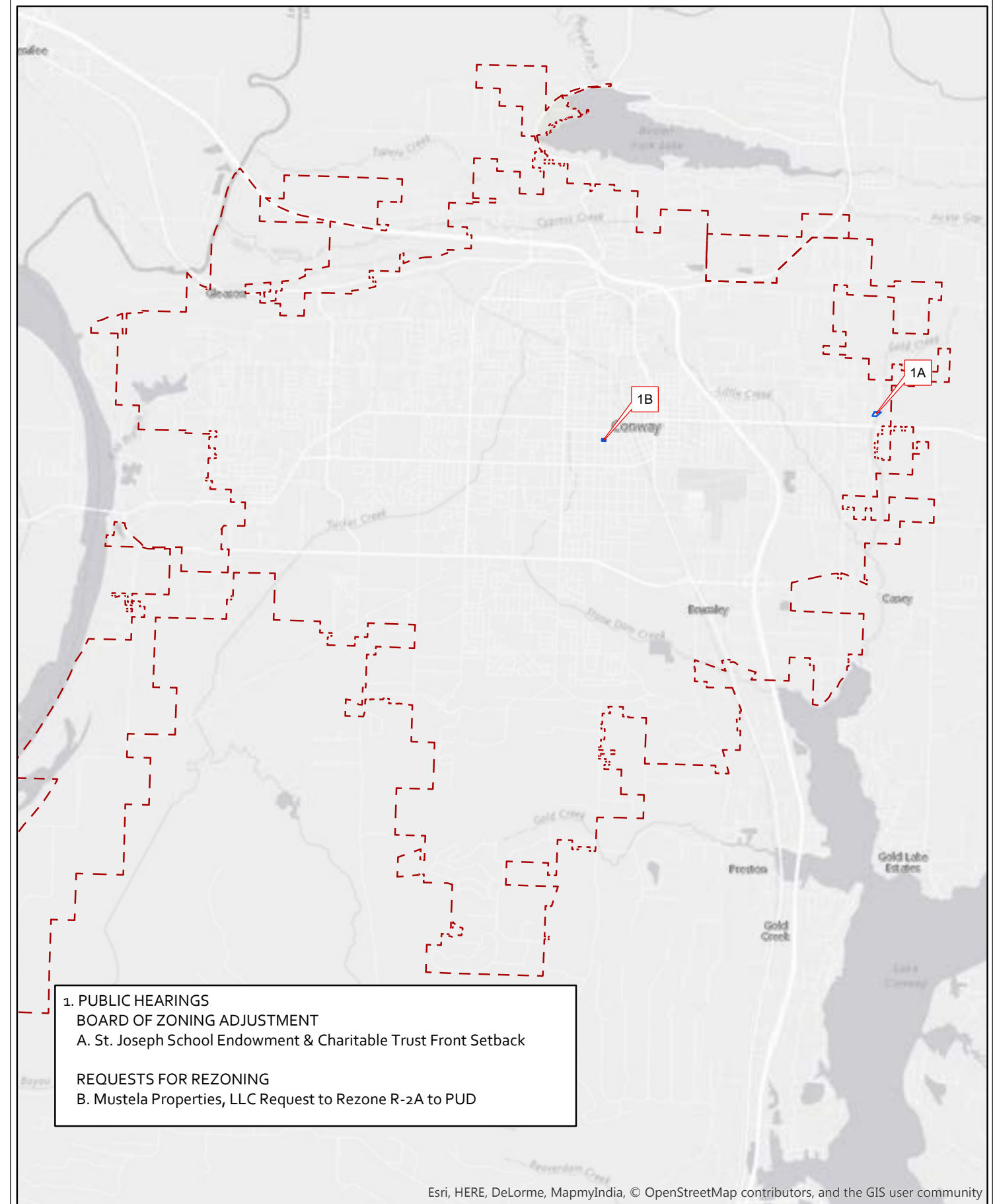


# JUNE

## Conway Planning Commission Staff Report

7:00pm • June 19, 2017 • 810 Parkway Avenue

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**CONWAY, ARKANSAS PLANNING COMMISSION MEETING AGENDA**  
**7:00 pm • Monday • June 19, 2017**  
**District Court Building • 810 Parkway**

**SUBDIVISION COMMITTEE WILL NOT MEET**

Call to Order

Introduction & Chairperson Remarks

Minutes: May 15, 2017

1. **Public Hearings**  
**Board of Zoning Adjustment\*\***
  - A. St. Joseph School Endowment request for Zoning Variance to allow reduced front building setback  
  
