Cave Springs, Arkansas
Planning and Development Department

CAVE SPRINGS PLANNING COMMISSION (CSPC)
December 6, 2016

STAFF REPORT

FILE:	**CSLS-16-10 and CSZ-16-15** | Replat and Rezoning
OWNERS:	Danae and Willie Jr Parker
ADDRESS:	359 Clayton Road, Cave Springs, AR 72718
PARCELS:	05-10401-000 & 05-10403-000
STR:	Section 6, Township 18 North, Range 30 West
PARENT LEGAL:	Lots 1, 4, 5, 8 & 9 of Block 21 of Barlett's Revised Addition
LOT SIZE:	0.41 acres (17,859 ft^2)
ZONING:	Non-Conforming R-2 Single Family Residential District
EXISTING USES:	Residential
APPLICANTS:	Danae and Willie Jr Parker
PREPARED BY:	Craig Southern, CFM | Planning & Zoning Official

REQUEST:

The applicants, Danae and Willie Jr Parker, request the approval of a Lot-Combination and Replat (CSLS-16-10) and a Rezoning (CSZ-16-15) from a non-conforming R-2 Single Family Residential District to a conforming R-3 Single Family Residential District and an accessory structure variance (CSBZA-16-11) from the Board of Zoning Adjustment for a 1,600 square foot structure on a 0.41 acre replatted lot, Lot 1R of Block 21 of Bartlett's Revised Addition contingent upon Lot-Combination approval of the original lots; within the subject property

APPLICABLE CITY CODE SECTIONS:

Planning and Zoning Regulations of Cave Springs, AR | Ordinance 2016-16
Article 6. *District Regulations*
Section 6.1 A-1 General Agricultural District
Section 6.6 R-3 Single-Family Residential District
Article 12. *Administration and Enforcement*
Section 12.5 *Amendments*
Subdivision Regulations of Cave Springs, AR | Ordinance 2010-03
Section 2. *Platting Procedures*

BACKGROUND:

Lots 1, 4, 5, 8 & 9 of Block 21 of Barlett's Revised Addition (1914) are collectively owned by the applicants, Danae and Willie Jr Parker. The five (5) lots are currently developed with an 896 ft^2 wood-framed Single-Family Residence. The applicants intend to combine all five (5) lots and replat them to one (1) lot; Lot 1R of Block 21 and rezone the 0.41 acre (17,859 ft^2) replatted lot from a non-conforming R-2 Single-Family Residential Zoning District to a conforming R-3 Single-Family Residential Zoning District. The subject property has one-hundred and forty-nine (149) linear feet, located on Arkansas State Highway 264 / Lowell Avenue, a Principal Arterial Street, and one-hundred and twenty (120) linear feet located on Clayton Road, a Minor Collector Street. The required right-of-ways have been met pursuant to the Subdivision Regulations and will be dedicated and recorded within the Lot-Combination and Replat Survey.

In conjunction with the Planning Commission request, the applicants have also requested the additional approval of one (1) variance (CSBZA-16-11) from the Board of Zoning Adjustment (BZA) for a one (1) accessory structure area variance, from *Article 8 Accessory Uses | Section 8.1.2 Location Requirements and Standards* to waive the requirement that an accessory structure shall not occupy more lot area of the lot than is covered by the principal use.

Attached to this Staff Report, is copy of the proposed Site Plan and Replat Survey illustrating and detailing the proposed dimensions of the accessory structure and the Lot-Combination.

SURROUNDING LAND USE AND ZONING:

The subject property is currently zoned non-conforming R-2 Single Family Residential District. The surrounding properties to the East, South and West are zoned similarly R-2 Single Family Residential District. The property to the North is zoned C-2 General and Highway Commercial District. The character of the subject property and surrounding area is Residential and undeveloped/Commercial.

