

**City of Cave Springs, Arkansas**

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

**September 06, 2022, at 6:30 PM**

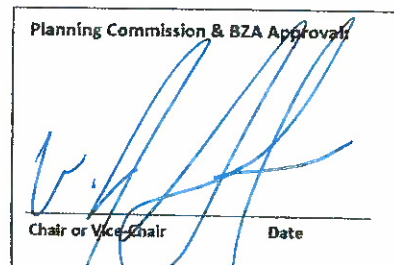
American Legion Building / 168 Glenwood Ave. Cave Springs, Ar. 72718

**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



**Public Hearing – BZA # 2022-1 – Lot Width Variance – 259 Bright Street Lazaro & Leonora Paya**

Request – Applicant is requesting a variance of Zoning Ordinance, section 6.5.3, Site Development Standards (B) Minimum Lot Width; 100 linear feet. The applicant is requesting a 50' reduction of this requirement in order to reconfigure the property's boundary lines to allow for a 2<sup>nd</sup> house to be built on a new lot behind the existing house. The lot for the existing house is proposed to be 1.3 acres. The new lot is proposed at 1.43 acres. The new lot is a "pipe-stem" lot in that there is a long skinny part that abuts the right of way, and the larger buildable part of the lot is behind the traditional lot. The new pipe-stem lot is the lot the variance would apply to.

Staff report was presented by Tim Reavis, Planning Director. (Copy attached).

Staff recommendation – Approve with the condition that the property is rezoned to R-2.

Public comments opened –

Property owner located on Bright Street had received notification letter and was concerned that maybe several houses were to be built on property. Staff and commissioners answered all questions.

Public comments closed.

**BZA # 2022-1 – Lot Width Variance – 259 Bright Street Lazaro & Leonora Paya**

Motion was made by Jason Strecker to approve lot variance contingent upon successful lot split and rezone by the Planning Commission.

Motion was seconded by Nancy Jay and passed unanimously.

**Adjournment:**

Motion was made by Jason Strecker to adjourn the September 6, 2022, 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 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 August 1, 2022, meeting minutes as submitted.

Motion was seconded by Kayleigh and passed unanimously.

**SD2022-8 - Plat & Site Plan Review – Wallis Road Mini-Storage, phase 1 – CPRM, LLC – Jason Ingalls, PE Expedient Civil Engineering – 2520 Wallis Road (tabled item from August 1, 2022)**

Request – Applicant is proposing phase 1 (12.6 acres) of a mini-storage and RV/Boat storage business. Phase 1, located on the eastern lot, will consist of a small office building, 12 buildings reserved for climate and non-climate-controlled storage, and 4 buildings reserved for RV/Boat storage.

Road improvements – Applicant will widen Wallis Road all the way to Liberty Bell instead of building half of Mount Hebron.

Sewer – Septic tank for office building and the storage buildings will not have sewer connections.

Stormwater – A detention pond to the west of phase 1 will serve both phase 1 and future phase 2.

Parking, Landscaping, Driveway along Wallis Road, and Fire Suppression are all address in staff report (copy attached.)

Staff report was presented by Tim Reavis, Planning Director. (Copy attached).

City engineer, Adam Osweiler recommendation – approve with any internal design updates that do not affect the plat.

Zoning History – In January 2022, the City Council approved PZD rezoning via Ordinance 2022-02.

The zoning change allowed a mini-storage development with architectural, lot coverage, landscaping, and other restrictions.

Motion was made by Nancy Jay to approve subject to the conditions laid out by engineering and fire chief –

Jason Strecker added to the motion the following:

Half Street improvements to Mt. Hebron and half street improvements to Liberty Bell are to be completed with phase 2 of the development.

Widening of Wallis to be part of phase 1 – swapping responsibilities from Mt. Hebron to Wallis.

Comments made by Fallon regarding landscape plan.

Motion was seconded by Fallon Henry and passed unanimously.

