



## **Cave Springs, Arkansas** **Planning and Development Department**

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### **CAVE SPRINGS PLANNING COMMISSION (CSPC)** **August 2, 2016** **STAFF REPORT**

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**FILE:** CSZ-16-06| Rezoning  
**OWNERS:** GSP NWA, Inc.  
**ADDRESS:** 1101 Pella Court, Cave Springs, AR 72718  
**PARCELS:** 05-12156-000  
**STR:** Section 31, Township 19 North, Range 30 West  
**PARENT LEGAL:** Lot 42 of the Marbella Phase I Subdivision  
**LOT SIZE:** 0.25 acre (10,890 ft<sup>2</sup>)  
**ZONING:** Non-Conforming A-1 General Agriculture Zoning District  
**EXISTING USE:** Vacant Residential Lot  
**APPLICANTS:** Justin Salter, V.P. of Northrock Builders, LLC.  
**PREPARED BY:** Craig Southern, CFM | Planning & Zoning Official

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#### **REQUEST:**

The applicant, Justin Salter, V.P. of Northrock Builders, LLC. requests a rezoning from a non-conforming A-1 General Agriculture Zoning District to a conforming R-3 Single-Family Residential Zoning District for the 0.25 acre (10,890 ft<sup>2</sup>) Lot 42 of the Marbella Phase I Subdivision. In conjunction with the Planning Commission request, the applicant has also requested the additional approval of one (1) variance (CSBZA-16-03) from the Board of Zoning Adjustment (BZA) for a rear yard setback from the required twenty (20) feet to a requested eleven (11) feet on the subject property to construct a new single-family residence.

Attached to this Staff Report, is copy of the existing Marbella Phase I Plat (recorded 7-2-1014) and the proposed Site Plan illustrating and detailing the proposed dimensions and foot-print of the single-family residence and lot.

#### **APPLICABLE CITY CODE SECTIONS:**

[Planning and Zoning Schedule of Uses of Cave Springs, AR | Ordinance 2013-11](#)

[Planning and Zoning Regulations of Cave Springs, AR | Ordinance 2012-09](#)

Article 6. *District Regulations*

Section 6.1 *Agricultural and Residential Districts*

Section 6.1.2 *A-1 General Agricultural District*

Section 6.1.6 *R-3 Single-Family Residential District*

Article 10. *General Standards*

**BACKGROUND:**

The applicant, Justin Salter, V.P. of Northrock Builders, LLC. requests a rezoning from a non-conforming A-1 General Agriculture Zoning District to a conforming R-3 Single-Family Residential Zoning District for the 0.25 acre (10,890 ft<sup>2</sup>) Lot 42 of the Marbella Phase I Subdivision. The subject property has fifty (50) linear feet, located on a local street | cul-de-sac, Pella Court. In conjunction with the Planning Commission request, the applicant has also requested the additional approval of one (1) variance (CSBZA-16-03) from the Board of Zoning Adjustment (BZA) for a rear yard setback from the required twenty (20) feet to a requested eleven (11) feet on the subject property to construct a new single-family residence.

Attached to this Staff Report, is copy of the Variance Narrative written by the applicant.

**SURROUNDING LAND USE AND ZONING:**

The subject property is currently zoned non-conforming A-1 General Agriculture Zoning District on a 0.25 acre (10,890 ft<sup>2</sup>) Lot 42 of the Marbella Phase I Subdivision a vacant residential lot. The surrounding properties are also similarly zoned non-conforming A-1 General Agriculture Zoning District within the undeveloped residential lots. The character of the subject property and surrounding area is single-family residential within a subdivision.

North:	Non-Conforming A-1 General Agricultural
East:	Non-Conforming A-1 General Agricultural
South:	Non-Conforming A-1 General Agricultural
West:	Non-Conforming A-1 General Agricultural

(Attached to this Staff Report, is a Zoning Map of the subject property)

**Comprehensive Plan:** No Future Land Use Map (FLUM) coverage

**Flood Zone:** Zone X – Flood Zone determined to be outside of the 0.2% annual chance floodplain

**REVIEW AND ANALYSIS OF FINDINGS FOR CSZ-16-04:**

The subject property is currently a nonconforming lot with a lot area of 0.25 acre (10,890 ft<sup>2</sup>) Lot 42 of the Marbella Phase I Subdivision that has fifty (50) linear feet, located on a local street | cul-de-sac, Pella Court. The property is currently a non-conforming lot because it does not meet the minimum five (5) acre requirements for lot area of the A-1 General Agricultural Zoning District. Upon the granting of the rezoning request of the subject property into a conforming R-3 Single-Family Residential Zoning District, in conjunction with the approval of one (1) variance (CSBZA-16-03) from the Board of Zoning Adjustment (BZA) for a rear yard setback the non-conforming lot will become legal and conform to the Cave Springs Planning and Zoning Regulations.

**PUBLIC COMMENTS:**

As of the writing of this report, staff has received no comments or concerns from the notified public.

## **REZONING FINDINGS AND CONCLUSIONS OF LAW:**

### Findings of Fact:

1. It is staff's conclusion that the application meets the required findings for approval of the Rezoning as submitted. Staff therefore recommends **Approval** of the Rezoning subject to the specific conditions as outlined in the staff recommendation.

### Conclusions of Law:

1. The applicant is proceeding in accordance with the requirements of the Planning and Zoning Regulations of Cave Springs, AR regarding a Rezoning.

## **ALTERNATIVES:**

1. Approve the Rezoning as submitted by the applicant, based on findings of fact and conclusions of law.
2. Approve the Rezoning as submitted by the applicant subject to staff's recommended conditions, based on findings of fact and conclusions of law (**Staff Recommendation**)
3. Deny the project based on findings of denial. The CSPC must conclude that the project does not meet all of the findings as recommended by staff. As part of the motion, findings for denial must be stated.
4. Postpone the project until issues identified during the public hearing can be resolved.

## **STAFF RECOMMENDATION:**

### **Recommended motion for Cave Springs Planning Commission (CSPC):**

Move to **Approve** the Rezoning request as follows:

Staff recommends approval of the request for a Rezoning (CSZ-16-06) of a 0.25 acre (10,890 ft<sup>2</sup>) acre non-conforming lot currently zoned A-1 General Agricultural Zoning District to a conforming R-3 Single-Family Residential Zoning District located at 1101 Pella Court, Cave Springs, AR 72718.

### **Plus the following numerical conditions:**

1. The applicants will comply with all sections of the Cave Springs Planning and Zoning Regulations, specifically *Section 6.1.6 R-3 Single-Family Residential District* other than any specific variances granted by the Cave Springs Board of Zoning Adjustment (BZA).
2. Any other requirements and conditions as determined by the Planning Commission.

## **ATTACHMENTS:**

1. Variance Narrative (1 page)
2. Existing Marbella Phase I Subdivision Plat (1 page)
3. Proposed Site Plan (1 page)
4. Vicinity Map (1 page)
5. Surrounding Zoning Map (1 page)