North:	C-2 General and Highway Commercial District
East:	R-2 Single Family Residential District
South:	R-2 Single Family Residential District
West:	R-2 Single Family Residential District

(Attached to this Staff Report, is a Zoning Map (June 2016) 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 CSLS-16-10 and CSZ-16-15:

The Lot-Combination and Replat **(CSLS-16-10)** will be supported by the proposed Rezoning **(CSZ-16-15)** to R-3 Single-Family Residential for proposed Lot 1R of Block 21 because all required site development standards will be met. The required right-of-way dedications have been met pursuant to Subdivision Regulations. The Lot-Combination, Replat and Rezoning request are consistent with the surrounding land uses. CSLS-16-10 and CSZ-16-15 are companion applications and one cannot be approved without the other.

PUBLIC COMMENTS:

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

LOT-COMBINATION, REPLAT AND 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 Lot-Combination, Replat and Rezoning as submitted. Staff therefore recommends **Approval** of the Lot-Combination, Replat and Rezoning subject to the specific recommendations as outlined in the staff recommendation.

Conclusions of Law:

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

ALTERNATIVES:

1. Approve the Lot-Combination, Replat and Rezoning as submitted by the applicant, based on findings of fact and conclusions of law.
2. Approve the Lot-Combination, Replat and Rezoning as submitted by the applicant subject to staff's recommendations, 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 Lot-Combination, Replat and Rezoning request as follows:

Staff recommends approval of the request for a Lot-Split, Lot-Combination, Replat **(CSLS-16-10)** and the approval of a Rezoning **(CSZ-16-15)** from a non-conforming R-2 Single-Family Residential District to a conforming R-3 Single Family Residential District for proposed replatted Lot 1R of Block 21, contingent upon the Lot-Combination, Replat approval of the original lots, Lots 1, 4, 5, 8 & 9 of Block 21 of Barlett's Revised Addition (1914) located at 359 Clayton Road, Cave Springs, AR 72718. The Lot-Combination and Replat will consist of one (1) newly created lot, proposed Lot 1R containing 0.41 acres that will be acres will be rezoned to an R-3 Single-Family Residential District.

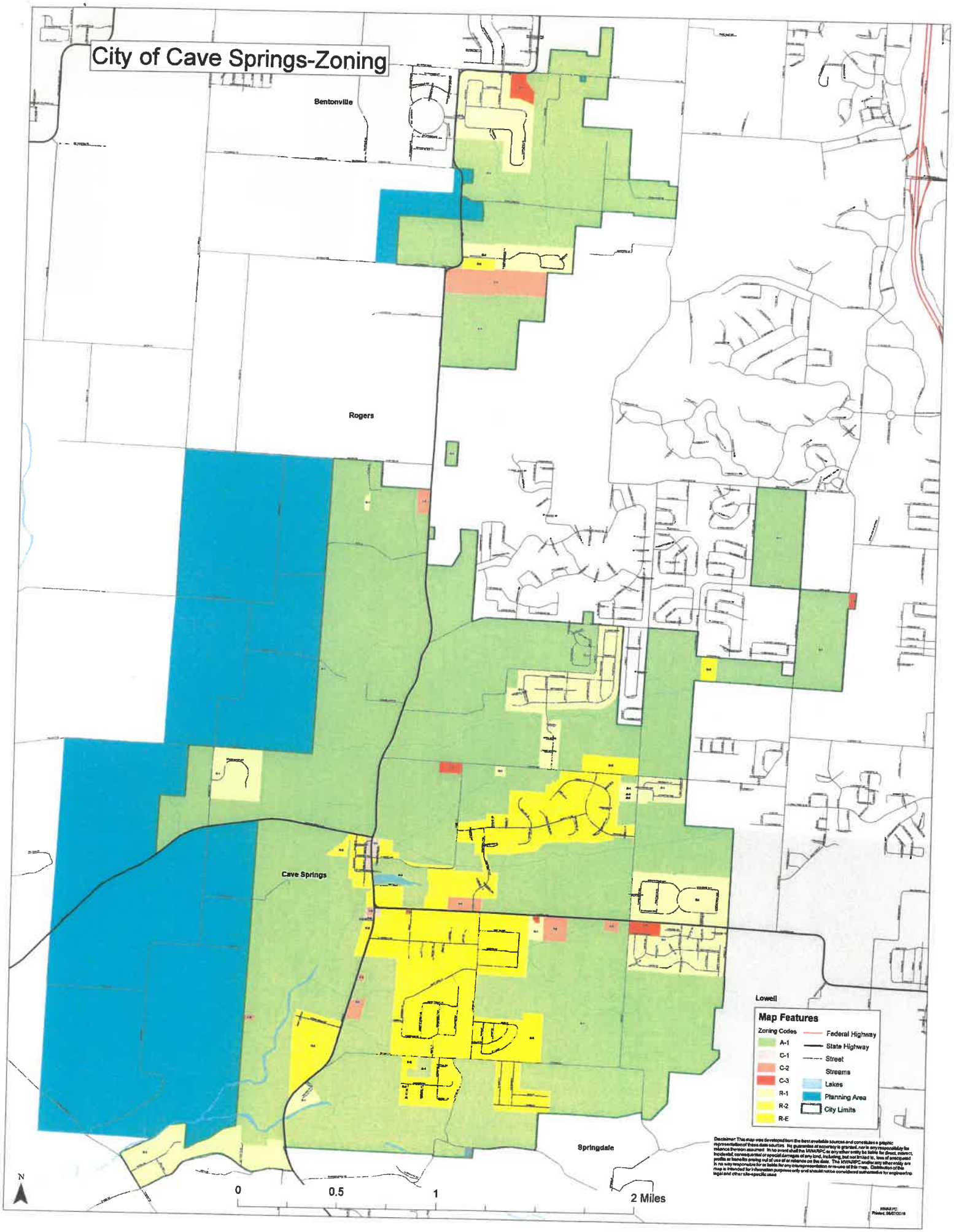
Plus the following numerical recommendations:

