



# CONWAY PLANNING COMMISSION

## PLANNING COMMISSION MEETING

Russell L. "Jack" Roberts District Court Building • 810 Parkway Street • Conway, Arkansas 72034

**September 18, 2017, 7:00 pm**

The regular meeting of the Conway Planning Commission was held Monday, September 18, 2017 in the Russell L. "Jack" Roberts District Court Building. The following members, being a quorum, were present and acting: Chairman, Anne Tucker, Vice-Chairman, Jerry Rye, Brooks Freeman, Dalencia Hervey, Marilyn Armstrong, Bryan Quinn, Wendy Shirar, Justin Brown, Arthur Ingram, and Brandon Ruhl.

Chairman Tucker called the meeting order at 7:01 pm.

Minutes from the August meeting were approved unanimously on a motion made by Jerry Rye and seconded by Bryan Quinn.

Chairman Tucker informed the audience that 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's recommendation as a guide. Items reviewed by the Planning Commission on this agenda may be considered by the City Council September 26, 2017. Items not approved by the Planning Commission may be appealed to the City Council within 30 days after the Planning Commission'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](http://www.cityofconway.org).

The procedure followed for the 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 public hearing will be closed and the item will be brought back into commission for discussion.

### **I. SUBDIVISION COMMITTEE REPORT**

The subdivision committee report, presented by Marilyn Armstrong.

#### **A. Request for Preliminary Plat Approval - Charleston Place Subdivision**

The preliminary plat for Charleston Place Subdivision was reviewed and approved by the Subdivision Committee subject to the amended punch list. Punch list items that were amended are as follows:

##### **General Design Requirements**

11. Where proposed community or public facilities of the municipal plan are located in whole or in part in a proposed subdivision, the Planning Commission shall require that land for those public facilities to be reserved as a condition of preliminary plat approval. Such reservations shall be referred to the appropriate body to take appropriate action. **Applicant proposes donation of land to be used for park space and trails along the western north of the property as a conditional of preliminary plat approval. Planning Commission approved the reservation of this land as a condition of preliminary plat approval. This reservation must be referred on to the Conway City Council for approval.**

### Street Design Requirements

17. State Fire Code 503.0.5 states that dead-end fire apparatus access road in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Anything other than the following cul-de-sac requirement must be approved by the Conway Fire Marshall. ***Applicant request approval of an alternative hammerhead adjacent to lots 30/31 & 37/38, which meets AR Fire Prevention Code 2012 standards. Planning Commission approved this request.***

### Sidewalk Design Requirements

29. Aside from the required sidewalks along collectors and arterials, an internalized pedestrian circulation system in the form of pathways, either along streets or not, may be constructed within subdivisions upon the request of the applicant and the approval of the Planning Commission. The system may be allowed to deviate from the construction requirements set out otherwise in this section, as long as the minimum dimensional requirements are met. ***Applicant requests to develop a pedestrian trail on the western side of the subdivision in exchange for a reduction in required sidewalks along internal streets to lots just on the western side of Poteete Dr., the purpose to create a pedestrian loop within the subdivision. Planning Commission approved this substitution.***

### B. Request for Preliminary Plat Approval - Cherry Hill Subdivision

The preliminary plat for Cherry Hill Subdivision was reviewed and approved by the Subdivision Committee subject to the amended punch list. Punch list items that were amended are as follows:

### Lot Design Requirements

15. Double frontage lots other than corner lots fronting on two streets shall not be platted except under extreme circumstances, as may be approved by the Planning Commission. ***The Planning Commission approved lots 12-18 as double frontage lots.***

## II. PUBLIC HEARINGS

### A. Phil Dayer request for a conditional use permit to allow general retail in an O-1 zone for property located at 2545 Prince Street