*Rezoning, Conditional Use Permits, Annexations, etc.\**
  - B. Mustela Properties request to rezone properties from R-2A to PUD
2. **Discussion**
  - A. Items as decided by the Planning Commission

Adjourn

**Planning Staff Development Review/Minor Subdivision Reports to the Planning Commission**

The following items have been reviewed and approved by the Director of Planning and Development and are being reported to the Planning Commission as required by the Zoning and Subdivision Ordinances:

- A. **Development Reviews**
  - Car Wash USA, 1680 Hartje Lane
  - Red Robin, 1025 S. Amity Road
  - Boedeker Office/Shop, 3750 Prince Street
  - Hampton Inn, 2400 Sanders Street
- B. **Lot Splits, Lot Mergers, and Minor Subdivisions (filed for record)**
  - Reedy Road Estates Replat Lot 2 (L-236)
  - Carwash USA Subdivision (L-327)
  - Goldean Meadows Replat Block 2, Lot 29 (L-328)
- C. **Lot Splits, Lot Mergers, and Minor Subdivisions (submitted for review)**
  - Golden Meadows Replat
  - Cedar Ridge Addition
  - Edgewood PUD Phase 1



Anne Tucker, Chairman	Dalencia Hervey
Jerry Rye, Vice-Chairman	Arthur Ingram
Justin Brown, Secretary	Bryan Quinn
Marilyn Armstrong	Brandon Ruhl
Brooks Freeman	Wendy Shirar

Contact the Conway Planning Commission by email at [planningcommission@cityofconway.org](mailto:planningcommission@cityofconway.org)

*\*The Conway Planning Commission makes recommendations to the City Council on public hearing items. The City Council will make a final decision on these items using the Planning Commission recommendations as a guide.*

*Items not approved by the Planning Commission may be appealed to the City Council within 30 days after Planning Commission denial. If an item is appealed to the City Council, a public notice sign will be placed on the property at least 7 days prior to the City Council meeting. A public notice will be placed on the City's website: [www.cityofconway.org](http://www.cityofconway.org).*

*Items reviewed at tonight's Planning Commission meeting may be considered by the City Council as early as **June 27, 2017**.*

*\*\*Decisions made by the Planning Commission, acting as the Board of Zoning Adjustment, are final. No appeal may be made to the City Council. Any aggrieved party may pursue litigation should they feel the decision is unfair.*



# 1A ST. JOSEPH SCHOOL ENDOWMENT & CHARITABLE TRUST ZONING VARIANCE REQUEST

## ST. JOSEPH SCHOOL ENDOWMENT & CHARITABLE TRUST REQUEST FOR BOARD OF ZONING ADJUSTMENT VARIANCE FOR REDUCED FRONT SETBACK FOR PROPERTY LOCATED AT 1120 BROOKFIELD DRIVE