1. The applicants will comply with all sections of the Planning and Zoning Regulations of Cave Springs, AR, specifically *Section 6.6 R-3 Single-Family Residential District.*
2. 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 | June 2016 (1 page)
3. Barlett's Revised Addition (1914) (1 page)
4. Barlett's Revised Addition Replat Survey (2016) (1 page)
5. Proposed Site Plan for Accessory Structure Variance

City of Cave Springs-Zoning



Alley & Streets Closed in 468-39

Plat Record "B" Page 129

Plat of Bartlett's Revised Addition to Cave Springs Benton Co., Ark.
Being the portion of said Plat in the SW¼ of the SW¼ of
Sec. 6 Twp. 18 N. Range 30 West. (Being Frl forty acres)

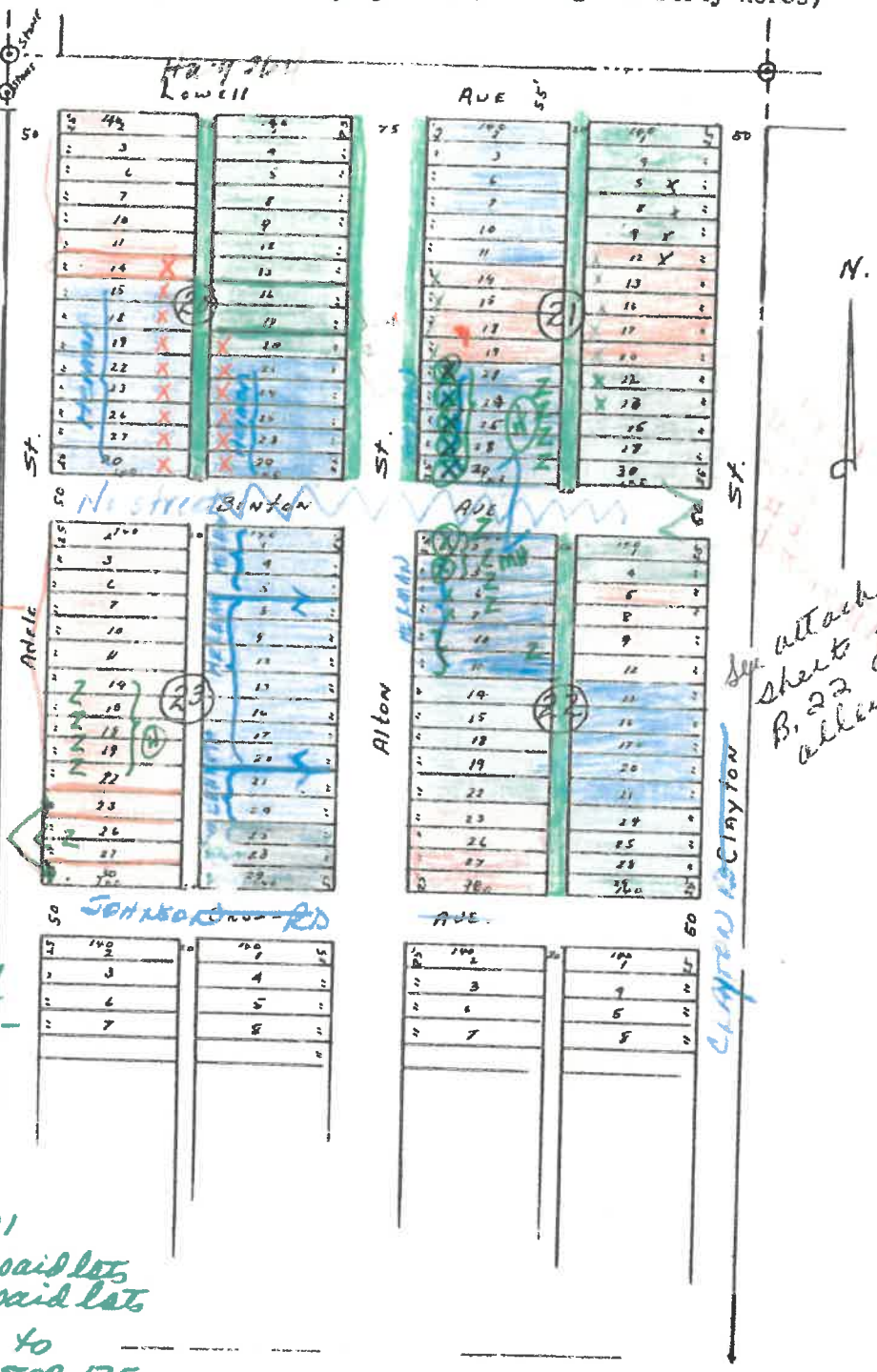
Lot 14-15-18 thru 30 Blk 20 owned by Baron B. Collier at time vacated See Deed 407-457 All lots sold to Ollie McGarrah See Deed 506-36 no mention of the alley or closed street

McGarrah sold L.14 to Irene Young but made no mention of the alley See Deed 557-302

