

**City of Cave Springs, Arkansas**

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

**October 4, 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	Present
Mark Smittle	Present
Tal Hudson	Present
Kayleigh Barnes	Present

Planning Commission & BZA Approval:	
	12/6/21
Chair or Vice Chair	Date

**Variance – Public Hearing - Black Howler Micro-Brewery and Taproom – 365 Lowell Ave**

Request – Variance request in support of a concurrent Site Plan submission.

The applicant is requesting two variances: (1) Master Street Plan right-of-way dedication requirements, and (2) Building to property line setbacks due to topographic and other site constraints.

Current zoning of property – C-3 Neighborhood Commercial.

Location of property: Location – Property is located on the southwest side of the intersection at Lowell Ave. and 3<sup>rd</sup> Street.

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

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

After staff and commission discussion it was clarified that the only variance being considered tonight is E. Lowell Ave. building setback adjusting where it is 10' off the right-of-way.

Public comments opened and closed with no comments.

**Variance – Black Howler Micro-Brewery and Taproom – 365 Lowell Ave**

Request – Variance request in support of a concurrent Site Plan submission.

The applicant is requesting two variances: (1) Master Street Plan right-of-way dedication requirements, and (2) Building to property line setbacks due to topographic and other site constraints.

Current zoning of property – C-3 Neighborhood Commercial.

Location of property: Location – Property is located on the southwest side of the intersection at Lowell Ave. and 3<sup>rd</sup> Street.

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

Motion was made by Nancy Jay to approve the requested variance for the building setback to right-of-way on highway 264.

Motion was seconded by Kayleigh Barnes and passed unanimously.

**Variance – Public Hearing – Osage Meadows Subdivision – 925-975 N. Main Street (Hwy 112) at Wallis Road – Owner representative - Brian Moore**

Request – Variance request to support a Preliminary Plat for Residential Subdivision containing 137 lots, with 131 of these lots proposed for single-family residential development. The applicant is requesting a variance from Master Street Plan right-of-way dedication requirements.

Location of property – The 53.70 +/- acres is located along the west side of hwy. 112 / N. Main Street, north of Evening Star Road along hwy. 112, Main Street.

Benton County parcel # 05-10274-000 and 05-10285-000.

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

Staff recommended that the plat be required to show the 50' of right-of-way from centerline at this time, except for proposed lot 136 which is constrained due to the location of the 50' Bentonville waterline transmission easement.

Clarifying request after discussion – Variance request is to change from a 50' to 40' right-of-way.

Applicants project engineer, Blake Murray, stated the following:

Instead of dedicating an additional 10' –

Allow staff and the developer time to make decision during construction plans.

Request that city staff, ESI, and Osage Meadows, LLC be able to determine this right-of-way during construction plans, based off ARDOT's design plans.

Public comments opened and closed with no comments.

**Variance – Public Hearing – Osage Meadows Subdivision – 925-975 N. Main Street (Hwy 112) at Wallis Road – Owner representative - Brian Moore**

Request – Variance request to support a Preliminary Plat for Residential Subdivision containing 137 lots, with 131 of these lots proposed for single-family residential development. The applicant is requesting a variance from Master Street Plan right-of-way dedication requirements.

Location of property – The 53.70 +/- acres is located along the west side of hwy. 112 / N. Main Street, north of Evening Star Road along hwy. 112, Main Street.

Benton County parcel # 05-10274-000 and 05-10285-000.

Motion was made by Jason Strecker to hold right-of-way to 50', with exception of lot 136 which is in the Bentonville waterline transmission easement. Contingent to ARDOT alignment – adjustments can be made on construction plans once alignment is published.

Motion was seconded by Kayleigh Barnes and passed unanimously.

**Variance – Public Hearing – McMullen Realty – Misty McMullen – 479 S. Main Street /Hwy. 112**

Request – Variances to support a site plan submittal to redevelop the site with a proposed office building (first floor) with two temporary lodging units on the second floor. Applicant is requesting variance from off-street parking, driveway access, residential compatibility standards, sidewalk construction standards, and sidewalk widths.

Location – The 0.58 +/- acre property is located along the 400 block of AR Hwy. 112. Property is located on the west side of the roadway, northwest of the E. Johnson Ave. intersection.

Benton County parcel # 05-10433-000

Property is zoned C-1

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

Driveway Access discussion -

Clarifying request after discussion – Variance to be less than the stated 80' as long as it goes through site triangle review and is found compliant.