**APPLICANT**  
 St. Joseph School Endowment & Charitable Trust  
 1315 College Avenue  
 Conway, AR 72034

**STAFF REVIEW BY**  
 Jason Lyon, Asst. Director of Planning & Development  
 1201 Oak Street  
 Conway, AR 72032

**SITE DATA**  
**Location.** 1120 Brookfield Drive; Lot 6, Brookfield Acres Subdivision

**Site Area.** ± 1.72 acres

**Current Zoning.** R-1 (Single-family Residential)

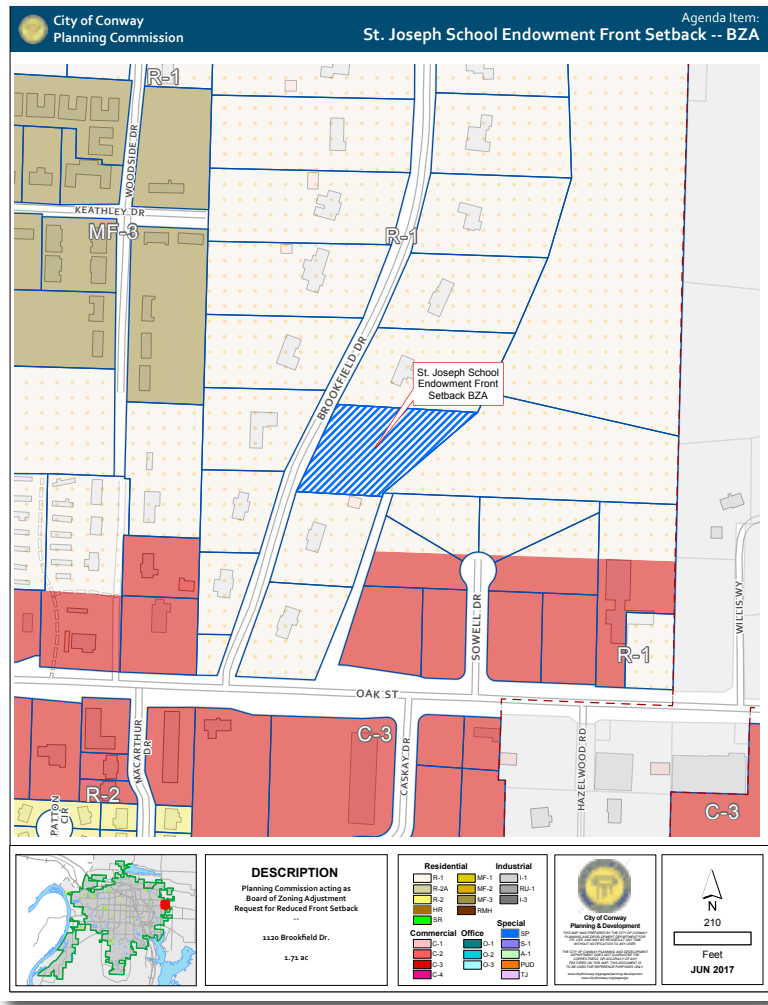
**Requested Zoning Variance.** To reduce front setback, from platted 75 ft to 40 ft due to extremely large setback filed on plat prior to FEMA Flood Plain and Floodway being implemented

**Existing Structures.** None

**Overlay.** None

**STAFF COMMENTS**  
 The applicant is requesting a zoning variance to reduce the front setback from the platted 75 foot to a more modest 40 foot setback. The existing 75 foot setback was filed when the subdivision was platted, however at that time there was no FEMA Flood Plain or Floodway designated zones. In 2006, FEMA placed the property into an AE Zone (100 yr Flood Plain) and Floodway along the back half of the property. The floodway area requires an additional 25 foot setback from the floodway. The combination of the large front setback and the floodway setback has left the property with a very small area to build rendering the lot relatively unbuildable. The reduction of the front setback from 75 feet to 40 feet would allow a much larger buildable area and bring the setback closer to the standard 25 foot setback normally found in R-1 zones.

**General Overview.** The applicant is planning to build a home on the property, however due to the significant front setback and the intrusion of the floodway easement and subsequent 25 foot setback, there is a minimal build area. A reduction of the 75 foot front setback to 40 feet would allow for a larger building area outside of the floodway. The reduction of setback would not negatively impact the area as other homes are closer than 75 feet from front property lines and any new home built on the property would not be out of alignment with existing structures.



**Zoning Ordinance Regulations.** The current front setback is in compliance with the typical R-1 zoning district front setback, however the platted front setback is three times larger than required:

**R-1 Building setback requirements:**  
 Front: 25 feet

Technically, a front setback variance is not needed, however, the Planning Commission approved Brookfield Acres Subdivision in 1965 with a 75 foot front setback. In order to provide the public and neighboring property owners an opportunity to comment on the requested front setback reduction, it was decided to place the reduction request before the Board of Zoning Adjustment.

**STAFF RECOMMENDATION**  
 Planning Staff recommends approval of the requested reduction of the platted 75 foot front setback to 40 feet. This recommendation of approval is based on the allowance of a typical 25 foot front setback in R-1 zones, the better definition of floodway areas since the filing of the plat, and precedent of other area homes having less than a 75 foot front setback.





# 1B MUSTELA PROPERTIES REQUEST TO REZONE FROM R-2A TO PUD

**MUSTELA PROPERTIES, LLC REQUEST TO REZONE FROM R-2A (LARGE LOT DUPLEX) TO PUD (PLANNED UNIT DEVELOPMENT) PROPERTIES LOCATED AT 1616, 1620, AND 1624 ROBINSON AVENUE**

**APPLICANT**  
 Greg Pillow  
 Mustela Properties, LLC  
 510 Whispering Wind Circle  
 Conway, AR 72034

**OWNERS**  
 Bryan and Karen Dearsbaugh  
 Frank Moix  
 Virginia Battles

**STAFF REVIEW BY**  
 Bryan Patrick, Director of Planning & Development  
 1201 Oak Street  
 Conway, AR 72032

**SITE DATA**  
**Location.** 1616, 1620, and 1624 Robinson Avenue

**Site Area.** ±0.74 acres

**Current Zoning.** R-2A (Large Lot Duplex)

**Requested Zoning.** PUD (Planned Unit Development)

**Existing Structures.** One 3832 SF duplex; one 4064 SF triplex; and one 1485 SF single-family residence (6 living units total)