McGarrah sold to McGarrah the rest of those lots and the alley and the closed street See Deed 618-479

1st Baptist Church owned L.19-21-23-24-25-26-27-28-29-30 B.21 Lots 1 & 4 B. 22 at the time vacated See Deed 273-475

L.21-24-25-28-29 B.21 and 12½' Alton St. W. of said lots W½ alley lying E. of said lots Sold and deeded to Nichols See Deed 507-175 Quit Claimed to Patsy Ruth Nichols Hause See Deed 566-01 Deeded by Patsy R. Tate & her new husband to Mike Brayson See Deed 607-679 Deeded back to the Tates See Deed 605-656 Deeded to McGarrah See 618-480



See attached sheet for B. 22 Closed alley!

Survey Aug. and Sept. 1912.
By S. S. Buckley- Del.
Asst. Eng.

Filed for record May 16" 1914, at 1 o'clock P. M.

W. M. Heaslet Clerk & Recorder.
Sheet No. _____

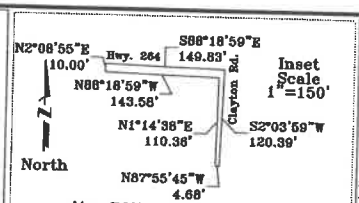
APPROVED BY THE CITY OF CAVE SPRINGS PLANNING COMMISSION

SIGNATURE _____ DATE _____

CITY OF CAVE SPRINGS APPROVAL

PLANNING AND ZONING _____ DATE _____

PUBLIC UTILITIES _____ DATE _____



New Right of Way Dedication per this Plat:

