

Cave Springs Planning Commission & Board of Zoning Adjustment Meeting

May 3, 2021 at 6:30 PM

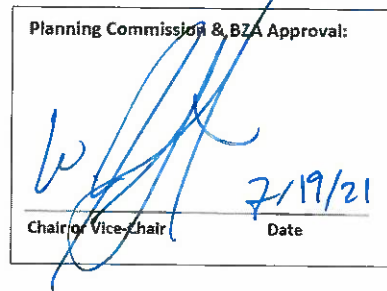
Virtual Meeting

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



Approval of Agenda

Jason Strecker requested to move the Pledge of Allegiance to the BZA agenda.

Approval of Meeting Minutes:

Motion was made by Fallon Henry to table the April 5, 2021 meeting minutes.

Motion was seconded by Nancy Jay.

Motion passed unanimously.

Variance Public Hearing: Main Street Commercial / P4 Partners, LTD

C/o Blew and Associates – Surveyor & Engineer

Request – A variance from the section 10.10 of the zoning code, Residential Compatibility Standards. The applicant requests a variance from the requirements to provide screening between the buildings and the residential subdivision to the east as well as the residential uses to the south. Request is in association with a Preliminary Plat and Site Plan submitted.

Location – 720 South Main Street (located along the ^{east} west side of S. Main Street / Hwy 112, approximately ½ mile south of the East Lowell Ave. / Hwy 264 Intersection.

The property includes the following parcels:

05-10204-000

05-10204-003

05-10204-004

05-10204-005

Totaling approximately 27.57 +/- acres.

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

Staff recommendations are as follows:

- Due to the distance from the residential properties to the designated storage areas and proposed building onsite, staff would be amenable to not requiring strict adherence to the

regulations in regard to fully screening all elements from view of adjacent residential properties unless it is the preference of a specific adjacent residential property.

- There is no need for the parking lot area and building fronts to be screened from view of residential properties.

Staff is interested to hear feedback from neighboring property owners.

Staff doesn't support the following:

- Granting a variance from the ground level screening standards for the outdoor storage area and/or maintenance of equipment and vehicles.
- Granting a variance for any of the proposed laydown areas/contractors materials storage areas.
- Granting variance of the screening requirements for the mechanical equipment such as HVAC units or similar that service the proposed improvements.

Staff recommends that all of the unsupported items above be screened with an opaque fencing material at least 8' in height.

Public Comments Opened –

Spence located at 937 Aylesbury Lane wanted some trees but didn't want trees or anything to prohibit her seeing the horizon. Spence to meet with Shankle to discuss the trees that she wished to be removed.

Beedy located at 949 Aylesbury Lane stated that he had a very good working relationship with Ben Shankle. He stated that a few years back there was a berm behind his house and Mr. Shankle removed it at his request. Beedy requested to keep his current view.

Public comments closed.

Public hearing closed.

Variance - Main Street Commercial / P4 Partners, LTD

Variance from the section 10.10 of the zoning code, Residential Compatibility Standards. The applicant requests a variance from the requirements to provide screening between the buildings and the residential subdivision to the east as well as the residential uses to the south. Request is in association with a Preliminary Plat and Site Plan submitted.

Location – 720 South Main Street (located along the ^{East} west side of S. Main Street / Hwy 112, approximately ½ mile south of the East Lowell Ave. / Hwy 264 Intersection.

The property includes the following parcels:

05-10204-000

05-10204-003

05-10204-004

05-10204-005

Totaling approximately 27.57 +/- acres.

Staff presented a recap.

Motion was made by Fallon Henry to approve the variance for the triggering properties screening on the exterior perimeter side on the south and east while maintaining the screening of the appropriate areas already discussed with staff on the interior of the sides.

The eastern and southern most of this 28 +/- acres per staff recommendations.

Motion was seconded by Nancy Jay and passed unanimously.

Other Business:

None

Adjournment:

Motion was made by Jason Strecker to adjourn the May 3, 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	Present
Mark Smittle	Present
Tal Hudson	Present
Kayleigh Barnes	Present



Approval of Agenda:

Motion was made by Jason Strecker to approve the meeting agenda.
Motion was seconded by Fallon Henry.
Motion passed unanimously.

Approval of Meeting Minutes:

Motion was made by Jason Strecker to table the April 5, 2021 meeting minutes.
Motion was seconded by Nancy Jay.
Motion passed unanimously.

Master Street Plan Updates: Public Hearing:

Staff presented the considered revisions to the currently adopted Master Street Plan as discussed at the Planning Commission Work Session.
Public comments opened.
No comments.
Public hearing closed.

