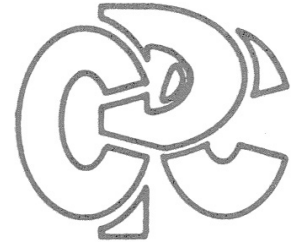




PLANNING COMMISSION MEETING

District Court Building
810 Parkway Street
Conway, AR 72034



Conway Planning Commission

July, 20 2015, 7:00 pm

The regular meeting of the Conway Planning Commission was held Monday, July 20, 2015 in the Russell L. "Jack" Roberts District Court Building. Present: Chairman, Lee Washington, Vice-Chairman Mark Lewis, Stan Hobbs, Marilyn Armstrong, Bryan Quinn, Anne Tucker, Wendy Shirar, Jerry Rye and Justin Brown. Matthew Brown was absent.

Chairman, Lee Washington, called the meeting order.

The Conway Planning Commission (PC) makes recommendations to the City Council on public hearing items. The City Council will make a final decision on these items using the PC's recommendation as a guide. Items not approved by the PC may be appealed to the City Council within 30 days after the PC's denial. If an item is appealed to the City Council a public hearing sign must be placed on the property no less than 7 days prior to the City Council meeting and a public notice will be placed on the City's website at www.cityofconway.org. Items reviewed by the PC on this agenda may be considered by the City Council as early as July 28, 2015.

Chairman Washington requested that the Commission members introduce themselves to the audience present.

Minutes from the June meeting were approved unanimously on a motion made by Anne Tucker and seconded by Wendy Shirar.

The procedure followed for public hearing portion of the meeting is to allow the first representative to speak in favor of a request for ten minutes and each subsequent favorable speaker for two minutes each. Then, if there is any opposition, the first speaker opposed to the request may speak for ten minutes and each subsequent opposed speaker for two minutes each. Anyone wishing to speak either for or against an item may do so on any public hearing issue presented. Once all public parties have spoken the item will be brought back into committee for discussion.

Lee Washington presented the subdivision committee report.

I. SUBDIVISION

- A. The Subdivision Committee reviewed the Goode Family Properties, LLC Variance Request to waive the requirement to construct a boundary street to the property boundary, but was unable to reach a decision and therefore decided to open the floor to public comment on the request. Aaron Nicholson, 2325 Linda Drive, with Sage Partners and the Owner's representative, explained that the Goode Family is seeking this variance to make their property more marketable. The family currently has an offer from Orion Capital Partners to develop a child-care facility, but the requirement by the

Subdivision Ordinance to construct the boundary street will make the development cost-prohibitive. Mr. Nicholson demonstrated that the planned child-care facility would fit well with the other nearby businesses that are family and children-focused. Brock Martin, 13 Pinehurst Circle, Little Rock, with Orion Capital Partners, introduced himself and made himself available to the PC to answer any questions. Chairman Washington requested that Bryan Patrick, Director of Planning, explain the request and the Planning Staff's recommendation of denial. Mr. Patrick explained how the Subdivision Ordinance requires the continuation of the boundary street [Allyson Lane], which is currently 'stubbed out' at that western border of the property, to one of the borders of the new property at the time it is developed. This requirement is to enable future connectivity when other adjoining parcels are developed. The Planning Staff offered some compromises in order to meet the Subdivision Ordinance requirement. They offered that the continuation of Allyson Lane could be turned to the North, making the total construction shorter, or could travel the width of the property to the east, but curve to the south so as not to interfere with the planned parking area. Additionally, an abbreviated 50 foot Right of Way [27' pavement] was offered in lieu of the required 60 foot Right of Way [36' pavement] for commercial streets. Mr. Patrick reminded the PC that their decision on this subdivision item is final and that it does not move forward to the City Council. The PC discussed the pros and cons of requiring the continuation of the boundary street versus granting the variance and only allowing the further development of Allyson Lane as a cul-de-sac or a hammerhead for turn around in order to meet fire code. There was focused discussion regarding the economic/financial aspect of the issue. Further discussion followed pertaining to how many children the new facility plans to serve and safety issues related to the extension of the boundary street. Mr. Martin provided that the facility could serve up to 200 children, but would more likely serve 100-150. He also added that, though he did not have firm figures, he felt granting the variance and allowing a cul-de-sac termination would keep the development financially viable whereas requiring the extension of the boundary street would not and the development would not move forward. Ultimately the PC voted 4-4 not to grant the variance on a motion made by Marilyn Armstrong and seconded by Anne Tucker with Justin Brown, Jerry Rye, Marilyn Armstrong and Mark Lewis voting in opposition. The split vote did not garner the required minimum 6 votes to carry the motion.