**Overlay.** The property is within the Asa P. Robinson Historic District.

**Requested Conditional Use.** Amendment to existing Conditional Use Permit No. 1366 issued 2/23/2016.

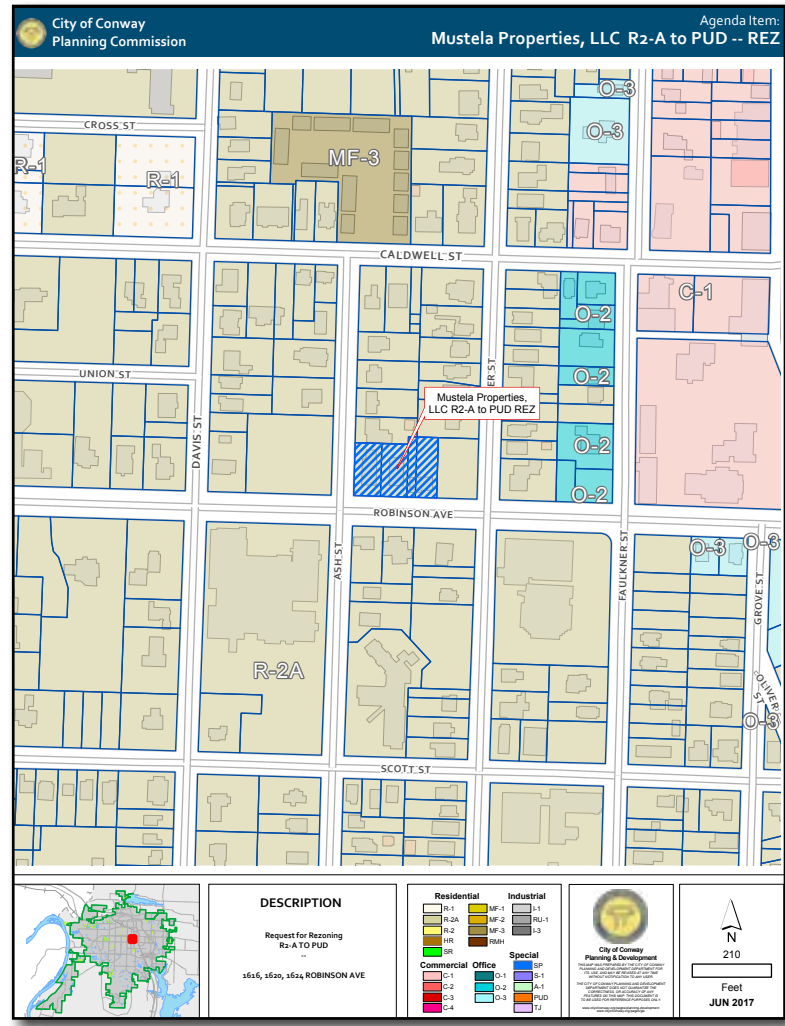
**Comprehensive Plan.** The Comprehensive Plan shows this area as appropriate for single family residential. However, the property is currently used as a duplex, triplex, and single family residence. All properties are rental properties.

**Projected Traffic Impact.** Under current R-2A zoning with the existing number of residential units, approximately 40 vehicle trips per day would be typical. With a rezoning to PUD and developed as proposed with 12 units, around 80 vehicle trips per day are projected.

**Flood/Drainage.** This property is not within the 100 year floodplain or floodway.

**Utility Infrastructure.** Conway Corporation Engineering will review and consider the adequacy of existing infrastructure. Extensions and re-routing of utilities may be required.

**Street Improvement.** No area street improvements are planned in the near future.



**Conway 2025.** Conway 2025 has several statements applicable to the proposed development:

In 2025, Conway has a number of walkable/livable “villages” that were developed using planning tools such as Traditional Neighborhood Development and form-based zoning.

