

Cave Springs Planning Commission & Board of Zoning Adjustment Meeting

March 1, 2021 at 6:30 PM


Virtual Meeting

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	Absent
Kayleigh Barnes	Present

Planning Commission & BZA Approval:	
	6/7/2021
Chair or Vice-Chair	Date

Approval of Agenda:

Motion was made by Fallon Henry to accept the agenda as presented.

Motion was seconded by Nancy Jay.

Motion passed unanimously.

Approval of Meeting Minutes:

Motion was made by Jason Strecker to table the February 1, 2021 meeting minutes to the April 5, 2021 meeting.

Motion was seconded by Fallon Henry.

Motion passed unanimously.

New Business:

1. Tract Split – for applicants Paul Hughes and Diana White

Request – A tract split request to divide a +/- 76.82 acre property into two tracts.

Tract 1 - +/- 38.41 acres

Tract 2 - +/- 38.41 acres

The property is located along the south side of Arkansas Highway 264, approximately ¾ mile west of the intersection with Murdock Road.

Property is located in Cave Springs Planning Area Jurisdiction.

Zoning of property – Agricultural (A-1)

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

Motion was made by Fallon Henry to approve the tract split as recommended by staff, with the conditions listed in staff report. (Copy attached)

Motion was seconded by Nancy Jay and passed unanimously.

2. Conditional Use Permit – Public Hearing – Pinkie Up, LLC

Request – To allow a +/- 1 acre property to be used for a Micro-Brewery and Tap Room.

The property is located at 269 and 365 Lowell Ave.

Benton County Parcel # 05-10443-000 and 05-10446-000.

The property is located on the southwest side of the intersection at Lowell Ave. (Highway 264) and 3rd Street.

Zoning of property – C-3

Property owner – Kimberley Kuenzel

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

Staff finds that generally the proposed use of a microbrewery and tap room is generally a good fit for the neighborhood and would likely be a community utilized gathering place and asset to the area.

Staff finds that due to the proximity to existing single family residential on three sides, staff would like to see more detail regarding the landscaping, screening, and a more finalized placement of onsite parking and vehicular traffic prior to making a final recommendation on a approval or denial of the conditional use permit.

There is not currently sanitary sewer at the location. Applicant has discussed with the city how to achieve a sewer extension to location. City has proposed that the developer bring the sewer to location from near Casey's General Store. Due to the potential monetary investment of the applicant to extend the sewer, the applicant has requested that for a time period of up to three years they be allowed to utilize a septic tank for the wastewater coming from the restrooms and sinks within the taproom and a separate 2000 gallon holding tank for the effluent of the brewery process. Applicant stated that they have a verbal permission from the Arkansas Department of Health for the holding tank.

City will require a formal agreement stating requirements.

City will require written verification from the Arkansas Department of Health regarding their approval of the septic and holding tank onsite.

Applicant addressed the commissioners with a request to be allowed up to six years to construct and connect both the taproom and microbrewery to the public sewer system.

Public hearing comments opened.

Comments of concerns were as follows:

- Screening for residential land owners.
- Proximity to Church.
- Natural runoff – septic concerns.
- Condition of 3rd Street – in poor shape and not wide enough.
- Entrance and Exit.

Public comments closed.



Conditional Use Permit – Commission action – Pinkie Up, LLC

Request – To allow a +/- 1 acre property to be used for a Micro-Brewery and Tap Room.

The property is located at 269 and 365 Lowell Ave.

Benton County Parcel # 05-10443-000 and 05-10446-000.

The property is located on the southwest side of the intersection at Lowell Ave. (Highway 264) and 3rd Street.

Zoning of property – C-3

Property owner – Kimberley Kuenzel

Commissioner's and staff comments and concerns were as follows:

- Applicants request for a 6 year agreement to connect to public sewer system, instead of 3 year agreement. Staff stated the discussion would need to return to city and city engineer.
- Requirements to improve the conditions of 3rd Street.
- Driveways and access
- Landscaping and screening
- Site plan – pending details need to be worked out and presented

Motion was made by Jason Strecker to table Conditional Use Permit. Motion was seconded by Nancy Jay and passed unanimously.