**Public Hearing - Rezone # 2022-4 - 259 Bright Street - Lazaro & Leonora Paya**

Request – Applicant is requesting to rezone property from A-1 to R-2

Staff report was presented by Tim Reavis, Planning Director. (Copy attached).

Staff received several phone calls as a result of the mail out notifications and public hearing sign posting. None of the callers expressed opposition to the proposal.

Recommendation from staff – Approve – There is plenty of room on the property to build a house outside of the “Flood Zone A” area of the property. Surrounding uses and zones around property are compatible with the R-2 zoning request.

Public comments opened.

No comments.

Public comments closed.

**Rezone # 2022-4 - 259 Bright Street - Lazaro & Leonora Paya**

Commissioners discussed Karst overlay district.

Schedule of Uses was reviewed, and accessory dwelling is accepted in Karst overlay district.

Motion was made by Jason Strecker to recommend to city council the rezone from A-1 to R-2 for the subject properties.

Motion was seconded by Tal Hudson and passed unanimously.

**SD2022-12 – Property Line Adjustment - 259 Bright Street - Lazaro & Leonora Paya**

Request – Applicant is requesting to reconfigure the property lines to allow for a 2<sup>nd</sup> house to be built on a new lot behind the existing house. The new lot does not meet the lot-width requirements of the zoning ordinance. Instead of including the two additional parcels to the west in with the new lot, the applicant is proposing to include a 20’ wide access easement across the new lot as a way to access the two parcels not part of this plat.

Staff report was presented by Tim Reavis, Planning Director. (Copy attached).

Motion was made by Fallon Henry to approve contingent upon cleaning up of building set-back lines.

Motion re-stated by Jason Strecker – Motion to approve the lot split with correction to the setback lines to not encroach the access easement.

Motion was seconded by Mark Smittle and passed unanimously.

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

Request – The applicant is requesting to rezone a portion of RM-12 zoned property to C-2 to allow for an expansion of the existing RV Park.

Property location – At the southern terminus of Torrey Pines Lane - property between The Creeks RV Park and the golf course.

Staff report was presented by Tim Reavis, Planning Director. (Copy attached).

Staff received one phone call about the rezoning. The caller was concerned that RV traffic would be routed through Fairway Valley. Per submitted site plan, utilizing Torrey Pines Lane isn’t required.

Recommendation from staff – Approve – The proposed use is in alignment with the Land Use Plan. The C-2 zone will match the rest of the RV Park. The platted buffer agreed to by the applicant at the August 15<sup>th</sup> work session will mitigate the negative consequences associated with C-2 abutting single family. Public comments opened.

Fairway Valley residents voiced the following concerns: - Need for buffer zone, - Use of land should be limited to RV Park only, - Drainage, - Standards of existing RV Park should also be enforced and upheld in the expanded area.

All concerns were addressed.

Public comments closed.

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

Motion was made by Tal Hudson to recommend approval with reiteration that buffer zone is required.

Motion re-stated by Jason Strecker – Motion to recommend approval, making sure buffer zone is present when a plat comes forth.

Motion was seconded by Kayleigh Barnes and passed unanimously.

After more discussion among Staff, a motion was made by Jason Strecker to strike the Rezone recommendation and Table and amend it to be contingent on a successful replat by Planning Commission before it goes to City Council. Motion was seconded by Kayleigh Barnes and passed unanimously.

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

Request – Applicant is requesting to combine western half of Lot 90 (originally intended for townhomes) with Lot 89 (current location of the RV Park) to allow for the expansion of the RV park. In total, the expansion is approximately 1.24 acres. At Work Session, in order to provide separation between C-2 and single family, applicant agreed to include a platted buffer along Northern boundary of expansion that abuts Lot 76 of Fairway Valley. Applicant plans to submit a large-scale development plan after rezoning and plat are approved.

Staff Report was presented by Tim Reavis, Planning Director (copy attached).