Master Street Plan Updates: Revision to the currently adopted Master Street Plan:

Motion was made by Kayleigh Barnes to recommend to City Council for adoption the Master Street Plan Revisions.
Motion was seconded by Mark Smittle.
Motion passed unanimously.

Zoning Code Amendment – Public Hearing:

Staff presented the proposed revision to Appendix B – Schedule of Uses – A-1 Animal Shelter or Kennel to be changed from (P) Permitted in A-1 to (C) Conditional Use.
Public hearing opened and closed with no comments.

WJS

Zoning Code Amendment:

Motion was made by Nancy Jay to approve the change to Appendix B – Schedule of Uses “Animal Shelters or Kennels” from Permitted (P) in A-1, to Conditional Use (C) in A-1.

Motion was seconded by Kayleigh Barnes.

Motion passed unanimously.

New Business:

Rezone - Public Hearing – Eric and Wendy McGee – 593 S. Rainbow Road

Location – At the northwest corner of South Rainbow Road and Shores Ave.

Parcel # - 05-10004-001

Applicant is requesting a rezone from A-1 Agricultural, to R-4 Residential Single-Family.

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

Correction was made to “Location” – should be southwest corner not northwest corner of South Rainbow and Shores Ave.

Staff noted the following:

City Zoning Code, Section 6.7.1 provides the purpose and intent for the R-4 zone, which states, in part “similar to the R-3 District, the city shall require that R-4 zoned areas be served by municipal water and sanitary sewer services”.

At this time it is unclear exactly how far public sewer is from the site.

As per current requirements, any proposed development on this property or split on the property would require the extension of sewer mains to serve all proposed tracts.

The applicant/owner of the property is responsible for the design (to be approved by city), construction, and cost for extension of the mains and the acquisition of any needed easements.

As these improvements will be required with any new development on the property, staff has no issue recommending the rezone at this time.

Public comments opened –

Comments were as follows:

Mr. Cleveland – 1374 Shores Ave “Concerns with added driveways and traffic”.

Mr. Anderson – 559 S. Rainbow “Are there any plans to widen Rainbow or to straighten out Rainbow and Shores?”

Mrs. Stroud – 1402 Gooseneck “What will they be allowed to build on lots?”

Public comments closed.

Public hearing closed.

Rezone - Eric and Wendy McGee – 593 S. Rainbow Road

Location – At the southwest corner of South Rainbow Road and Shores Ave. (1.13 +/- acres)

Parcel # - 05-10004-001

Applicant is requesting a rezone from A-1 Agricultural, to R-4 Residential Single-Family.

Motion was made by Fallon Henry to recommend to city council the approval of the rezone from A-1 Agricultural to R-4 Single Family Residential.

Motion was seconded by Nancy Jay and passed unanimously.

Tract Split - Eric and Wendy McGee – 593 S. Rainbow Road

Location – At the southwest corner of South Rainbow Road and Shores Ave. (1.13 +/- acres)

Parcel # - 05-10004-001

Applicant is requesting to divide +/-1.13 acres into (3) three proposed tracts.

Tract 1 – 0.26 acres

Tract 2 – 0.53 acres – retaining the existing dwelling and related improvements.

Tract 3 – 0.26 acres

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

Staff recommends the approval of the tract split with the following conditions:

- City Council approves the rezone from A-1 to R-1 prior to tract split approval.
- Revised Plat submitted to the city as follows:
 - a. There shall only be a single driveway allowed to access onto Rainbow Road. Revise plans and indicate a shared driveway to be utilized by proposed tracts 2 and 3. Revise plans to show driveway placement and appropriate easements for joint use. Proposed drive location for tract 1 shall be indicated on the plat. Final placement of all drives is subject to the approval of the city engineer due to safety concerns.
 - b. Show and dimension sidewalk placement as required by the adopted master street plan – minor arterial – typical section. Sidewalk to be constructed prior to the issuance of a certificate of occupancy by the city.
 - c. Show all existing water, sewer, and other utilities – reviewed by city engineer. Existing easements shall be shown, if existing easements are inadequate, then revise utility easements may be required by city engineer.

City engineer, Eric Anderson recommended a radius right-of way. Juliet will add as a condition.

Motion was made by Nancy Jay to approve the tract split as recommended by staff and conditions outlined and with the additional city engineer condition of the radius right-of-way. Motion was seconded by Tal Hudson and passed unanimously.

Rezone - Public Hearing – Geoff Rhinehart – 201 Haxton Road

C/O Satterfield Land Surveyors – Cert. Pro. Surveyor

Location – Along the south side of Haxton Road, approximately 0.4 miles west of the north Main Street/AR Hwy. 112 intersection.