Residential Compatibility Standards – Large Sites

Residential Compatibility Standards – Surface-level Parking

Off Street Parking – Aisle dimensions

Master Street Plan – 5' public sidewalk constructed along Main Street Arterial in lieu of the required 10.5'

Public comments opened and closed with no comments.

**Variance – McMullen Realty – Misty McMullen – 479 S. Main Street /Hwy. 112**

Request – Variances to support a site plan submittal to redevelop the site with a proposed office building (first floor) with two temporary lodging units on the second floor. Applicant is requesting variance from off-street parking, driveway access, residential compatibility standards, sidewalk construction standards, and sidewalk widths.

Location – The 0.58 +/- acre property is located along the 400 block of AR Hwy. 112. Property is located on the west side of the roadway, northwest of the E. Johnson Ave. intersection.

Benton County parcel # 05-10433-000

1. Driveway Access – spacing between non-signalized access points – Staff recommends approval if sight triangles are submitted and found acceptable by the city engineer at the currently proposed driveway placement.

Motion was made by Nancy Jay to approve as staff recommended. Motion was seconded by Tal Hudson and passed unanimously.

2. Residential Compatibility Standards – Large Sites (over 20,000 sf.) Setbacks – Staff recommends approval with the condition that zero setbacks are allowable as long as there are no conflicts with the Building/Fire Codes and the relationship of the proposed building with existing structures on surrounding properties.

Motion was made by Tal Hudson to approve with condition that zero setbacks are allowable as long as there are no conflicts with the Building/Fire Codes and the relationship of the proposed building with existing structures on surrounding properties. Motion was seconded by Mark Smittle and passed unanimously.

3. Residential Compatibility Standards – Surface-level Parking – Setbacks – Staff is amenable to supporting this variance. Applicant revised prior plans and now shows more vegetative landscape screening along those portions of the rear surface parking lot that abut adjacent residentially zoned property.

Motion was made by Nancy Jay to approve per staff's recommendation. Motion was seconded by Kayleigh Barnes and passed unanimously.

4. Off Street Parking – Aisle dimensions –

Motion was made by Jason Strecker - No variance is needed to extend the curbing for proper turnaround; however, the parking requirements may be amended based on occupancy. (Removing the storage for mechanical room from the occupant requirement for the building.) Motion was seconded by Nancy Jay and passed unanimously.

5. Removed

6. Master Street Plan – 5' public sidewalk constructed along Main Street Arterial in lieu of the required 10.5' – Staff and City Engineer are okay with ½ street improvements to not include curbing construction and/or ½ street improvements in regard to the roadway itself, however, planning recommends that the BZA require 10.5 ft. side-path construction per city Master Street Plan – Main Street Arterial cross section standards. If ARDOT will not allow the sidewalk construction within the right-of-way then the applicant shall construct the sidewalk within the newly dedicated Cave Springs right-of way and on their own property. As with other properties along Hwy. 112 – if the ARDOT plans depict this property frontage being improved as part of the Hwy. 112 ARDOT project then improvements may not be required by the applicant.

Recommendation re-worded, per Jason Strecker – Allow the 10.5' side-path construction per the city's Master Street Plan for the main arterial cross section standards. If ARDOT will not allow the sidewalk construction within the right-of-way then the applicant shall construct the sidewalk within the newly dedicated Cave Springs right-of way and on their own property.

Motion was made by Jason Strecker to – Allow the 10.5' side-path construction per the city's Master Street Plan for the main arterial cross section standards. If ARDOT will not allow the sidewalk construction within the right-of-way then the applicant shall construct the sidewalk within the newly dedicated Cave Springs right-of way and on their own property.

Motion was seconded by Nancy Jay and passed unanimously.

**Other Business:**

None

**Adjournment:**

Motion was made by Fallon Henry to adjourn the October 4, 2021, BZA meeting.

Motion was seconded by Kayleigh Barnes 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 agenda as submitted.

Motion was seconded by Fallon Henry and passed unanimously.

**Approval of Meeting Minutes:**

Motion was made by Tal Hudson to approve the September 7, 2021, meeting minutes as submitted.

Motion was seconded by Fallon Henry and passed unanimously.

**Boundary Line Adjustment – Lance and Laura Bond – 599 S. Main Street:**

Request – Applicant request to adjust common property line between five (5) parcels of record to create the proposed tracts.