Item tabled to the April 5, 2021 Planning Commission meeting.

3. Rezone – Public Hearing – Jarrett McLelland

Request – Rezone a property of +/- 3.41 acres from A-1 Agricultural to R-3 Single Family Residential.

Property is located at 739 Sands Road.

Benton County Parcel # 05-10094-000.

Property is located on the south and east side of Sands Road, approximately ½ mile east of Main Street / Arkansas Highway 112.

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

Staff is comfortable recommending the approval of the requested R-3 zoning with the following conditions:

The developer will be responsible for obtaining all necessary easements.

The developer will be responsible for the design and construction of required water and sewer extensions / connections to the subject property.

Dedication of ROW in accordance with the MSP and adjacent street improvements will be required of the developer with future division of land.

Noted: the property does not have public right-of-way ROW frontage along its western boundary. The city will need to discuss future orientation of development that may result from the subject property's only legal frontage being along the narrowest part, i.e. – Northern Side.

Public hearing comments opened.

Sandra Hyatt voiced concerns with drainage problems – Run off onto her property – Right-of-way shown is on her property.

Chairman addressed as follows:

This would be addressed with any future improvements / Site Plan Submittal.

Survey needs to be corrected.

Juliet Richie stated the following for Ms. Hyatt's clarification:

If property is developed they can only dedicate Master Street Plan right-of-way as it would fall within their property.

Public comments closed.

Rezoning request – Jarrett McLelland

Request – Rezone a property of +/- 3.41 acres from A-1 Agricultural to R-3 Single Family Residential.

Property is located at 739 Sands Road.

Benton County Parcel # 05-10094-000.

Property is located on the south and east side of Sands Road, approximately ½ mile east of Main Street / Arkansas Highway 112.

Motion was made by Nancy Jay to recommend to city council the approval of the rezone as recommended by staff – A-1 to R-3.

Motion was seconded by Mark Smittle.

Motion passed unanimously.

4. Rezone – Public Hearing – WGR Holding, LLC

Request – Rezone for a +/- 5.97 acre property to be rezoned from A-1 Agricultural to R-1 Residential.

Property is located at the western end of Sherman Ave., where the public roadway currently terminates into the +/- 5.97 acres.

The property consists of Benton County Parcel # 05-10225-001.

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

Staff recommends that the request be approved, with the understanding that all future development plats will need to comply with City Development Regulations and Zoning Code, particularly as it relates to public-street frontage and dedication requirements.

Public comments opened.

A surrounding property owner, Mrs. Barron, stated that they were told when they purchased their property that this land would not develop / Land could not be built on / Land was protected.

Mrs. Barron didn't understand why the road was being used for this property when it is not a part of the neighborhood.

Chairman replied the following:

Not sure why someone would tell you that the parcel could not be sold.

A Street that is not finished, its intent is for connectivity for future.

A Street doesn't belong to a subdivision. It is a Public Street, not a private street.

Public comments closed.

Rezone – WGR Holding, LLC

Request – Rezone for a +/- 5.97 acre property to be rezoned from A-1 Agricultural to R-1 Residential.

Property is located at the western end of Sherman Ave., where the public roadway currently terminates into the +/- 5.97 acres.

The property consists of Benton County Parcel # 05-10225-001.

Motion was made by Jason Strecker to recommend to city council approval of the rezone from A-1 to R-1 for subject property.

Motion was seconded by Nancy Jay and passed unanimously.

Other Business:

None

Adjournment:

Motion was made by Nancy Jay to adjourn the March 1, 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	Absent
Kayleigh Barnes	Present

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Motion was seconded by Nancy Jay.

Motion passed unanimously.

Approval of Meeting Minutes:

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Motion was seconded by Fallon Henry.

Motion passed unanimously.

Adjournment:

Motion was made by Fallon Henry to adjourn the March 1, 2021 Planning Commission BZA 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