A portion of lots 4, 5, 8, 9, and 1 all in Block 21 of the Bartlett's Revised Addition to the City Of Cave Springs, Benton County, Arkansas being more particularly described as beginning at a found iron pin at the Southeast Corner of Lot 9; thence North 87°55'45" West a distance of 4.68 feet to a point; thence North 01°14'38" East a distance of 110.36 feet to a point; thence North 88°18'59" West a distance of 143.58 feet to a point; thence North 02°08'55" East a distance of 10.00 feet to a point; thence South 88°18'59" East a distance of 149.83 feet to a point; thence South 02°03'59" West a distance of 120.39 feet to the POINT OF BEGINNING containing in all 2,103 square feet or 0.05 acres, more or less and being further subject to any rights-of-ways, easements, liens, or encumbrances which may or may not be of record.

Reserved for Circuit Clerk

Owner Information:
Willie L. & Danae N. Parker
359 Clayton Rd.
Cave Springs, AR 72718

Notes:

Basis of Bearings: Arkansas State Plane Grid Zone North
Basis of Survey: Special Warranty Deed at Book 2016, Page 1771 in the Office of the Circuit Clerk & Ex Officio Recorder of Benton County, Arkansas.
This survey is valid only if the drawing includes the seal and signature of the surveyor.
This survey meets current "Arkansas Minimum Standards for Property Boundary Surveys and Plats".
No abstract of title, nor title commitment, nor results of title searches were furnished the surveyor. There may exist other documents of record which would affect this parcel.
Subsurface and environmental conditions were not examined nor considered a part of this survey.
No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or facilities.

Hatch Legend

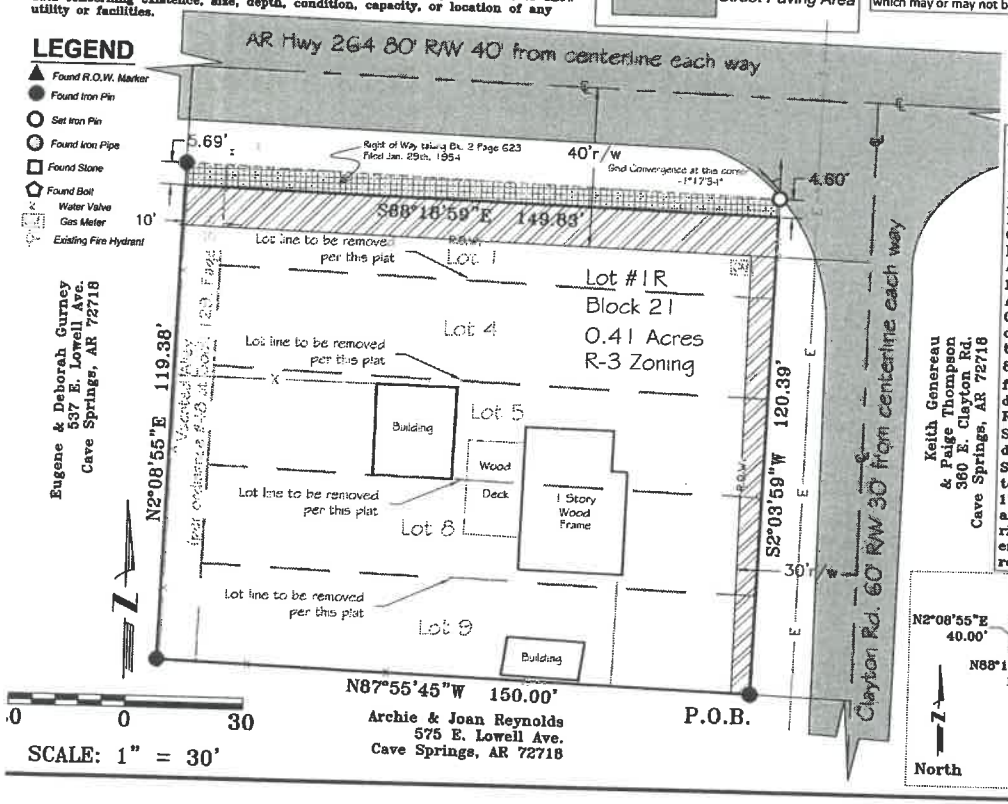
- New R/W Ded. Per this Plat
- R/W per Bk 2 Page 623
- Street Paving Area