Parcel # 05-10260-002

Applicant is requesting a rezone for 5.0 +/- acres from A-1 Agricultural to R-1 Residential.

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

Applicant is proposing three lots on this parcel.

Due to the property being adjacent to the City of Rogers, recommendation will be forwarded to the city of Rogers for compatibility. Refer to A.C.A. 14-56-306 Definitions attached in staff report.

Site is served by private well and septic system for potable water and sewerage service.

Staff supports the request to rezone from A-1 to R-1.

Public comments opened.

Questions regarding when city water would be available and street improvements were asked.

Reply – Water not available in the near future.

Public comments closed

Rezone - Geoff Rhinehart – 201 Haxton Road

C/O Satterfield Land Surveyors – Cert. Pro. Surveyor

Location – Along the south side of Haxton Road, approximately 0.4 miles west of the north Main Street/AR Hwy. 112 intersection.

Parcel # 05-10260-002

Applicant is requesting a rezone for 5.0 +/- acres from A-1 Agricultural to R-1 Residential.

Motion was made by Fallon Henry to recommend to city council the approval of the rezone from A-1 to R-1 per staff recommendations.

Motion was seconded by Nancy Jay and passed unanimously.

Tract Split – Geoff Rhinehart – 201 Haxton Road

C/O Satterfield Land Surveyors – Cert. Pro. Surveyor

Location – Along the south side of Haxton Road, approximately 0.4 miles west of the north Main Street/AR Hwy. 112 intersection.

Parcel # 05-10260-002

Applicant is requesting a tract split to divide a 5.0 +/- acre property into three (3) proposed tracts.

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

Proposed tracts –

1 (1.42 acres +/-)

2 (1.50 acres +/-)

3 (2.08 acres +/-)

Staff recommend the approval of the tract split with the following conditions:

- Rezone from A-1 to R-1 approved by city council.
- Revise tract split to include information:
 - a. Show all building setbacks based on the requested R-1 zoning
 - b. Right-of way dedication – Revise showing dedication of approximately fifty feet from the centerline of Haxton Road, as this public road is classified by the adopted Master Street Plan as an arterial roadway, with minimum width of one-hundred total feet. Right-of Way dedication to be described separately from the proposed lot(s), and be recorded separately on its own instrument.
 - c. Revise name of roadway from W. Pleasant Grove Road to Haxton Road.
 - d. Revise vicinity map to show parent tract in relation to roadway network.

Motion was made by Nancy Jay to approve the tract split per staff recommendations. Motion was seconded by Fallon Henry and passed unanimously.

Tract Split – Steven and Julie Ko – 9700 Blk. Phillips Cemetery Road

C/O Alan Reid & Associates – Cert. Pro. Surveyor

Location – Unimproved and immediately west of 9711 Phillips Cemetery Road, northwest corner of Phillips Cemetery Road and Murdock Road.

Parcel # 15-12454-000

Property lies in unincorporated Benton County but is within the City of Cave Springs adopted Planning Area

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

Applicant is requesting to create two tracts from the existing tract.

Proposed tracts –

1 (2.50 acres +/-)

2 (3.04 acres +/-)

Plans do not show public water and/or sewer connections which are not available at this time. The city is planning a future water extension along Murdock Road but the line will not run adjacent to this property.

Motion was made by Nancy Jay to approve the tract split with the following condition:

Plans submitted will need to be revised with conceptual placement of proposed primary and alternated septic areas, percolation test pits, proposed well locations, as well as legal spacing between all items as required by Arkansas Department of Health.

Motion was seconded by Kayleigh Barnes and passed unanimously.

Preliminary Plat – Better Remodeling, LLC /Julio Malona – 308 E. Johnson Ave
C/O Daniel Lazenby – Surveyor/Engineer

Location – Northwest corner of East Johnson Ave. and 3rd Street approximately ¼ mile east of the N. Main Street/Hwy 112 intersection.

Applicant request that item be tabled to the June meeting.

Motion was made by Jason Strecker to table item per applicant's request. Motion was seconded by Nancy Jay and passed unanimously.

Conditional Use Permit – Pinkie Up, LLC – Micro-brewery and Tap Room

Location – 269 and 335 E. Lowell Ave – Southwest side of the intersection at Lowell Ave/Hwy 264 and 3rd Street.

Parcel # 05-10443-000 and 05-10446-000

Applicant request that item be tabled to the June meeting.

Motion was made by Jason Strecker to table item per applicant's request. Motion was seconded by Mark Smittle and passed unanimously.