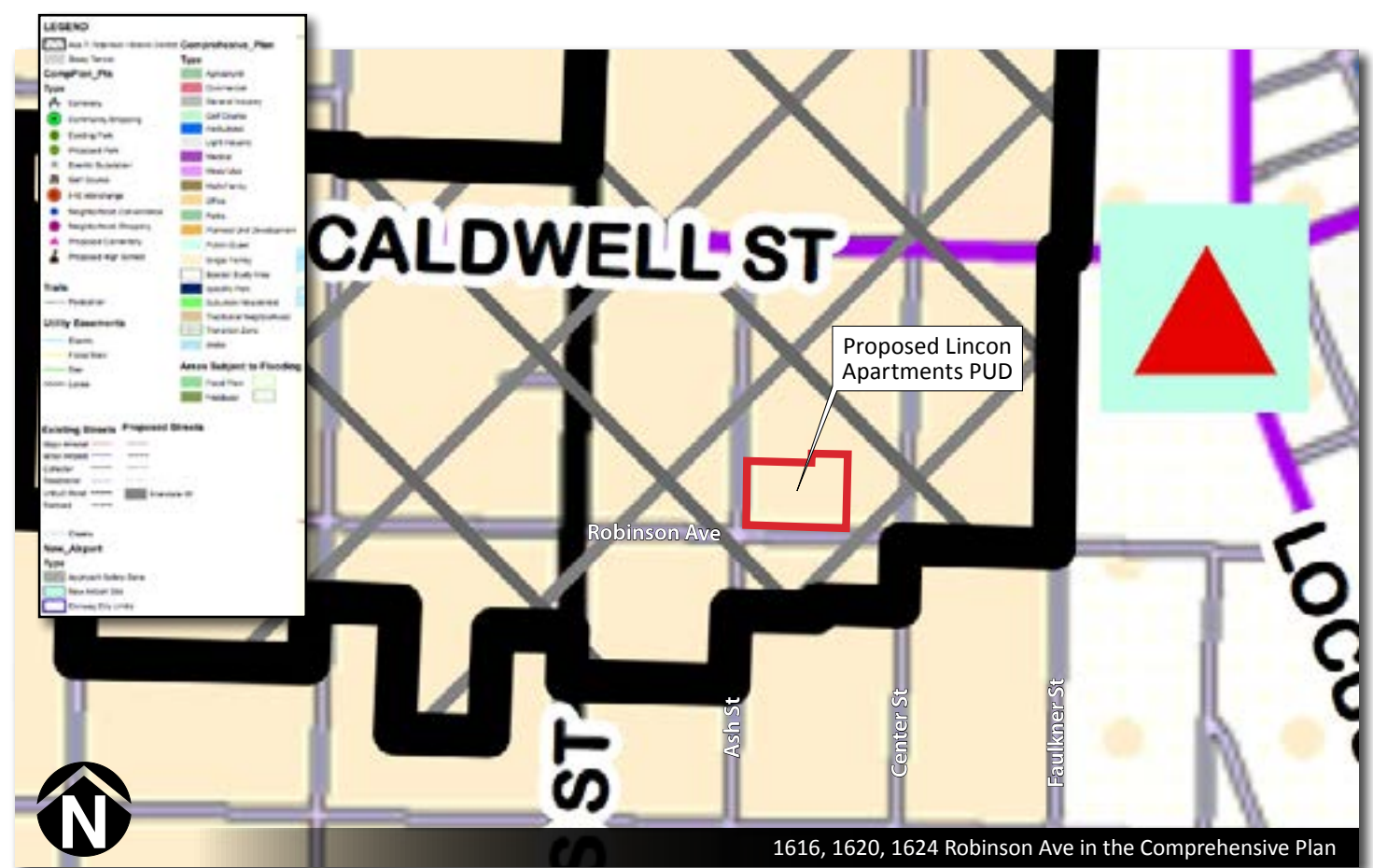
In 2025, mixed use developments are prevalent throughout Conway. The city has moved away from its previous “subdivision ordinance” style of planning.

In 2025, the city of Conway has a planning ordinance that accommodates truly high density residential developments.

In 2025, Conway’s historic architecture and landscape features are preserved and interpreted by its citizens.

**STAFF COMMENTS**

**General Description.** The applicants plan to fully restore the existing historic apartments at 1620 and 1624 Robinson. The project will receive historic restoration Federal and State Tax Credits. Federal/State historic tax credits have strict regulations requiring the preservation and restoration of historic exterior materials. The appearance and historic integrity of the structures should



1616, 1620, 1624 Robinson Ave in the Comprehensive Plan



be greatly improved upon completion of the project. The applicants plan to demolish the single family residence at 1616 Robinson, and construct a two story structure that will complement the existing apartment structures. Demolition and new structure design, along with exterior modifications to the existing structures requires Conway Historic District Commission approval.

The applicants plan to remove existing front yard parking and place parking on street with parallel parking on Robinson and head in parking on Ash Street. In addition, there will be parking in the rear of 1616 Robinson. This new parking arrangement should enhance the front areas of each structure.