PARENT LOTS:

AS PER SPECIAL WARRANTY DEED FILED AT BOOK 2016, PAGE 1771 IN THE OFFICE OF THE CIRCUIT CLERK OF BENTON COUNTY, ARKANSAS. LOTS 1,4,5,8 AND 9, BLOCK 21, TOGETHER WITH THE EAST HALF OF THE VACATED ALLEY LYING WEST OF AND ADJOINING SAID LOTS AS VACATED BY ORDINANCE NO. 48 IN DEED BOOK 129 AT PAGE 39, BARTLETT'S REVISED ADDITION TO THE CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD B AT PAGE 129.

LEGEND

- Found R.O.W. Marker
- Found Iron Pin
- Set Iron Pin
- Found Iron Pipe
- Found Stone
- Found Bolt
- Water Valve
- Gas Meter
- Existing Fire Hydrant



NEW DESCRIPTION:

LOT 1R, BLOCK 21, BARTLETT'S REVISED ADDITION TO THE CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS. SUBJECT TO ANY RIGHTS-OF-WAYS, EASEMENTS, LIENS, OR ENCUMBRANCES WHICH MAY OR MAY NOT BE OF RECORD.

Being described by survey as:
All of lots 4, 5, 8, and 9, and a portion of lot 1 all in Block 21 of the Bartlett's Revised Addition to the City Of Cave Springs, Benton County, Arkansas being more particularly described as beginning at a found iron pin at the Southeast Corner of Lot 9; thence North 87°55'45" West a distance of 150.00 feet to a found iron pin; thence North 02°08'55" East a distance of 119.38 feet to a point on the South Right of Way of State Highway 264; thence South 88°18'59" East along said Right of Way a distance of 149.83 feet to a point; thence South 02°03'59" West a distance of 120.39 feet to the POINT OF BEGINNING containing in all 17,972 square feet or 0.41 acres, more or less and being further subject to any rights-of-ways, easements, liens, or encumbrances which may or may not be of record.

CERTIFICATE OF AUTHORIZATION
JAMES LAYOUT SERVICES, LLC
NO. 2389
ARKANSAS SURVEYOR

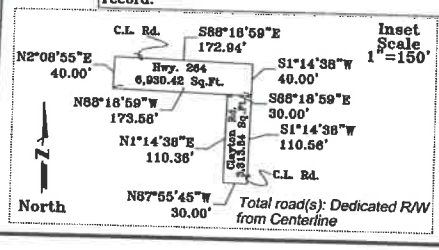
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO. 1204
SIGNATURE
LEONARD F. GABBARD

Zoning & Setback Information
Current Zoning: R-3 Single Family Residential

Yard	(feet)
Front	25'
Rear	25'
Side (interior)	7'
Side (corner)	25'
Waterfront	25'

Revision 1
11/22/16
Amended B/W(s)
Add R/W Ded. Legal
Add Cir. Clk. Rec. Blk.
Relabeled Lgl. Desc.(s)
Add City Sig. Blk.
Add City Setback Tbl.

Revision 2&3
2)Amended C.L. Dims
Fix lot blk Transposition
Added Total R/W from C.L. Inset W/ Areas
3) Changed Zone to R-3

