

City of Cave Springs, Arkansas

Planning Commission & Board of Zoning Adjustment Meeting

November 7, 2022 at 6:30 PM

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

Board of Zoning Adjustments Business

Per Jason Strecker, the Board of Zoning Adjustments are on the Agenda, however, since there are no items for BZA tonight, the Pledge, etc. will be moved into the Public Hearing for the Planning Commission.

Official Meeting:

Planning Commission Meeting was called to order by Chairman Jason Strecker.

Members:

Jason Strecker	Present
Fallon Henry	Present
Kayleigh Barnes	Present
Nancy Jay	Present
Mark Smittle	Present
Tal Hudson	Absent

Planning Commission & BZA Approval:	
	
Chair or Vice-Chair	Date

Approval of Agenda:

Motion was made by Nancy Jay to approve the agenda as submitted.

Motion was seconded by Fallon Henry and passed unanimously.

Approval of Meeting Minutes:

Motion was made by Nancy Jay to approve, as presented, the meeting minutes from October 3, 2022.

Motion was seconded by Fallon Henry and passed unanimously.

Tract Split: Tract Split application in the Cave Springs Planning Area at 18-08300-002 (adjacent to 10492 Atkins Road) – Russell & Nicole McCall.

Request – The applicant is requesting approval to split the parcel into three total tracts, with Tracts 1B & 1C @ 2.554 acre +/- each, and the remainder as proposed Tract 1A @ 16.83 acre +/-.

Property Location – The 21.9 +/- acre property is located adjacent to 10492 Atkins Rd., at the southeast intersection with AR Hwy 264, approximately ½ mile east of Mill Dam Road.

The property lies within unincorporated Benton County but lies within the City of Cave Springs Planning Area, which enables the City to exercise its Planning authority under the State of Arkansas Territorial Jurisdiction statute.

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

Staff Recommendation – Staff recommends approval with the following recommended conditions:

- 1) That the applicant addresses the Planner comments as noted.
- 2) That the applicant shows the location of existing wells and septic systems on the plat, including tank and lateral lines, in relation to the proposed tract boundaries. This is to ensure that the approved tracts do not inadvertently encroach upon areas needed for each tract to have its own dedicated areas for these services.
- 3) That the City hold off on signing the plat until after the applicant has demonstrated any necessary review/approval from Arkansas Department of Health, given the historic applicability that ADH reviews proposed land division involving *3 or more tracts when any of which are less than 3 acres.*

Motion was made by Nancy Jay to approve, subject to the considerations and recommendations of Staff.

Motion was seconded by Fallon Henry and passed unanimously.

Public Hearing: Rezoning (RZN) Application to rezone the Lot 5, Ozark Acres Subdivision, associated with 2804 Ozark Acres Dr (#05-10492-000) from A-1 (Agricultural) to R-E (Residential Estate) – Roger & Carolyn O’Neal.

Applicant: Roger & Carolyn O’Neal (Surveyor Ramsey Surveying)

Existing Zoning: A-1

Future Land Use Classification/ Zoning: Residential Estate / R-E

Request: Applicant is requesting the property be rezoned from A-1 to R-E to support a proposed plat for a lot split, submitted concurrently, creating two equal sized (2.510-acre) lots.

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

Public comments opened.

No comments.

Public comments closed.

Recommendation from staff: Proposed rezoning will not detract, nor appreciably change the surrounding character of the area. Similar zoning and land uses are found in the immediate area. The zoning would afford the tract possible division of land with lots sizes in keeping with the “Residential Estate” Future Land Use classification. Therefore, Staff recommends that the applicant’s request for rezoning from A-1 to R-E be affirmed and sent on to City Council for approval.

Rezoning (RZN) Application to rezone the Lot 5, Ozark Acres Subdivision, associated with 2804 Ozark Acres Dr (#05-10492-000) from A-1 (Agricultural) to R-E (Residential Estate) – Roger & Carolyn O’Neal.

Motion was made by Nancy Jay to affirm recommendation for rezoning from A-1 to R-E and send it on to City Council.

Motion was seconded by Fallon Henry and passed unanimously.

Lot Split – Lot Split application at Lot 5, Ozark Acres Subdivision associated with 2804 Ozark Acres Dr (Parcel #05-10492-000) – Roger & Carolyn O’Neal.

Request – Applicant is requesting approval to split the subject property into two, equal sized (2.510 acre) lots. Proposed Lot 5B would contain the existing improvement/dwelling, with the other lot (proposed Lot 5A) being created for eventual sale and prospective single-family detached development. The applicant has submitted a request to rezone the property from A-1 to R-E concurrently with this request for tract split.

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

Motion was made by Jason Strecker for approval of Lot Split provided that the Planner's comments are made and that the Lot Split is contingent upon the Rezone adoption by the City Council.

Motion was seconded by Nancy Jay and passed unanimously.

