



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

CAVE SPRINGS PLANNING COMMISSION (CSPC)
August 2, 2016

STAFF REPORT

FILE: CSZ-16-04 | Rezoning
OWNERS: Petromark, Inc.
ADDRESS: 180 N. Main Street, Cave Springs, AR 72718
PARCEL: 05-10141-000
STR: Section 8, Township 18 North, Range 30 West
LEGAL: Part Of The SW/4 Of The Ne/4 Of Section 01 Township 18 North Range 31 West Of The Fifth Principal Meridian Benton County Arkansas And Being More Particularly Described As Beginning At The NW Corner Of The West Half Of Block 3 Of The Original Town Of Cave Springs Arkansas As Shown In Plat Record "B" At Page 125 Thence South 89*58'31" West 25.59 Feet To A Set Iron Pin On The Easterly Right-Of-Way Of Arkansas State Highway No 112 Thence 186.35 Feet Along A Curve To The Right Having A Radius Of 736.60 Feet And A Delta Angle Of 14*29'41" To A Set Iron Pin On The Said Right-Of-Way Thence Leaving Said Right-Of-Way South 78*13'38" East 126.69 Feet To A Set Iron Pin Thence South 01*00'20" West 158.36 Feet To A Set Iron Pin Thence South 89*58'30" West 120.00 Feet To The Point Of Beginning Subject To The Right-Of-Way Of Said Arkansas State Highway 112 Along The West Side Thereof Survey 8/04/92 16-280
LOT SIZE: 0.55 acres (23,958 ft²)
EXISTING ZONING: Non-Conforming C-1 Downtown Commercial and Office Zoning District
EXISTING USE: Abandon Commercial Structure and Gas Station
APPLICANTS: Steve Turner
PREPARED BY: Craig Southern, CFM | Planning & Zoning Official

REQUEST:

The applicant, Steve Turner with Petromark, Inc. has requested a rezoning from a non-conforming C-1 Downtown Commercial and Office Zoning District to a C-2 General and Highway Commercial District on a 0.55 acre tract of land, to legally operate a Gas Station and a Large Scale Retail Store of 6,000 square feet.

APPLICABLE CITY CODE SECTIONS:

Planning and Zoning Regulations of Cave Springs, AR | Ordinance 2012-09

Article 6. *District Regulations*

Section 6.4 *Commercial Districts*

Section 6.4.1 *C-1 Downtown Commercial and Office District*

Section 6.4.2 *C-2 General and Highway Commercial District*

Article 12. *Administration and Enforcement*

Section 12.5 *Amendments*

Sign Regulations of Cave Springs, AR | Ordinance 2013-19

Subdivision Regulations of Cave Springs, AR | Ordinance 2010-03

Floodplain Regulations of Cave Springs, AR | Ordinance 2012-04

BACKGROUND:

The applicant, Steve Turner with Petromark, Inc., is requesting a rezoning of a non-conforming C-1 Downtown Commercial and Office Zoning District to a conforming C-2 General and Highway Commercial District on a 0.55 acre tract of land, to legally operate a Gas Station and a Large Scale Retail Store of 6,000 square feet. The subject property is currently non-conforming to the C-1 Downtown Commercial and Office Zoning District because the use of a Gas Station and Large Retail Use are both non-permitted uses in the C-1 Downtown Commercial and Office Zoning District. The subject property has one-hundred and ninety-five (195) linear feet, located on a principal arterial street, AR State Hwy 264 (E. Main Street). The lot has had a Gas Station and Large Retail Use, a convenience store for over fifteen (15) years off and on operating and abandoned. The northern half portion of the lot is located within the 100-year floodplain with an undetermined base flood elevation – Zone A. Upon the granting of the rezoning request of the subject property into a C-2 General and Highway Commercial District, the non-conforming lot will become legal and conform to the Cave Springs Planning and Zoning Regulations.

SURROUNDING LAND USE AND ZONING:

The subject property is currently zoned a non-conforming C-1 Downtown Commercial and Office Zoning District and developed with an abandoned 6,000 ft² Gas Station and a Large Scale Retail Store. The surrounding properties to the East, South and West are all zoned C-1 Downtown Commercial and Office Zoning District. The property to the North is a vacant Non-Conforming A-1 General Agricultural. The character of the property and surrounding area is Commercial.

North:	Non-Conforming A-1 General Agricultural
East:	C-1 Downtown Commercial and Office Zoning District
South:	C-1 Downtown Commercial and Office Zoning District
West:	C-1 Downtown Commercial and Office Zoning District

(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 A: a portion of the lot is located within the 100-year floodplain with an undetermined base flood elevation

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

The subject property is currently a nonconforming lot with a lot area of 0.55 acres (23,958 ft²) has one-hundred and ninety-five (195) linear feet, located on a principal arterial street, AR State Hwy 264

(E. Main Street). The subject property is currently non-conforming to the C-1 Downtown Commercial and Office Zoning District because the use of a Gas Station and Large Retail Use are both non-permitted uses in the C-1 Downtown Commercial and Office Zoning District. Upon the granting of the rezoning request of the subject property into a C-2 General and Highway Commercial Zoning District, 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-16-04) of a 0.55 acres (23,958 ft²) acre non-conforming lot currently zoned C-1 Downtown Commercial and Office Zoning District to a conforming C-2 General and Highway Commercial Zoning District located at 180 N. Main Street, Cave Springs, AR 72718

Plus the following numerical conditions:

1. A current, signed and sealed Boundary and Topographic Survey prepared by a Certified Licensed Professional Land Surveyor or Licensed Qualified Engineer, of the lot shall be submitted to the Planning and Development Department within thirty (30) days.
2. The applicant will comply with all sections of the Planning and Zoning Regulations of Cave Springs, AR, specifically *Section 6.4.2 C-2 General and Highway Commercial Zoning District*.
3. Any new construction on the subject property must conform to Ordinance No. 2012-4 Floodplain Regulations of Cave Springs, AR and the Planning and Zoning Regulations.

4. Any outdoor equipment shall be enclosed with a solid fence or wall of not less than six (6) feet in height. Said fence or wall shall be maintained continuously in good condition and be completely constructed prior to the opening of any proposed commercial activity.
5. All parking spaces and loading areas must be paved with a sealed surface pavement of concrete or asphalt and maintained in a manner that no dust will result from continued use.
6. All lighting used for parking lots, off-street parking, loading areas and any storage areas shall be shielded and oriented to direct light downward and away from such areas to avoid causing a glare or condition that is unsafe or a nuisance. All exterior lighting shall be white lighting only. All lighting shall be contained onsite.
7. The existing monument sign that is encroaching into the Right-of-Way and must be removed within thirty (30) days.
8. A Cave Springs Sign Permit must be approved and issued before any sign is constructed, placed or erected on the lot pursuant to *Section 10.11 Sign Permit Application and Requirements*.
9. Any additional conditions as recommended by the Cave Springs Planning Commission (CSPC) and the Cave Springs City Council with their final approval.

ATTACHMENTS:

1. Vicinity Map (1 page)
2. Surrounding Zoning Map (1 page)