*This request was postponed at the August Planning Commission meeting.*

Phil Dayer, 3270 Nutters Chapel Rd, presented the request. Mr. Dayer is the land owner. He explained the relationship of his property to three other adjacent properties. Initially, he agreed with two other, adjacent property owners to develop all the properties on the south side of Prince St between Farris Rd and Tucker Creek as one cohesive development. The combined properties were granted a conditional use permit (no. 1277) allowing the properties to be developed as [up to 60%] retail fronting Prince Street with office uses behind. The combined properties have not sold nearly a decade and Mr. Dayer would like to offer his property for sale independently from the other properties and would like to offer the property for full retail use and as such is asking for a conditional use permit to allow general retail in an O-1 zoning district. He did mention that a hamburger restaurant with a drive-thru has made an offer on the property. George Roberts, 2001 Washington Ave, spoke in favor of the request. Mr. Roberts is a certified appraiser. He reviewed Mr. Dayer's property and agrees that retail, if allowed, would be the "highest and best use" of the property. Bill Pledger, 12 Colonial Drive, spoke in favor of the request. Mr. Pledger agreed that Prince St is developing into a commercial street feels it's time for a change. He would like to see a fast food restaurant be developed on the property. Bryan Patrick, Director of Planning & Development, read a letter, received by the Planning & Development Department from Georg Andersen, in opposition to the request. Mr. Andersen's residence [2590 Adamsbrooke Dr] is located southwest of, but not adjacent to, the subject property. His letter expressed concerns regarding the properties being sold off individually instead of as one cohesive development, the impact independent developments will have on Tucker Creek and the walking/biking trail, and the noise, odors, and vermin that may be created if Mr. Dayer's property is developed as a fast food restaurant. Mr. Andersen requests adequate screening between the development and neighboring properties to ensure privacy.

Chairman Tucker closed the public hearing and brought the item back before the Planning Commission for discussion. The Commission discussed the merit of the development as a fast food restaurant in relation to other, similar development along Prince Street, and how invasive it could be. There were some concerns about granting full general retail permission which would not require the future development to be vetted by the Planning Commission and conditions appropriate for said development to be determined. Bryan Patrick clarified the conditions for the new conditional use permit and how removing this property from the original, combined conditional use permit would affect that permit and those conditions. Dalencia Hervey motioned that the request be forwarded to the City Council with a recommendation for approval including the 3 staff suggested conditions for the new conditional use permit and the amended conditions to existing conditional use permit no. 1277, as listed below. Ms. Hervey clarified that the condition no. 3 of the new conditional use permit should be a brick fence, not wood. Marilyn Armstrong seconded the motion. The motion passed unanimously.

**Conditions attached to the new Conditional Use Permit [for 2545 Prince St]:**

1. General retail shall be allowed.
2. Driveway curb cuts shall meet development review standards. Cross access/shared access shall be used unless outstanding conditions warrant otherwise.
3. A brick wall must be constructed along the south property line to provide screening for residences. (Wall must be a minimum of 6 feet tall.)

**Amendments to Conditional Use Permit 1277:**

1. ~~No more than 60% of the development's floor area may be used for retail.~~ The allowed 60% restricted retail area of the approved conditional use permit is prorated according to parcel size. The east parcel: 710-08411-000 or 2525 Prince Street shall have no more than 51.6% of the developable area used for restricted retail. The west parcels: 710-08413-000 2565 Prince Street and 710-08413-000 2555 Prince Street shall have no more than 29.5% of the developable area used for restricted retail.
2. ~~The development must generally follow the conceptual site plan presented at the April 2008 Planning Commission meeting (see attachment). Key elements are interior parking, structure orientation to creek and trail, and the encouragement of plaza space and trail access points.~~ The 2008 conceptual site plan is abandoned with the exception of encouragement of creek oriented structures, plazas, and trail access points.
3. A 30 foot green space buffer strip with no parking or structures on the south to buffer residences.
4. Dedication of a riparian buffer area 30 feet in width, measured east of and parallel to the eastern Tucker Creek floodway boundary, also to be used for pedestrian/bike trail easement purposes.
5. ~~Drive separation/access management—curb cuts are to have 300 feet of separation and a minimum of 150 feet from side lot lines unless outstanding conditions warrant other locations.~~ Driveway curb cuts shall meet development review standards. Cross access/shared access shall be used unless outstanding conditions warrant otherwise.
6. ~~Office uses only are allowed on the east and south sides of the development.~~
7. A brick wall must be constructed along the south property line to provide screening for residences. (Wall must be a minimum of 6 feet tall.) **8 foot wooden privacy fence? Match any new fencing requirements.**

**B. Jan Clark request to rezone from R-2A to O-2 property located at 1517 Caldwell Street**

Jan Clark, 1000 Regina Cove, presented the request. Ms. Clark explained that she is in the process of purchasing the property which is owned by her cousin. She would like to renovate the structure, keeping it as historically accurate as possible, and create two +/- 1,000 sf, office lease spaces, one of which she hopes to use for her business. Ms. Clark acknowledged that the property is within the Historic District and would require review/approval by the Historic District Commission. Ed Tyler, 1511 Caldwell St, spoke in favor of the request. Mr. Tyler owns the property adjacent to the east and operates an office from there. He described how the subject property has become rundown as a rental unit and is pleased that Ms. Clark is willing to invest in it and make it better. He noted some recent, similar rezonings in the area.

