

**City of Cave Springs, Arkansas**

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

**February 6, 2023 at 6:30 PM**

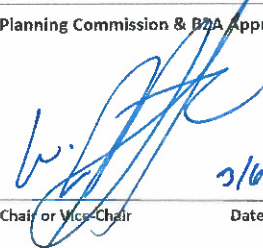
American Legion Building / 168 Glenwood Ave. Cave Springs, Ar. 72718

**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:	
	2/6/23
Chair or Vice-Chair	Date

**Public Hearing – RZ #2023-02 – Tract Split – 95 Brown Rd – Duard & Donna Maybee**

Request – Applicant is requesting to rezone a 1-acre parcel from R-E to R-1. Applicant is requesting the rezoning to allow for a tract split to allow for a new single-family residence. This parcel is requesting to split a new parcel, which doesn't have road frontage, which is the key thing.

Staff report was presented by David Keck, Planning Director. (Copy attached).

Per Jason Strecker, for clarity, we are going to handle the next part on the Planning Commission, which will be for the tract split and rezone request; this will just be for no street frontage is what the variance is being sought.

Public comments opened –

Darlene Baker @ 1260 S Main (adjacent to subject property) asked to confirm whether her property would be affected by the rezone of subject property. Per Jason Strecker, any rezone that takes place with the subject property does not have any impact on adjacent property.

Public comments closed.

**RZ #2023-02 – Tract Split – 95 Brown Rd – Duard & Donna Maybee**

Motion was made by Fallon Henry to approve the variance for the frontage based on it being lot split on the next portion of the meeting.

Motion was seconded by Nancy Jay and passed unanimously.

**Other Business:**

None

**Adjournment:**

Motion was made by Kayleigh Barnes to adjourn the February 6, 2023 BZA meeting.

Motion was seconded by Fallon Henry and passed unanimously.

**Official Meeting:**

**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 Nancy Jay to approve the agenda as presented.

Motion was seconded by Fallon Henry and passed unanimously.

**Approval of Meeting Minutes:**

Motion was made by Tal Hudson to approve the January 3, 2023 meeting minutes.

Motion was seconded by Nancy Jay and passed unanimously.

**Main Street Commercial Project (PaveCon Office) - Final for Site Development Plan - 720 S Main St - P4 Partners**

Request – Applicant is requesting to receive the final plat for the commercial development including acceptance of sewer line extensions, city roads and other infrastructure.

Staff report was presented by David Keck, Planning Director. (Copy attached).

Staff Comments: City Staff and MCE have been working on the review of the final plat and trying to get everything that is required for approval. There are still outstanding items that have not been finalized, including the sewer improvements, as-builts, and outstanding bonds for improvements. A site inspection still has not taken place. We will know more once these items have been addressed.

Per Engineer, Adam Osweiler, with MCE, everything looks good so far. They are at a very close point to being done with everything on site. A pump for the sewer lift-station that needs to be installed, MCE has received as-builts for the project, there are some spots that need to be added from a sewer standpoint as well. They are working towards that point where they will have everything done, so the applicant believes that within the next week could have everything done, inspected, tested and approved. If all these things were to be done and put in place, they could come back in front of the Planning Commission and talk about receiving that final plat approval.

Ben Shankle spoke on behalf of PaveCon. All underground is complete. All they lack is the pump and it is on track to be installed on Wednesday (2/8/2023). All water is complete. Paving is complete. Trees and landscaping have been purchased and are on schedule to be put in 2/7 or 2/8/2023. He is working with Adam Osweiler through the maintenance bond and the estimate bond can be ordered.

Staff Recommendation: Staff would like to administratively table this item until further completion and review. Staff would be amenable to the Commission calling a special meeting at the next work session if it were deemed appropriate by the Planning Commission.

Jason Strecker made a motion for conditional approval of the final plat as it relates to this property allowing Staff and Engineering to make the final calls on what is complete and do an administrative approval on this as it progresses.

Motion was seconded by Fallon Henry and was passed unanimously.

**SD2022-16 – Lot Line Adjustment - Dancing Rabbit Subdivision, Lots 1 – 5 - 3168 Ozark Acres – Jose Rios, Bates & Associates**

Request – Applicant is requesting a lot line adjustment in place of the existing preliminary plat to split the parcel into three lots that will all have access to Ozark Acres Rd via the existing 40' access easement. The access to the existing house will remain the same. There will be two additional lots that could possibly use the easement.