Deviation – Main Street Commercial – P-4 Partners, LTD - 720 S. Main Street

C/O Bates and Associates - Surveyor/Engineer

Parcels - #05-10204-000, 05-10204-003, 05-10204-004, and 05-10204-005

Total acreage – 27.57 +/- acres

Applicant is requesting that they not be required to construct half-street improvements (street widening, installation of curb and gutter, etc.) for all property frontage along Hwy 112 and sidewalks. (Hwy 112 is subject to future improvements).

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

Staff supports the deviation from construction of sidewalks along the 477 +/- linear feet of frontage with Arkansas Hwy 112, shown as proposed Tract 1 on the associated Preliminary Plat.

Staff supports a deviation from required half-street improvements along all of the properties frontage with Hwy 112.

Staff support is contingent upon the condition that sidewalks and/or trails must be in place prior to issuance of Certificate of Occupancy on any development within the associated Preliminary Plat/Site Plan.

Motion was made by Jason Strecker to approve deviation per staff recommendation. Motion was seconded by Nancy Jay and passed unanimously.



Preliminary Plat Main Street Commercial – P-4 Partners, LTD - 720 S. Main Street

C/O Bates and Associates - Surveyor/Engineer

Parcels - #05-10204-000, 05-10204-003, 05-10204-004, and 05-10204-005

Total acreage – 27.57 +/- acres

Request – Create three tracts from the 27.57 +/- acres

1 (23.08 +/- acres)

2 (15.38 +/- acres)

3 (7.70 +/- acres)

Current zoning – C-2

Preliminary Plat submittal establish required improvements and platting requirements associated with a concurrent Site Plan Review.

Preliminary Plat submitted shows a proposed public, local roadway extending approximately 580' east from S. Main Street/Hwy 112 into the interior of the site.

Applicant is also extending public water and sewer to the site, installing on-site storm water management detention and management improvements.

Planner and City Engineer comments are attached (see page 3 of staff report.) (Copy attached).

Motion was made by Tal Hudson approve Preliminary Plat based on comments per staff. (Page 3 of staff report – copy attached).

Motion was seconded by Nancy Jay and passed unanimously.

Site Plan - Main Street Commercial – P-4 Partners, LTD - 720 S. Main Street

C/O Bates and Associates - Surveyor/Engineer

Parcels - #05-10204-000, 05-10204-003, 05-10204-004, and 05-10204-005

Total acreage – 27.57 +/- acres

Site Plan submittal to redevelop a 23.08 acre portion of the existing 27.57 acre property with three proposed commercial buildings, a new local roadway from the adjacent arterial (Hwy) utility extensions, parking improvements, and associated landscaping.

On the south side of the site (proposed tract 3 @ 7.70 acres), the applicant is proposing to construct a 9,856 +/- sq. ft. building to house the company's primary base of operations – Pavecon.

In this building, approximately 3,946 +/- sq. ft. will be used as an Office Use/Administrative Area with the remaining 6,008 +/- sq. ft. area used as a Maintenance Service Area.

The north side of the project (proposed tract 2 @ 15.38 acres the applicant proposes to construct two 12,000 +/- sq. ft. buildings, each with 5 individual leasable tenant spaces within them, each tenant area having a dedicated material lay-down area in the rear.

Applicant will provide water and sewer extensions.

Loading and unloading for services and shipping is provided to the rear of one of the 12,000 sq. ft. commercial buildings, and to the rear of the proposed administrative/maintenance service building.

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

City Engineer, Eric Anderson's comments are listed on page 7 of staff report. (Copy attached) He as well requested to add meter and sewer requirements per sub-buildings.

Juliet recommended additional discussion regarding landscape plan and type of fencing.

Ben Shankle stated the following:

- Type of fence will be a standard screening fence with a black chain link fence – a woven plastic netting.
(Jason - Comparable to what one would see around a tennis court for privacy)
- Will not be building a wooden fence.
- Would prefer not to put anything on the east side of the Pavecon Building due to possible expansions or a gate. Would be okay with planting trees by the road.



Landscape Plan was discussed -

Full shade trees such as Sugar Maple and Cherry Trees were recommended by Fallon Henry, instead of ornamental type tree.

Juliet and Fallon offered to provide a list of recommended trees.

Motion was made by Jason Strecker to approve the site plan with the condition discussed in staff report and contingent upon the approval of the revised landscape plans that are to be submitted within the next 30 business days.

Motion was seconded by Fallon Henry and passed unanimously.

Other Business:

None

Adjournment:

Motion was made by Nancy Jay to adjourn the May 3, 2021 Planning Commission meeting.

Motion was seconded by Kayleigh Barnes and passed unanimously.

Submitted by: _____

Grace Fielding, City of Cave Springs

Approved by: _____

Jason Strecker, Planning Commission Chairman