The applicants state that in order for this project to work from an economic standpoint, they need to have 4 living units in each building. (12 total units) Aside from multifamily zoning, a Planned Unit Development is the only available zoning district that allows the desired density. A PUD zone allows applicable conditions to be set. Conditions may not be set with multifamily zoning.

The property is zoned R-2A which allows duplexes, but they must be on 100 foot wide lots with 10,000 square feet. The apartment lots are 70 feet wide; the single family home is 78 feet wide. Therefore, the duplex and triplex are pre-existing, non-conforming uses (grandfathered). If the structures were converted to single family use or demolished, the duplex/multi-family grandfathered status would be lost.

Both apartments were constructed around 1917. The single family residence dates to around 1965. Both apartment structures are contributing structures to the Robinson Historic District. The single family ranch residence is non-contributing.

Drawings will be available at the public input meeting, the Planning Commission meeting, and the City Council meeting to fully explain and illustrate project plans.

**PUD Specific Requirements. Below is an examination of requirements specific to PUD zoning requests:**

- **Relation to Utilities and Major Roads** - A PUD shall be located in relation to utility systems, drainage systems, and major roads so that neither extension or enlargement of public facilities shall be at the public's expense. *The proposal would not create any additional expense to the public. All required utility extension and construction will be the developer's expense.*
- **Internal Street Network** - A PUD shall include an internal system of streets, parking aisles, and/or cross access drives that can safely and efficiently accommodate vehicular traffic generated by the PUD. *The proposed PUD would use the existing driveway that travels between the two apartment structures to access a rear parking area. The front parking area would be removed and on street parking is proposed.*

- **Sidewalk System** - Unless there are outstanding reasons that warrant otherwise, all internal streets within the PUD shall include pedestrian sidewalks. *There is an existing sidewalk along Robinson Avenue. However, the sidewalk appears to be in disrepair. If approved, the sidewalk should be repaired as part of this project. No internal sidewalks are proposed.*
- **Common Space** - The incorporation of plazas, courtyards, and other outdoor spaces for people to gather is encouraged. *No common gathering area is proposed.*
- **Green Space** - Planned Unit Developments less than three acres shall dedicate a minimum of 5 percent to 20 percent of the total project area to pervious surface typically reserved for green space and/or landscaping. **There is currently around 75% permeable green space This number would decrease slightly with additional parking and a new multi-family structure.**
- **Property Owners Association** - PUDs may require the formation of a property owners association to oversee the upkeep of common areas and green spaces. **The property would be under one ownership, there will be no need for a POA.**
- **Required Meetings** - A PUD request requires two specific meetings prior to the Planning Commission public hearing; a development review meeting and a public informational meeting. **The development review meeting was held on June 1, 2017 at City Hall. This meeting is a technical meeting between the applicant and city officials to determine any technical development issues. There were no outstanding issues discovered in this meeting.**

**On June 12, 2017 a public information meeting was held in the Conway Police Department Training Room at 5:30 pm. Generally, area neighbors were receptive of the proposed PUD. There were questions concerning the need for additional density, parking, and rezoning procedures. The area residents will likely ask for some conditions that they would like the Planning Commission to consider.**

- **Signage** - Unless specified otherwise, a PUD is subject to current Conway sign regulations. However, as part of the PUD's final development plan, signage may deviate from these requirements. **There are no special sign variance requests as part of the PUD. Signage must be approved by the Historic District Commission.**
- **Platting, Development Review - Platting would not be required, however, the applicant may want to merge all 4 lots into one.**

**STAFF RECOMMENDATIONS**

The proposed PUD would slightly increase the existing level of residential density within the Robinson Historic District. The District consists mainly of single family and duplex residences. Of 135 residential structures in the district, 2 multi-family structures have a similar level of density; 915 and 931 Faulkner Street (.4 miles northwest). These structures were originally built as walkup multifamily dwellings and are the sole structure on each lot. They have a density equal to MF-1 (12 units/acre).

The proposed PUD occupies property in a block, bounded by Caldwell, Ash, Center, and Robinson. This block has 16 structures including the PUD property: 8 single family residences, 1 quadplex, 1 triplex, 5 duplexes, and 1 garage apartment.

