

City of Cave Springs, Arkansas

Planning Commission & Board of Zoning Adjustment Meeting

October 3, 2022, at 6:30 PM

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

Board of Zoning Adjustments Meeting

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:	
	11/1/22
Chair or Vice-Chair	Date

Approval of BZA Meeting Minutes:

Motion was made by Nancy Jay to approve the BZA meeting minutes as submitted.

Motion was seconded by Mark Smittle and passed unanimously.

Other BZA Business: None

Adjournment:

Motion was made by Fallon Henry to adjourn the October 3, 2022, BZA meeting.

Motion was seconded by Nancy Jay and passed unanimously.

Planning Commission 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 Nancy Jay to approve the agenda as presented.

Motion was seconded by Fallon Henry and passed unanimously.

Approval of September 6, 2022 Planning Commission Meeting Minutes:

Motion was made by Nancy Jay to approve the September 6, 2022, meeting minutes as submitted.
Motion was seconded by Fallon Henry and passed unanimously.

Public Hearing – Conditional Use Permit for a Place of Worship and Educational Facility – Mohammed Ali Allauddin/Bentonville Islamic Center - 848 Elk Road.

Request – Applicant is requesting a Conditional Use Permit (CUP) to allow for a Place of Worship and an Educational Facility (combined uses) within an A-1 zone. It is on Future Land Use map and is a Neighborhood Transition.

Staff report was presented by Juliet Richey, Acting Planning Director. (Copy attached).

Public comments opened.

There were several residents in attendance with varying concerns, including whether there is enough room for a septic system on property in question, traffic, noise, lighting, effect on property values, storm water runoff (it was stated in the resident's comments that if there ended up being problems, then that would lead to a great lawsuit in the future), etc. After hearing much conversation regarding concerns of residents, questions were addressed by the Commission.

Public comments closed.

Recommendation from staff – Approve 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.

Conditional Use Permit for a Place of Worship and Educational Facility – Mohammed Ali Allauddin/Bentonville Islamic Center - 848 Elk Road.

Back to Session.

Jason Strecker stated the following:

This is for the subject property of the Conditional Use of how it COULD be used, not necessarily what the site specifically looks like.

Motion was made by Fallon Henry to table this item and review it at Work Session, given that adjacent residents are voicing heavy concerns.

Motion was seconded by Nancy Jay and passed unanimously.

Old Business:

a. **Rezone #2022-5 – The Creeks RV Expansion – Hash Properties, LLC - Nicco Bersi– 1499 S. Main Street**

Request -- The applicant is proposing to rezone a portion of RM-12 zoned property to C-2 to allow for an expansion of The Creeks RV business (a public hearing was held, and the request was *tabled* at the September 6, 2022 Planning Commission Meeting).

Property location – At the end of Torrey Pines Lane, property between The Creeks RV Park and the golf course (western portion of Lot 90, Fairway Subdivision Phase 3).

Staff report was presented by Juliet Richey, Acting Planning Director. (Copy attached).

Staff received one phone call about the rezoning (prior to the September PC meeting). The caller had concerns that RV traffic would be routed through Fairway Valley. The submitted site plan exhibit shows the expansion would connect to the existing entrance/exits to and from the RV Park. Therefore, utilizing Torrey Pines Lane isn't required, however, Torrey Pines is a public street and may be utilized by the public.

Staff Recommendation – To retain a land use buffer with the purpose of providing land use compatibility along the expanding C-2 Zoning District, staff recommends approval of the following:

- That the requested lands immediately south of Lot 76, Fairway Subdivision Phase 3 be unchanged and retain the RM-12 Zoning District designation. *More specifically, this retained RM-12 area shall include the land immediately south of the Lot 76 southern property line and run south to fully include the platted drainage easement (running from 38' to 52' south of the Lot 76 boundary) as shown on the associated replat document. See **Exhibit A** for graphic depiction; and*
- That the remaining lands not described immediately above be rezoned to C-2 as requested by the applicant. *To clarify, these remaining lands include the remainder of currently platted Lot 90 south of the drainage easement. This land is also shown as the new adjusted portion of proposed Lot 90A as shown on the associated replat document filed with SD #2022-13.*

Motion was made by Jason Strecker to approve the rezone of the parcel that is currently RM-12, which is a portion of Lot 90 of Fairway Valley Subdivision, Phase 3. For clarification, the rezoning of the C-2 parcel, as per Exhibit A as part of the application, the red area would be zoned C-2 and the orange shaded area, which runs along the northern boundary of Lot 90 and the east and west edges and along the drainage easement would remain RM-12.

