



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

CAVE SPRINGS PLANNING COMMISSION (CSPC)

August 2, 2016

STAFF REPORT

FILE: CSZ-16-08 and CSPCCU-16-02 | **Rezoning and Conditional Use**

OWNERS: Alan and Terry Hall

ADDRESS: 557 Sands Road, Cave Springs, AR 72718

PARCELS: 05-10104-002

STR: Section 31, Township 19 North, Range 30 West

PARENT LEGAL: PART OF THE FRACTIONAL SW $\frac{1}{4}$ OF Section 31, Township 19 North, Range 30 West THE 5TH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID FRACTIONAL SW $\frac{1}{4}$, BEING A FOUND IRON PIN IN A COUNTY ROAD AS SHOWN ON PLAT 'N' AT PAGE 19, THENCE NORTH 00 DEGREES 00 MINUTES WEST 836.57 FEET TO AN IRON PIN FOR THE POINT OF BEGINNING: THENCE NORTH 00 DEGREES 00 MINUTES WEST 466.56 FEET TO A FOUND IRON PIN: THENCE SOUTH 89 DEGREES 24 MINUTES 50 SECONDS EAST 40.0 FEET TO A FOUND IRON PIN: THENCE NORTH 67 DEGREES 41 MINUTES 50SECONDS EAST 306.48 FEET TO A FOUND IRON PIN; THENCE SOUTH 00 DEGREES 00 MINUTES 00SECONDS EAST 583.98 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 43 MINUTES 53 SECONDS WEST 323.50 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHT OF WAY OF A COUNTY ROAD ON THE NORTH SIDE THEREOF.

LOT SIZE: 3.85 acres (167,706 ft²)

ZONING: Non-Conforming A-1 General Agriculture Zoning District

EXISTING USE: Single-Family Residential with a Commercial Farm with Exotic Animals

APPLICANTS: Alan Hall

PREPARED BY: Craig Southern, CFM | Planning & Zoning Official

REQUEST:

The applicant, Alan Hall, requests to rezone (CSZ-16-08) a 3.85 acres (167,706 ft²) lot currently nonconforming to the A-1 General Agricultural Zoning District to the newly created conforming A-2 Suburban Agriculture Zoning District, in conjunction with a Conditional (CSPCCU-16-02) Use in order to legally operate a Farm with Exotic Animals as a commercial business, the Ozark Snake Farm, in a five-hundred (500) square foot accessory structure.

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*

(NEWLY ADOPTED) Section 6.2 A-2 Suburban Agricultural District

Article 7. *Conditional Uses*

Article 8. *Accessory Uses*

Article 10. *General Standards*

Article 12. *Administration and Enforcement*

Section 12.5 *Amendments*

BACKGROUND:

The applicant, Alan Hall, requested a Conditional Use to legally operate a Farm with Exotic Animals as a commercial business, at the April 5, 2016 Cave Springs Planning Commission (CSPC) meeting; yet a Rezoning should have simultaneously been requested at the Planning Commission meeting on April 5, 2016 because the subject property is currently nonconforming to the A-1 General Agricultural Zoning District because it does not meet the minimum lot area requirements of five (5) acres. The subject property has 3.85 acres (167,706 ft²) that has three-hundred and twenty-three (323) linear feet located on a Cave Springs maintained Minor Collector Street, Sands Road. Upon Rezoning the subject property from A-1 General Agricultural Zoning District to the newly created A-2 Suburban Agriculture Zoning District, the nonconforming lot will become legal and conform to the Cave Springs Planning and Zoning Regulations to meet the minimum lot area requirements of the A-2 Suburban Agriculture Zoning District and in order to legally operate a Farm with Exotic Animals as a commercial business, the Ozark Snake Farm, in a five-hundred (500) square foot accessory structure. Due to the oversight of the original Conditional Use application City staff has waived all additional application and notification fees associated with the Rezoning and covered all Rezoning fees for the applicant.

Attached to this Staff Report, is copy of the Conditional Use 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 3.85 acre (167,706 ft²) lot that currently has a single-family dwelling and a detached five-hundred (500) square foot accessory structure, storage facility that houses the Ozark Snake Farm. The properties to the South, West and North are zoned A-1 General Agricultural. The property to the East is currently zoned non-conforming A-1 General Agricultural with 1.2 acres. The character of the subject property and surrounding area is agricultural and rural residential

North:	A-1 General Agricultural
East:	Non-Conforming A-1 General Agricultural
South:	A-1 General Agricultural
West:	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 REZONING (CSZ-16-08):

The subject property is currently zoned non-conforming A-1 General Agriculture Zoning District on a 3.85 acre (167,706 ft²) that has three-hundred and twenty-three (323) linear feet located on a Cave Springs maintained Minor Collector Street, Sands Road. The subject 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. Contingent upon granting the rezoning request of the subject property into an A-2 Suburban Agriculture District, the subject property will become legal and conform to the Cave Springs Planning and Zoning Regulations.

REVIEW AND ANALYSIS OF FINDINGS FOR CONDITIONAL USE (CSPCCU-16-02):

The applicants have requested a Conditional Use in order to legally operate a Farm with Exotic Animals as a commercial business, the Ozark Snake Farm, in a five-hundred (500) square foot accessory structure.