The proposed PUD is on 4 lots (the single family residence straddles 2 lots). There are currently 6 rental units; 1 duplex, 1 triplex, and 1 single family residence. The proposed PUD would demolish the single family residence and construct a new 4 unit multifamily structure similar to the existing multifamily structures. The density would increase from 2 and 3 to 4 units for each apartment building. This would create a total of 12 units (6 additional new units). Density would be equivalent of an MF-2. (18 units/acre)

Within the Asa P. Robinson Historic District, any demolition, exterior remodeling, or new construction must have Historic District Commission approval. The two apartment structures are listed as a "contributing" to the district. A contributing structure has retained its historic materials, windows, etc and is seen as historically intact. The single family residence ranch structure is non-contributing.

There is possible overlap of conditions made by the Planning Commission/City Council and the Historic District Commission. The Historic District Commission approves any existing structure renovations, demolition, and new construction. The Planning Commission decides land use such as the appropriate residential density. The Planning Commission may also consider the site, structure locations, landscaping, etc. However, if approved, the Historic District Commission will consider the structures, materials, and landscaping in depth. The developers intend to use higher quality materials such as cement board siding (Hardie plank). However, an extensive review of exterior materials will be part of the HDC review.

If approved by the Planning Commission/City Council and the Historic District Commission, the project is also subject to Planning Staff development review.

Planning Staff is supportive of this denser infill development in the local ordinance historic district. One of the key roles of this historic district designation is preservation. Through the use of tax credits and a slight increase in density, the two historic apartment structures will be rehabilitated to original condition. The proposed new structure will require HDC approval and must blend with historic area structures.

The Planning Commission may choose to approve this request, deny this request, or approve with conditions.

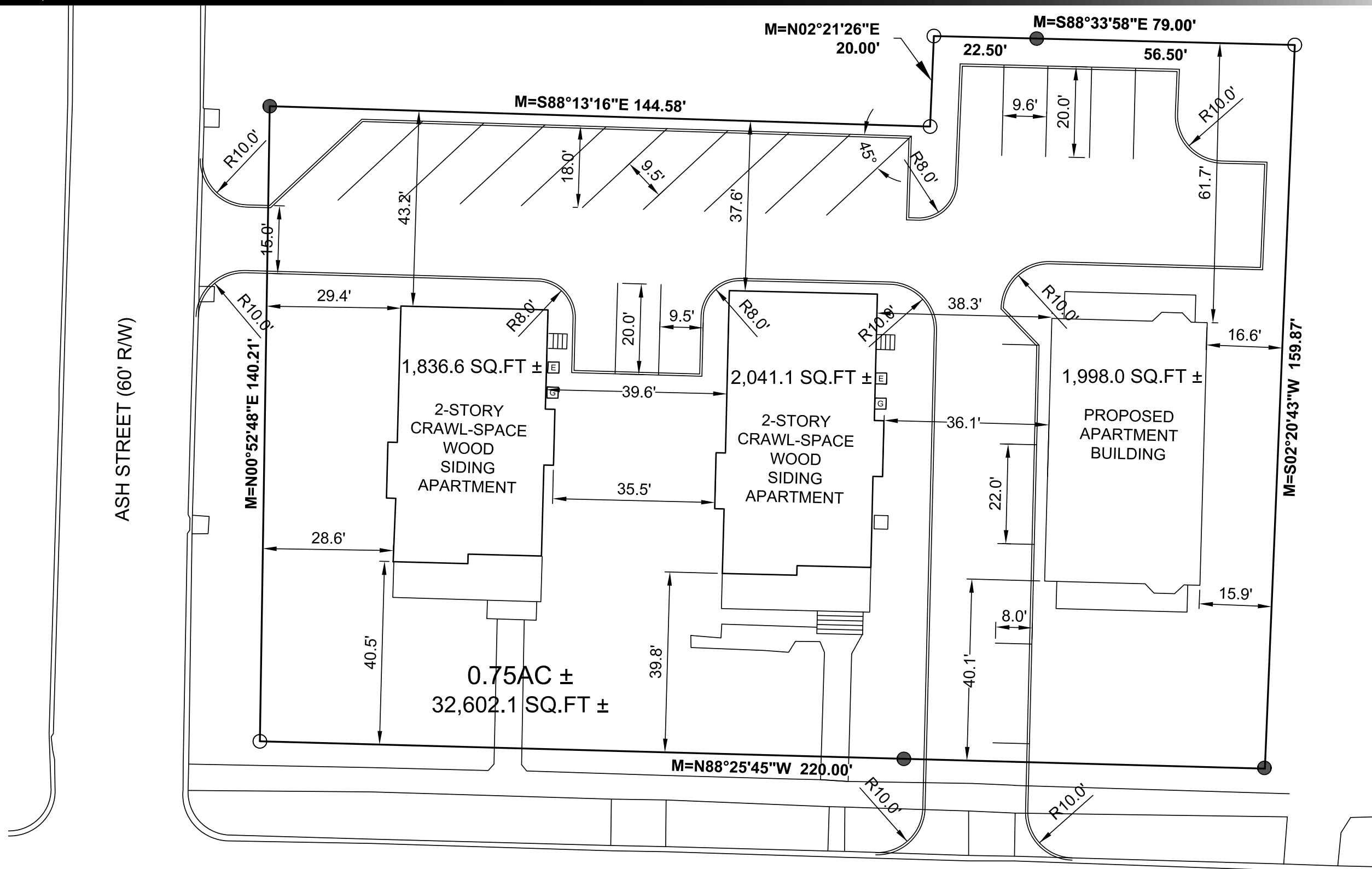
**Suggested PUD Final Development Plan Conditions.** A list of possible conditions is presented below. Condition 3 is crafted to specify general parameters, without limiting the Historic District Commission's review. The Planning Commission should examine these suggested conditions and delete, modify, or add to as needed.