Motion was seconded by Fallon Henry and passed unanimously.

b. **Replat SD #2022-13 – The Creeks RV Expansion – Hash Properties, LLC - Nicco Bersi - 1499 S. Main Street**

Request -- The applicant is proposing to adjust the common lot line between Lot 89 and Lot 90, Fairway Subdivision Phase 3 Final Plat. The adjustment would transfer the western half of Lot 90 (originally intended for townhomes) into Lot 89 (current location of the RV Park). The adjustment would alter the current lot sizes as follows:

- Lot 90 (2.83 acres per Fairway SD Ph. 3 Final Plat) reduces to 1.59 acres and is replatted as Lot 90B;
- Lot 89 (10.65 acres per Fairway SD Ph. 3 Final Plat) increases to 11.89 acres and is replatted as Lot 90A.

According to previous correspondence, the intent of this adjustment is to assist with the property owner's desire to expand the RV Park footprint westward—into the newly expanded

portion of Lot 89 (identified as Lot 90A on the replat document). In total, the expansion adjusts approximately 1.24 acres.

Property Location – Beyond the southern end of the constructed portion of Torrey Pines Lane; including The Creeks RV Park.

Staff report was presented by Juliet Richey, Acting Planning Director. (Copy attached).

At the September 6th PC meeting, the Commission tabled this project citing need for a buffer between the RV Park use and the Residential uses allowed by right in Lot 76, directly to the north. In response, the applicant provided the attached revised plat, showing a “Non-Buildable Area” buffer immediately south of Lot 76, running the length of the southern boundary of Lot 76 and also labeled as a 25’ utility easement (extending 25’ south of Lot 76). As staff further considered the PC’s goal with the land use compatibility, staff finds the best way to coordinate the desired buffer is directly through the associated rezone application, RZN #2022-05. See that report for more detail regarding land use and zoning.

Each proposed lot (90A and 90B) meets the minimum lot size and dimension requirements for both the existing and proposed zoning districts.

To staff’s knowledge, the required improvements for the final plat of Fairway Valley Phase 3 regarding the extension of a public road from Torrey Pines through (proposed) Lot 90B to the platted 30’ access easement east of the proposed Lot 90B are incomplete. The public ROW and required improvements for Torrey Pines Road shall be reflected on the plat as approved and bonded/LOC with the Fairway Valley Phase 3 final plat approval. The City Attorney shall review all documents to assure the proposed replat and bond/LOC language do not need further revisions to comply with the final plat requirements of Fairway Valley Phase 3.

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

1. Remove the proposed “Non-Buildable Area” from the plat, as this may not achieve the desired intent due to the nature of the use not necessarily requiring vertical or traditional “building” construction. *Note: The Planning Commission may consider achieving the desired land use compatibility buffer by following the optional recommendation as provided within the staff report for RZN #2022-05.*
2. Revise any necessary documents (plat, LOC, etc.) to reflect any information deemed necessary by the city attorney in regard to the incomplete road improvements required with Fairway Valley Phase 3.
3. Applicant shall revise the plat to:
 - Show the effective, current FEMA A Zone boundary line on the survey plat.
 - Remove the zoning classification “C-2” from the Lot 90A label, as this plat may be approved prior to city adoption of any related rezone requests. To Clarify, the plat may note that the current Lot 89 is zoned as C-2, but it is premature to not that proposed Lot 90A is already *entirely zoned* as C-2.
 - Add the appropriate verbiage for the replat/final plat and all signature blocks as required by City of Cave Springs subdivision code.

Motion was made by Jason Strecker to approve the replat of Lots 89 & 90 of Fairway Valley Phase 3, making sure that the applicant will assume all obligations agreed to in the previous final plat and that this replat does not extinguish any obligations on the letter of credit or otherwise with the plat of Fairway Valley Phase 3.

Motion was seconded by Fallon Henry and was approved unanimously.

Other Business:

None

Adjournment:

Motion was made by Nancy Jay to adjourn the October 3rd, 2022 Planning Commission meeting.
Motion was seconded by Fallon Henry and passed unanimously.

Submitted by: _____

Tammy Shook, City of Cave Springs

Approved by: _____

Jason Strecker, Planning Commission Chairman