lot setback of 24.41'; plat is 30', city requirement is 25' (corner lot)

Public Hearing opened. Stephanie Duncan (307 Deere Run Drive) requested no further variances be considered before storm drainage problem is addressed. Developer Brett Hash addressed Mrs. Duncan's concerns.

Public hearing closed.

Motion made by Mahmoud Chitsazan to adjust set back to nearest whole number at 24' and seconded by Jason Strecker to approve the variance request. Motion passed unanimously.

**Adjournment:**

Motion was made by Fallon Henry to adjourn the Board of Zoning Adjustment meeting.

Motion was seconded by Nancy Jay and passed unanimously.

Submitted by: \_\_\_\_\_

Grace Fielding, City of Cave Springs

Approved by: \_\_\_\_\_

Jason Strecker, Planning Commission Chairman

WJS