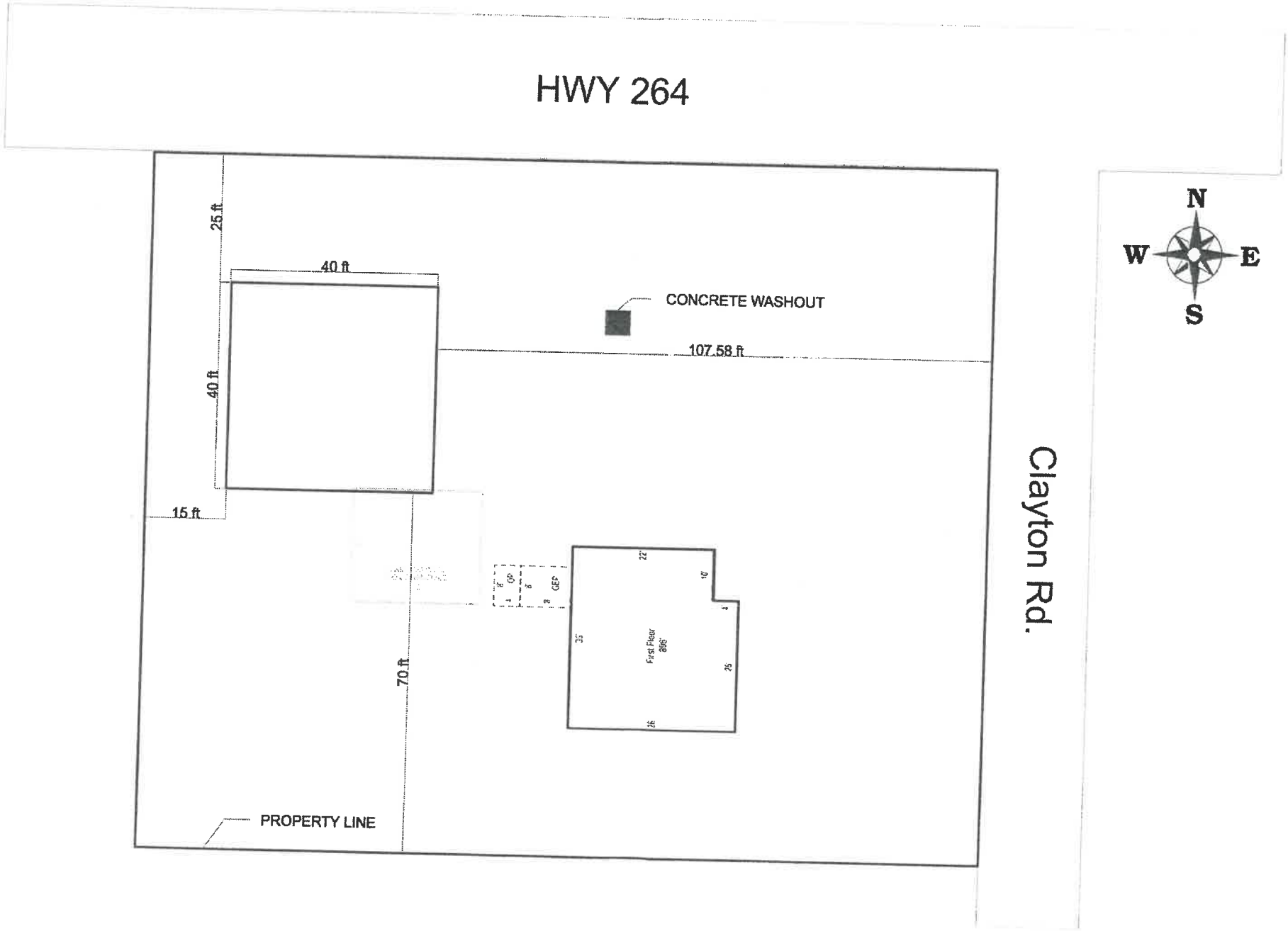


Replat of All of lots 4, 5, 8, and 9, and a portion of lot 1 all in Block 21 of the Bartlett's Revised Addition to the City Of Cave Springs creating New Lot LOT 1R, BLOCK 21

JLS
James Layout Services, LLC
P.O. Box 611
Farmington, Arkansas 72730
Telephone: (479) 439-9929
survey@jlsnwa.com

Project Data

Drawing Name:	16-240mod
Date:	11/22/16
System:	AR SPC North Zone
Field Op.:	N.R. & M.J.
Drawn By:	M.J.
Checked By:	L.F.G
Scale	1"=30'
Sheet	1 of 1
Revision	3


HWY 264
Clayton Rd.
N
W
E
S
25 ft
40 ft
40 ft
15 ft
CONCRETE WASHOUT
107.58 ft
70 ft
PROPERTY LINE
First Floor
GEP