Location – The 130.17 acre +/- property lies between the west side of AR. Hwy. 112 / S. Main Street, approximately ½ mile south of the AR. Hwy. 264 / E. Lowell Ave. intersection, and the southeast intersection of Farrar Rd. and Farrar Lane. (Unincorporated County)

Benton County parcel # 05-10208-003; 05-10169-001; 05-10208-000; 05-10209-000; 18-08290-000

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

Staff recommends the requested boundary line adjustment be approved.

Motion was made by Fallon Henry to approve as recommended by staff. Motion was seconded by Nancy Jay and passed unanimously.

**Boundary Line Adjustment – Genevieve Pace – 10356 Roberts Rd and 464 Pace Lane:**

Request – The applicant request is to adjust the common property line between two parcels of record with no net increase in the number of parcels. Existing tract 1 would decrease in size from 7.47 acres to 3.24 acres. Tract two would increase in size from 7.32 acres to 10.81 acres.

Location – Property is located at 10356 Roberts Rd. and 464 Pace Lane. The property is oriented at the southeast intersection of Roberts Rd. and Pace Ln. in unincorporated Benton County, but within the Territorial Jurisdiction of Cave Springs.

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

Staff recommends the requested boundary line adjustment be approved.

Motion was made by Fallon Henry to approve as recommended by staff. Motion was seconded by Kayleigh Barnes and passed unanimously.

**Rezoning / PZD – Public Hearing – Jack and Michael Moser – 2050 W. Wallis Road:**

Request – Applicant request to rezone 21.18 acres +/- property to a Planned Zoning District (PZD).

Applicant is requesting PZD designation to facilitate the development of the site into a mini-warehouse storage business.

Location – The property is located along the 2000 block of W. Wallis Road. Benton County Parcels – 05-10073-003 and 05-10073-003. The property is located at the northeast corner of West Wallis Road and South Liberty Bell Road, approximately one-half mile west of the South Pinnacle Hills Parkway Intersection.

Staff report was presented by Juliet Richey.

Discussion was held with commissioners, staff, and applicant regarding the following:

- Additional detail needed regarding the PZD document
- Discussion needed regarding screening, impact on adjacent properties.
- How phasing will be handled
- Needed infrastructure improvements.

Public comments opened –

Several members of the general public were present and stated the following concerns:

Impact

- Compatibility to surrounding properties with the use and hours of operations
- Shortfalls in existing road infrastructure on Liberty Bell and Wallis Road
- Change of view from farmland to development
- Impact on home values

Public comments closed

**Rezoning / PZD – Jack and Michael Moser – 2050 W. Wallis Road:**

Request – Applicant request to rezone 21.18 acres +/- property to a Planned Zoning District (PZD).

Applicant is requesting PZD designation to facilitate the development of the site into a mini-warehouse storage business.

Location – The property is located along the 2000 block of W. Wallis Road. Benton County Parcels – 05-10073-003 and 05-10073-003. The property is located at the northeast corner of West Wallis Road and South Liberty Bell Road, approximately one-half mile west of the South Pinnacle Hills Parkway Intersection.

Motion was made by Nancy Jay to table at the applicant's request.

Motion was seconded by Kayleigh Barnes and passed unanimously.

**Site Plan – McMullen Realty – Misty McMullen – 479 S. Main:**

Request – Site plan approval to redevelop site with a proposed office building (first floor) and with two temporary lodging units on the second floor.

Location – The 0.58 acre +/- acre property is located along the 400 block of Arkansas Highway 112 – 479 S. Main Street. Benton County Parcel # 05-10433-000.

The property is located on the west side of the roadway, northwest of the East Johnson Ave. intersection.

Staff report was presented by Juliet Richey.

No discussion.

Motion was made by Nancy Jay to table at the applicant's request.  
Motion was seconded by Kayleigh Barnes and passed unanimously.

**Deviation Request Osage Meadows Subdivision – 925-975 N Main Street:**

Request – Deviation from the subdivision regulations to exempt the development from connection to the adjacent Evening Star Road and a deviation from the planting screen reservation requirement for lots adjacent to an arterial roadway, Highway 112.

Location – The 53.70 +/- acre property is located along the west side of Arkansas Highway 112 / North Main Street, North of Evening Star Road along Highway 112, Main Street.

Benton County Parcel # 05-10274-000 and 05-10285-000.