Applicant provided drawing showing property in question being absorbed by existing property, however, buffer zone is still not shown.

Nancy Jay made a motion to Table until staff has reviewed everything. Mark Smittle seconded. Motion to Table passed unanimously.

**Replat #2022-14 – Replat – 568 Shores Ave – Rick Reeves (Engineering Services) for Logan & Nancy Jean**

Request – The home at 568 Shores Ave sits on a pipe-stem lot (tract 1). The septic system serving this lot is partially on the lot to the west (tract 2). The exact reasoning as to why or how this happened is unknown. The owner of tract 1 is proposing this adjustment in order for the septic system to be on the same lot as the house that it serves.

Staff Report was presented by Tim Reavis, Planning Director (copy attached).

Recommendation from Staff – Approve – Staff supports replatting the property in order for the existing septic system to be located on the same property as the house that it serves. The proposed drawing achieves this.

Tal Hudson made a motion to approve. Fallon Henry seconded the motion. Passed unanimously.

**SD #2022-15 – Final Plat – Allen’s Mill, Phase 2b, Lots 141-203 (63 Lots) – 600 Block S. Rainbow Rd.**

Request – Final Plat approval for Allen’s Mill Phase 2b

Staff Report was presented by Tim Reavis, Planning Director (copy attached).

History –

In June of 2017, the applicant was granted multiple variances:

1. Lot Width Requirements – 80’ to 70’
2. Side Yard Setback Requirements – 7’ to 5’
3. Interior Street ROW reduced from 60’ to 50’

In August of 2020, the Planning Commission approved the Preliminary Plat for Allen’s Mill Phase 2.

Earlier this year, the applicant asked to phase the Preliminary Plat into an A and B Phase.

In June of this year, the Planning Commission approved the final plat for phase 2a with conditions. The plat has since been signed and recorded.

Adam Osweiler, city engineer from McClelland, advised that progress is being shown and everything is acceptable.

Jason Strecker made a motion to approve the final plat for Allen’s Mill, Phase 2b with contingencies (Submitted Punch List from Engineering, Performance and Maintenance bonds being completed and accurate and a formal letter from the adjacent property owner). Motion was seconded by Nancy Jay. Motion passed unanimously.

**SD #2022-16 - Dancing Rabbit Subdivision, Lots 1-5 - 3168 Ozark Acres Dr – Jose Rios, Bates & Associates**

Request – Applicant requests preliminary plat approval for a 5-lot subdivision. Access to existing house will remain. The other 4 lots are proposed to be accessed from a new public street from Ozark Acres Dr. The 4 new lots range from 3 acres to 3.84 acres in size. Proposed street crosses over lot 9 of the Ozark Acres Subdivision. Applicant is proposing septic tanks for wastewater service. Water is available to site.

Staff Report was presented by Tim Reavis, Planning Director (copy attached).

Additional information was needed. Applicant needed to include Lot 9 of Ozark Acres in drawing, since a 50’ strip of land is being dedicated from this lot for purpose of building a road. No information on drainage was provided. No street detail was provided for the new road. This was discussed with applicant at the August 15<sup>th</sup> Work Session Meeting.

Applicant has not done anything new. Nothing that was discussed by Planning Commission has been addressed by applicant. Staff has not received anything new.

Fallon Henry made motion to Table. Nancy Jay seconded the motion. Tabled.

**Other Business:**

**2022-3 249 Main St – Rezone A1 to C2 Update**

City Council downzoned to C1 (office space but no outdoor storage). They want a PZD done in order to move forward with C2.

It is now C1 unless applicant comes back with PZD.

**Adjournment:**

Motion was made by Fallon Henry to adjourn the September 6, 2022 Planning Commission meeting.

Motion was seconded by Kayleigh Barnes and passed unanimously.

Submitted by:   
Tammy Shook, City of Cave Springs

Approved by:   
Jason Strecker, Planning Commission Chairman