**Staff Suggested Conditions.**

1. This PUD is tied to the applicants; Mustela Properties, LLC. If Mustela Properties, LLC does not own the property by June 19, 2018, this PUD shall become null and void and the property will revert to an R-2A zoning district.
2. The PUD shall allow a maximum of 12 residential units; 4 units in each of the two historic apartment structures and 4 units in a new apartment structure.
3. An increase in density shall only be allowed with a rehabilitation/restoration of the two existing historic apartment structures. No increase in density shall be allowed without substantial exterior improvement's meeting the Historic District Commission's approval.
4. The PUD shall be generally developed as shown on site plan. Specific structure design, materials, landscaping, and variations from the submitted plan shall be allowed per Historic District Commission review. However, the density and intent of the site plan shall be followed.
5. Signage must be approved by the Historic District Commission.
6. Appropriate setbacks, shall be determined during Historic District Commission review.

**1B MUSTELA PROPERTIES REQUEST TO REZONE FROM R-2A TO PUD**

Proposed Site Plan for Lincoln Apartments PUD



ROBINSON AVE. (80' R/W)

Elevations for proposed new apartment building



**Board of Zoning Adjustment?**  
I thought we were the Planning Commission...

Yes, you are both the Planning Commission and the Board of Zoning Adjustment. State law requires towns that enforce zoning to have a Planning Commission and a Board of Zoning Adjustment.

**Planning Commission**

A Planning Commission is defined as a body of Conway residents that promotes the public interests in, and understanding of, long term coordinated municipal planning. The Commission oversees the preparation of comprehensive planning studies, the Comprehensive Plan, the Master Street Plan, the Zoning Map, and the Zoning Ordinance. The Commission also hears requests for amendments to zoning districts, conditional use permits, and the zoning ordinance. The Planning Commission makes recommendations to the City Council on all public hearing planning matters. The Commission’s decisions may be appealed to the City Council.

Subdivisions are reviewed by Planning Staff. Minor subdivisions may be approved by the Planning Director. A minor subdivision is defined as one with less than 4 lots and no new public streets. Major subdivisions require the approval of the Planning Commission. The subdivision committee typically reviews major subdivisions at its committee meeting prior to the “big meeting”. The Planning Commission then votes on the recommendation of the subdivision committee. City Council approval of subdivisions is not required.

**Board of Zoning Adjustment**

The Board of Zoning Adjustment is defined as the review board to hear Zoning Ordinance variance requests. The BZA does not look at the “big picture” of planning. The BZA focuses on a particular variance request to the zoning ordinance. The requests involve instances where strict enforcement of the ordinance would cause undue hardship due to factors unique to a specific property. Typical reasons for a variance requests include; required right of way issues, topographical elevations, and other natural or man-made features. The BZA may set conditions as it feels necessary as part of a variance. A decision by the BZA may only be appealed in Circuit Court. There is no appeal to the City Council. The BZA may also be called upon to arbitrate a zoning decision made by Planning Staff.

**Planning Commission/Board of Zoning Adjustment Merger**

Since Conway began actively zoning in 1984, and possibly before, the Planning Commission and Board of Zoning Adjustment were two separate bodies. State law allows the Planning Commission to also serve as the BZA. In November 2011, the City Council approved the merger of the Planning Commission and the Board of Zoning Adjustment. This merger helps serve the citizens of Conway by providing a board that meets on a monthly basis instead of “as needed”. It also allows the Planning Commission to apply their planning and zoning knowledge towards zoning variances.