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

No public discussion.

Deviation No. 1 – Evening Star Road Connection – To allow the development to not connect local road "B" to Highway 112 / North Main Street.

During prior discussion, the Planning Commission did not recommend connecting this development to Evening Star Road. The applicant had pulled back proposed Street "B" toward the east and away from the northwest end of this local roadway.

During the September 2020 submittal, applicant had requested from the Planning Commission a formal deviation from the Subdivision Code regarding required roadway connection and associated improvement to Evening Star at this location which was approved.

Due to this – the Planning Commission approved deviation for no physical connection or road improvements to Evening Star.

Motion was made by Jason Strecker to approve.

Motion was seconded by Fallon Henry and passed unanimously.

Deviation No. 2 – Planting Screen Reservation – Deviate from the portion referencing a planting screen reservation of at least ten feet wide. Note, the restriction of vehicular access should remain.

Code reference: Sec. 3-14.f (Lot Design Criteria), states a planting screen reservation of at least ten feet wide, across which there shall be no right of vehicular access provided along the line of lots abutting an arterial street or other disadvantageous use in all new residential subdivisions.

Motion was made by Fallon Henry to approve a deviation from the strict reading of the code section but will require the following:

A landscape area located on the individual lots within the subdivision (within a landscape easement) will be required at intervals of no less than 50' along the frontage of Highway 112 (on the side of the fence facing 112).

Each landscape area shall contain a grouping of trees, shrubs, or grass no less than 5' in height at the time of planting.

A Landscape Plan depicting such shall be submitted for review and approval by the city prior to the approval of construction plans by the city.

Motion was seconded by Kayleigh Barnes and passed unanimously.

**Preliminary Plat - Osage Meadows Subdivision – 925-975 N Main Street:**

Request - To approve a preliminary plat containing 137 lots with 131 of the lots proposed for single-family residential development.

Improvements will include connecting to city public water, connecting to city public sewerage, as well as applicable storm drainage.

Location – The 53.70 +/- acre property is located along the west side of Arkansas Highway 112 / North Main Street, North of Evening Star Road along Highway 112, Main Street.

Benton County Parcel # 05-10274-000 and 05-10285-000.

The applicant is Mr. Brian Moore.

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

No public discussion.

Motion was made by Jason Strecker to approve the preliminary plat contingent upon all items in staff report being addressed and resubmittal of preliminary plat also including the landscape plan as part of the preliminary plat.

Motion was seconded by Fallon Henry and passed unanimously.

**Site Plan – Black Howler Micro-Brewery & Taproom – Pinkie Up, LLC – 269 and 365 Lowell Ave:**

Request – Site plans submitted show a proposed 2,800 sf. Brewery/taproom establishment, outdoor deck, parking, and related infrastructure improvements.

Location – 269 and 365 Lowell Ave.

Property is located on the southwest side of the intersection at Lowell Ave., 264 Highway and 3<sup>rd</sup> Street.

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

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

No public discussion.

Per Adam the following item were of concern:

Grading

Drainage

Erosion control

Motion was made by Jason Strecker to approve site plan contingent all items of staff report, and engineering comments being addressed, and all mockups from comments from the staff report, engineering, and comments from 9/27/21 report.

Motion was seconded by Nancy Jay and passed unanimously.

**Preliminary Plat – Rainwater Estates – Jarrett McLelland – 739 Sands Road:**

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

Location – Property is located at 739 Sands Road. The property is located on the south and east side of Sands Road, approximately ½ mile east of Main Street/ 112 Highway.

Motion was made by Nancy Jay to table at the request of the applicant.

Motion was seconded by Fallon Henry and passed unanimously.



**Preliminary Plat – Mollano Property – Subdivision – East Johnson Ave. and 3<sup>rd</sup> Street:**

Request – To create three new tracts from an existing tract, total of four tracts; public infrastructure extension, and other required improvements to support redevelopment per code requirements.

Location – At the northwest corner of E. Johnson Ave. and 3<sup>rd</sup> Street, approximately ¼ mile east of North Main Street/ Highway 112 intersection. Benton County Parcel # 05-10479-000.

Motion was made by Jason Strecker to remove item due to lack of resubmittals over the past months.

Motion was seconded by Nancy Jay and passed unanimously.


**Other Business:**

None

**Adjournment:**

Motion was made by Jason Strecker to adjourn the October 4, 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