II. PUBLIC HEARINGS

- A. The Hounds' Hideaway LLC's request for a conditional use permit to operate a pet lodging and grooming business in an I-1 zone on property located at 1238 McNutt Road was approved 8-0 on a motion made by Anne Tucker and seconded by Jerry Rye. Lacey Vance, 36 Persimmon Ridge, Greenbrier, owner of The Hounds' Hideaway LLC, presented the request. Ms. Vance explained that she is seeking a new conditional use permit for property immediately north [1238 McNutt Road] of the property [1250 McNutt Road] for which she was initially granted a conditional use permit for the same use. The reason for the new request, she explained, is due to high construction estimates for the planned structure at 1250 McNutt Road. The new property has an existing 10,000 square foot building that could be renovated to house The Hounds' Hideaway for less cost. Ms. Vance also felt it is a good idea to reuse the existing vacant structure in lieu of building a new facility on the adjacent property at this time.

Conditions attached to the motion are as follows:

1. Hours of operation: Public hours are 6:00 am to 6:30 pm Monday - Friday; 8:00 am to 5:00 pm on weekends. Staff hours are 6:00 am to 10:00 pm 7 days per week.

2. Noise abatement curtains shall be installed in exterior play area fencing per submitted conditional use permit application.
 3. No dogs shall remain outside the building after 10:00 pm.
 4. The conditional use permit is limited to the applicant, The Hounds' Hideaway, LLC.
- B. The proposed Zoning Ordinance amendment to modify the allowance of shelters for the homeless in C-1, RMH and TJ zones was advanced to the City Council with no recommendation due to multiple votes that failed to garner the necessary minimum of 6 votes for deciding action. Bryan Patrick, Director of Planning and Development, explained the proposed amendment as follows: the Conway Zoning Ordinance currently allows a homeless shelter by right in the: C-1 (Central Business District) and TJ (Territorial Jurisdiction Zone). The proposed amendment would limit the "by right" allowance for a homeless shelter in these two zones by requiring a conditional use permit. The mobile home RMH zone does not currently allow a homeless shelter by right or through a conditional use permit. The proposed amendment would allow a homeless shelter in this zone by conditional use permit.

Phillip Fletcher, 2652 Bruce Street, spoke in opposition to the request. Mr. Fletcher expressed concerns regarding the reasoning for the proposed amendment, the lack of zones where homeless shelters would be allowed "by right", and the additional cost burden of getting a conditional use permit for those wishing to open a shelter. He went on to state his disappointment with the general public's perception of "homelessness". Mr. Fletcher explained that in order to a homeless person to thrive, they need to be in close proximity to jobs, services, etc. and a shelter located outside city limits would not be ideal given the City's lack of public transportation. Dave Leffler (no address given) also spoke in opposition to the request. Mr. Leffler expressed concern with placing extra conditions on homeless shelters as well as the appropriateness for a shelter to located on one side of a street [Harkrider Street] and not the other.

The PC discussed the basis and merit of the request in committee. Some comments made included, allowing a homeless shelter next to a downtown business might no longer be appropriate without some oversight as it involves housing people overnight; it would encourage further stereotyping, division and fear of the homeless issue; it would limit "by right" land use rights for property owners; a comparison of other types of uses that are only allowed by conditional use permit; it is requested due to the recent activity related to The Ministry Center's conditional use permit request to operate a homeless shelter in a C-3 zone.

The Planning Commission voted 3-3 on a motion with the proposal amended to exclude the change to the C-1 and TJ zones, made by Justin Brown and seconded by Stan Hobbs with Marilyn Armstrong, Mark Lewis and Anne Tucker voting in opposition and Wendy Shirar and Bryan Quinn abstaining. Not garnering the required 6 votes necessary to carry the motion, it was denied. A second vote on the proposal as written of 3-4 vote was taken on a motion made by Anne Tucker and seconded by Bryan Quinn with Jerry Rye, Stan Hobbs, Justin Brown and Marilyn Armstrong voting in opposition and Wendy Shirar abstaining. Again, without gaining the required majority 6 votes the motion was denied. After further discussion a third vote of 4-4 was taken on a motion made by Anne Tucker and seconded by Bryan Quinn with Jerry Rye, Justin Brown, Marilyn Armstrong and Stan

Hobbs voting in opposition. Upon the motion failing a third time, the PC felt they were deadlocked and would not be able to come to majority consensus.

III. ITEMS NOT REQUIRING PLANNING COMMISSION ACTION

- A. Lot Splits, Lot Mergers, and Minor Subdivisions (filed for record)
 - 1. Anderson Replat, Lots 11 and 12

There being no further business to conduct, the meeting was adjourned by a unanimous vote on a motion made by Anne Tucker and seconded Justin Brown.