Staff report was presented by David Keck, Planning Director. (Copy attached).

Recap by Jason Strecker: We are just talking about splitting the 18.85 acres. The original home will be on 3.4 acres, which becomes Lot 2. Lot 1 will be 12.45 acres. Lot 3 will be 3 acres. There needs to be a new legal description on the plat (or at least referenced on the plat) showing that if Lot 1 sells, Lots 2 & 3 will have access to their properties. It will need to be filed with the County as having its own protection for the other lot accesses.

Staff does not have any issues with the concept but has not officially received new plats and a recommendation would be pending review.

Jason Strecker made a motion to approve conditionally, the Lot Split, allowing for Staff to make any other clerical changes, but with also being clear that this parcel has split the maximum amount of times it can be split with an access easement. Any future splits would require a City dedicated street to service those parcels.

Motion was seconded by Nancy Jay and passed unanimously.

**RZ 2023-01 and PL 2023-01 – Rezone and Tract Split – 8076 E Brown Rd – Scott and Krista Hinkson**

Proposed Use – Potential new single-family home

This property appears to have been zoned A-1 as far back as can be found in City records. Zoning came from the adopted map prepared by Regional Planning. A rezoning would be required with the split to bring new lots into compliance with the zoning code.

Staff report was presented by David Keck, Planning Director. (Copy attached).

Applicant is proposing to split this into 2 tracts. As it sits now, it doesn't meet the requirements for A-1 and, with the split, it doesn't meet the requirements for Estate lots.

Staff Comments: City staff has reviewed the proposed split and some of the issues are the lot size and lack of sewer to be allowed to split this property into less than 1-acre parcels. If approved, the existing parcel could be rezoned to R-3 for the square foot dimensions but may require a variance for the lot depth and it is the intent of R-3 to be served by Municipal water and sewer. The proposed new lot would meet the overall size requirements for R-2 but does not meet the minimum street frontage if the easement is counted as the street.

Staff Recommendation: Staff does not feel that, at this time, it is in the best interest of the City, to approve this split. If in the future, the access strip is developed and infrastructure is put in place, then the split may be allowed with water and sewer at the site.

Motion was made by Fallon Henry to deny based on Staff recommendations and the information discussed.

Motion was seconded by Nancy Jay and passed unanimously.

**RZ 2023-02 and PL 2023-02 – Tract Split and Rezone – 95 Brown Rd – Duard and Donna Maybee**

Proposed Use – Potential new single-family home

Staff report was presented by David Keck, Planning Director. (Copy attached).

Regarding the Tract Split, the Parent parcel will still meet its zoning requirements. They are looking at rezoning the new parcel, because it is not large enough for the existing zoning. The new parcel will go from R-E to R-1, while the existing parcel will stay as it is zoned. The new parcel will be 1 acre and the existing parcel will be 2.72 acres. The original parcel, where the home currently is, will become Tract 2 at 2.72 acres and the newly formed parcel will become Tract 1 at 1 acre.

Jason Strecker advised the applicant to make sure they had legal easements for both parcels in place and to remove names and tie everything to parcels.

For the Tract Split:

Motion was made by Jason Strecker to conditionally approve this tract split allowing staff authority to revise any type of clerical changes this needs to have, for example, the easement description denoted, and this will be conditional upon the successful rezone by the City Council.

Motion was seconded by Kayleigh Barnes and passed unanimously. Tract Split is approved conditionally.

For the Rezone:

Jason Strecker opened Public Comment related to the rezoning of the potentially newly formed Tract 1 from R-E, from the Parent, to R-1, Residential Zoning.

No comments from Public.

Jason Strecker closed Public Comment.

Motion was made by Jason Strecker to recommend to City Council, rezoning newly formed Tract 1 to R-1 from R-E of the Parent Tract.

Motion was seconded by Fallon Henry and passed unanimously.


**Other Business:**

None

**Adjournment:**

Motion was made by Nancy Jay to adjourn

Motion was seconded by Fallon Henry and passed unanimously.

Submitted by:   
Tammy Shook, City of Cave Springs

Approved by:   
Jason Strecker, Planning Commission Chairman