The Cave Springs Planning Commission may grant a Conditional Use when it finds that the following conditions exist:

1. Explain how the proposed Conditional Use is in harmony with the purpose and intent of the Cave Springs Planning and Zoning Regulations:

Staff Comment: The agriculture/rural residential character of the surrounding area is supportive of the proposed Conditional Use for a Farm with Exotic Animals as a commercial business, the subject property and the existing five-hundred (500) square foot accessory structure converted into a storage facility meets the minimum site development standards of the A-2 Suburban Agricultural Zoning District which satisfies the intent of the Conditional Use. The storage structure is purportedly an inescapable industry standard reptile facility. All boarding of the non-venomous snakes will be conducted entirely within this storage facility.

2. Explain the characteristics of the proposed Conditional Use and its operation on the subject property in question in relation to adjacent properties and how it will not create any greater adverse impact than the operation of any permitted use not requiring a Conditional Use approval:

Staff Comment: The characteristics of the proposed Conditional Use of the Farm with Exotic Animals as a commercial business and its operation on the subject property in question and in relation to adjacent properties will not create any greater adverse impact than the operation of any permitted use not requiring Conditional Use on the subject property. The applicants have installed five-hundred (500) square foot, purportedly an inescapable industry standard reptile facility. All boarding of the non-venomous snakes will be conducted entirely within this storage facility. The Cave Springs Planning and Zoning Regulations currently have a distance setback requirement of one-hundred (100) linear feet for any agricultural use.

3. Explain how the Conditional Use, if granted, will not cause substantial detriment to the public good and how the proposed Conditional Use will comply with all conditions and requirements established in the Planning and Zoning Regulations:

Staff Comment: The Conditional Use application is in conformance and exceeds the requirements of the Cave Springs Planning and Zoning Regulations as discussed. It is noted that if approved, the Conditional Use (CSPCCUA-16-02) would be for only one (1) five-hundred (500) square foot storage facility that will board the non-venomous snakes, the Ozark Snake Farm and if the facility is ever replaced it shall be replaced at the identical location with equal or less square footage or at a location that exceeds the current setbacks of the structure with equal or less square footage, contingent upon the Planning and Development Department and the Cave Springs Planning Commission (CSPC).

PUBLIC COMMENTS:

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

REZONING AND CONDITIONAL USE 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 requested Rezoning and Conditional Use as submitted. Staff therefore recommends **Approval** of the Rezoning and Conditional Use subject to the specific conditions as outlined in the staff recommendation.

Conclusions of Law:

1. The applicants are proceeding in accordance with the requirements of the Planning and Zoning Regulations of the City of Cave Springs regarding a Conditional Use approval.

ALTERNATIVES:

1. Approve the request as submitted by the applicants, based on findings of fact and conclusions of law.
2. Approve the Rezoning and Conditional Use subject to staff's recommended conditions, based on findings of fact and conclusions of law (**Staff Recommendation**)
3. Deny the request based on findings of denial. The Planning Commission 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 meeting can be resolved.

STAFF RECOMMENDATION:

Staff recommends Approval of the Rezoning (CSZ-16-08) of a 3.85 acre (167,706 ft²) currently zoned non-conforming A-1 General Agricultural District to a conforming A-2 Suburban Agriculture District and Approval of the Conditional Use (CSPCCU-16-02) to legally operate a Farm with Exotic Animals as a commercial business, the Ozark Snake Farm, in a five-hundred (500) square foot accessory structure.

Plus the following numerical conditions:

1. The applicants will comply with all sections of the Cave Springs Planning and Zoning Regulations, specifically *Section 6.2 A-2 Suburban Agricultural District*
2. The applicants must submit proof of Arkansas Game & Fish Commission certification and/or license to raise snakes within three (3) months and continued proof of each approved renewal in the future to the City of Cave Springs, Arkansas.

3. The applicants must submit a copy of Arkansas Game & Fish Commission audit or inspection report(s) that are administered on an annual basis to the City of Cave Springs, Arkansas.
4. The applicants must provide proof of United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) or equivalent permit for interstate transit of regulated animals, within three (3) months to the City of Cave Springs, Arkansas.
5. The applicants may not at any time show/breed/raise/train/sale “venomous” snakes for any purpose.
6. The applicants shall contact the Cave Springs Planning and Development Department and shall return to the Planning Commission if any changes are proposed to increase the square footage of the existing five-hundred (500) square foot accessory structure for non-venomous snakes.
7. The applicants will contact the Cave Springs Planning and Development Department if they intend to change ownership of the subject property. In addition, the applicants or any future owner that proposes any change in use from the Ozark Snake Farm (non-venomous snakes) must return to the Cave Springs Planning Commission for approval.
8. That the applicants must execute the Decision of Record upon final action by the Planning Commission no later than fifteen (15) days after the Planning Commission has made its decision and prior to the opening of the Farm with Exotic Animals as a commercial business, the Ozark Snake Farm (non-venomous snakes) to the public; A copy of the signed Decision of Record shall be recorded by the applicants with the City of Cave Springs Records Office.
9. Any other requirements and conditions as determined by the Planning Commission of Cave Springs, Arkansas.

ATTACHMENTS:

1. Conditional Use Narrative (1 page)
2. Vicinity Map (1 page)
3. Surrounding Zoning Map (1 page)
4. Proposed Decision of Record (3 pages)