Public Hearing – Rezoning (RZN) Application to rezone the 2.86+/- acre tract associated with 906 Sands Road (Parcel #05-10082-000) from A-1 (Agricultural) to R-E (Residential Estate) – Josue & Katherine Moncada.

Applicant: Josue & Katherine Moncada (Surveyor Robert J. Caster, PLS)

Existing Zoning: A-1

Future Land Use Classification: Residential Estate / R-E

Request – Applicants are requesting to rezone their property, to allow them the possibility to be conditionally approved (via concurrent CUP application) to construct an accessory dwelling on the property, per the Schedule of Uses.

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

Staff recommends that the applicant's request for rezoning from A-1 to R-E be affirmed and sent on to the City Council for approval.

Public comments opened.

A resident on Charing Cross voiced concern that, depending on the location built, an accessory dwelling could affect the privacy at his residence.

Public comments closed.

Rezone – 906 Sands Road (Parcel #05-10082-000) – Josue & Katherine Moncada.

Motion was made by Fallon Henry to recommend approval of the rezone from A-1 to R-E.

Motion was seconded by Nancy Jay and passed unanimously.

Public Hearing – Conditional Use Permit (CUP) Application to conditionally allow the applicant to construct an accessory dwelling at the 2.86+/- acre tract associated with 906 Sands Road (05-10082-000) – Josue & Katherine Moncada.

Applicant: Josue & Katherine Moncada (Surveyor Robert J. Caster, PLS)

Existing Zoning: A-1

Future Land Use Classification: Residential Estate / R-E

Request - Conditional Use Permit (CUP) approval to construct an accessory dwelling on the property, per the Schedule of Uses.

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

Staff recommends approval of the associated Conditional Use Permit that the request to allow the property include an accessory dwelling unit be approved, provided that the City Council approves the concurrently submitted request for rezoning.

Public comments opened.

No comments.

Public comments closed.

Conditional Use Permit – 906 Sands Road (Parcel #05-10082-000) – Josue & Katherine Moncada.

Motion was made by Fallon Henry to approve Conditional Use for accessory dwelling on the structure providing that City Council approves rezone.

Motion was seconded by Kayleigh Barnes and passed unanimously.

Old Business:

CUP for a Place of Worship – 848 Elk Road (Parcel #05-10050-000) – Mohammed Ali Allauddin on behalf of Bentonville Islamic Center (property owner).

From previous meeting tabled. 5.039 acres currently zoned A-1.

Request – CUP approval for a Place of Worship

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

Commissioners and Staff discussed the following:

-- One change was made since the last work session, in that the Applicant clarified that they are not going to move forward with the Educational Facility at this time, so it is only for a Place of Worship and accessory uses that are customary to that (i.e.: gymnasium, multi-use building, etc.). Plans were updated to indicate that those were just future building footprints.

-- A note was added regarding septic. A full septic report was provided.

-- Jason Strecker clarified how public notice went out. It was clarified that "educational facility" was struck from that, so what was publicly heard was what was requested.

-- The Federal Religious Land Use and Protections Act was discussed at last meeting. Justin Eichmann, Cave Springs City Attorney was present and recapped RLUIPA and offered to answer any questions there might be.

Staff recommends the Conditional Use Permit (CUP) be approved, with the following recommended conditions of approval:

1. At the time of Site Plan application, a detailed landscape plan shall be submitted for staff review. The plan shall provide additional low-profile screening of the parking area(s) from the public street as well as from the side property lines to provide additional aesthetic compatibility between parking areas and adjoining properties.
2. At the time of Site Plan application, the applicant shall ensure or provide compliance with the adopted MSP cross section along the site's public right-of-way frontage – Elk Road.
3. At the time of Site Plan application, architectural drawings shall be submitted showing the following:
 - All building facades facing the street should be primarily comprised of high-quality exterior materials; including, but not limited to: brick, stone, split-face block, glass, wood, aluminum composite/architectural metals, and other similar quality materials. Lesser quality material such as Exterior Insulation and Finishing Systems (EIFS) should comprise a smaller percentage. Use of sheet metal should be limited to use only on the soffits, fascia, and similar minor architectural features.

Fallon Henry commented that she would like to see wording regarding screening of the parking areas amended from "the plan shall provide additional low-profile screening of the parking areas" to state "the plan shall provide vehicular headlight screening along parking areas adjacent to a public street or right-of-way and adjacent to a neighboring property line".

Motion was made by Nancy Jay to approve the Conditional Use Permit subject to the Staff recommendations and conditions, as amended by Fallon Henry's input this evening.

Motion was seconded by Kayleigh Barnes and passed unanimously.

Other Business: Planners requested that 2023 Planning calendar be available for review at the Work Session on 11/21/22.

Adjournment:

Motion was made by Fallon Henry to adjourn the November 7, 2022, Planning Commission meeting. Motion was seconded by Nancy Jay and passed unanimously.

Submitted by: 
Tammy Shook, City of Cave Springs

Approved by: 
Jason Strecker, Planning Commission Chairman