



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

CAVE SPRINGS PLANNING COMMISSION (CSPC)
July 5, 2016

STAFF REPORT

FILE: CSPCZ-16-03 | Rezoning
OWNERS: Joseph R. and Megan L. Neal
ADDRESS: 759 Burdine Lane, Lowell, AR 72745
PARCEL: 05-10045-320
STR: Section 8, Township 18 North, Range 30 West
LEGAL: Part of the NE 1/4 of the NW 1/4 of Section 8, Township 18 North, Range 30 West of the Fifth Principal Meridian, Benton county, Arkansas, being more particularly described as follows: commencing at the NE corner of the NE 1/4 of the said NW 1/4; thence South 00 degrees 02 minutes 01 seconds West a distance of 570.52 feet to a set 5/8 inch diameter iron pin and the point of beginning; thence South 89 degrees 53 minutes 57 seconds West a distance of 278.76 feet to a set 5/8 inch diameter iron pin; thence south 00 degrees 02 minutes 01 seconds West a distance of 273.46 feet to a set 5/8 inch diameter iron pin; thence North 89 degrees 53 minutes 57 seconds East a distance of 278.77 feet to a set 5/8 inch diameter iron pin; thence North 00 degrees 02 minutes 01 seconds East a distance of 273,46 feet to the point of beginning, containing 1.75 acres, more or less, and being subject to the right-of-way of Burdine Lane along the east boundary thereof. Subject to all easements, rights-of-way, and protective covenants of record
LOT SIZE: 1.75 acres (76,230 ft²)
EXISTING ZONING: Non-Conforming A-1 General Agricultural District
EXISTING USE: Residential
APPLICANTS: Joseph R. and Megan L. Neal
PREPARED BY: Craig Southern, CFM | Planning & Zoning Official

REQUEST:

The applicants, Joseph R. and Megan L. Neal, request a Rezoning (CSPCZ-16-03) of a 1.75 acre non-conforming lot currently zoned A-1 General Agricultural District to a conforming R-1 Single Family Residential District located at 759 Burdine Lane, Lowell, AR 72745.

APPLICABLE CITY CODE SECTIONS:

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 6.1.4 *R-1 Single-Family District*

Article 12. *Administration and Enforcement*

Section 12.5 *Amendments*

BACKGROUND:

The applicants, Joseph R. and Megan L. Neal, are requesting a rezoning from a non-conforming A-1 General Agricultural to a conforming R-1 Single-Family Dwelling District on the subject property. The subject property is currently non-conforming to the A-1 General Agricultural District because it does not meet any of the minimum site development standards for the zoning district, especially the minimum lot area of five (5) acres. The subject property has one-hundred and twenty (120) linear feet located on a Cave Springs maintained Local Collector street, Burdine Lane. Upon the granting of the rezoning request of the subject property into an R-1 Single Family Dwelling 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 A-1 General Agricultural District and developed with an inhabited 1,260 ft² single-family dwelling. The surrounding properties to the East, South, West and North are all zoned A-1 General Agricultural. The character of the property and surrounding area is agricultural/rural residential.

North:	A-1 General Agricultural
East:	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 CSPCZ-16-03:

The subject property is currently a nonconforming lot with a lot area of 1.75 acres (76,230 ft²) has one-hundred and twenty (120) linear feet located on a Cave Springs maintained Local Collector street, Burdine Lane. 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 an R-1

Single-Family Dwelling District, the nonconforming 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 (CSPCZ-16-03) of a 1.75 acre non-conforming lot currently zoned A-1 General Agricultural District to a conforming R-1 Single Family Residential District located at 759 Burdine Lane, Lowell, AR 72745

Plus the following numerical conditions:

1. The applicant will comply with all sections of the Planning and Zoning Regulations of Cave Springs, AR, specifically Section 6.1.4 *R-1 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 (1 page)
3. Survey (1 page)