Chairman Tucker closed the public hearing and brought the item back before the Planning Commission for discussion. Bryan Quinn motioned that the request be forwarded to the City Council with a recommendation for approval. Justin Brown questioned why the Historic District residents were not present to comment when they have been so active regarding other recent requests. Bryan Patrick explained that the Historic District is regulated by contributing structures, not by percentage of zoning districts. Brandon Ruhl seconded the motion. The motion passed 9-1. Justin Brown voted in opposition.

**C. Abraham Paguya request to rezone from R-2 to MF-1 property located at 2307 Stout Street**

Beau Wilcox, 711 Locust Ave, presented the request on behalf of the applicant. He described Mr. Paguya's original plans to add an accessory structure on the property, but he then made it an addition instead. Mr. Paguya did not build what he permitted and as such has created a use that is not conforming with the current zoning. He is therefore requesting a change in zoning, after the fact, to make the zoning correct. Mr. Wilcox stated that there may have been some confusion on Mr. Paguya's part due to a language barrier. He pointed out the "wide variety" of uses in the immediate area. Mr. Wilcox confirmed that when a Stop Work Order was issued Mr. Paguya did cease work in order to resolve the zoning problem. The Commission inquired about the setback issue address in the staff report. It was noted that even if the rezoning is approved, the noncompliance of the building setback of the addition would have to be resolved. Bryan Patrick explained the options available to the Planning Commission as (1) approve the rezoning and then either require Mr. Paguya to modify the addition to bring it into setback compliance or allow him to submit a variance request to the Board of Zoning Adjustment or (2) table the rezoning request until Mr. Paguya resolves the setback issue or (3) deny the rezoning request. Mr. Patrick urged the Planning Commission to determine if the requested zoning is appropriate for the property and if it is to then decide whether to table the request or approve it, because if the Planning Commission does not feel the requested zoning is appropriate, tabling the request to require resolution of the setback issue is a moot point.

Chairman Tucker closed the public hearing and brought the item back before the Planning Commission for discussion. Bryan Quinn motioned that the request be forwarded to the City Council with a recommendation for approval. Dalencia Hervey seconded the motion. The motion passed on a vote of 8-2. Justin Brown and Jerry Rye voted in opposition.

**D. Frank Shaw request to rezone from A-1 to PUD property located south of Lower Ridge Road, immediately west of Sun Valley Estates**

Frank Shaw, 1315 Main Street, presented the request. Mr. Shaw described his intent to develop a single-family residential subdivision as a PUD, although most of the lots meet or are very close to the 6,000 sf required minimum in an R-1 zoning district. The primary reason for requesting a PUD is to allow a reduced ROW of 35 feet from the required 50 feet for the interior streets. The street size, curb to curb, will remain the required 27 feet. Mr. Shaw explained how the development will gain secondary access from the [50' ROW] connection at Azalea Ln to the east. He added that he has been granted an easement to bring sewer services across the State owned Conway Human Development Center property from the south to serve the new development. Mr. Shaw noted that possibly in lieu of part or all of the sidewalk requirement he would like to create a walking trail connecting the planned PUD, and by extension Sun Valley Estates, all the way to Theodore Jones Elementary school, though

he clarified that he does not yet have permission to do so. Randy Williams, 39 Vonn Ln, Greenbrier, spoke in favor of the request. He inquired about the connection of Azalea Lane to the new development. Jeremiah Johnson, 16 Azalea Loop, spoke in opposition to the request citing concerns for traffic. Daniel Ryan, 18 Azalea Loop, spoke regarding the request. While in favor of the subdivision, Mr. Ryan is opposed to any commercial development of the property. Chairman Tucker closed the public hearing and brought the item back before the Planning Commission for discussion. Bryan Patrick, Director of Planning & Development, noted that the large lot fronting Lower Ridge Rd is proposed as for commercial use. Mr. Shaw clarified that while he does not feel that this lot is appropriate for residential development he would like to see a small, neighborhood friendly convenience store that offers a variety of products or something similar be developed to serve the residents along Lower Ridge Rd. Discussion followed regarding the planned size of the proposed homes, which Mr. Shaw explained would 1200-1600 sf, as well as sidewalks and the portion of the property that is platted as "park". The commission was most concerned with granting commercial zoning for the lot fronting Lower Ridge Rd without knowing how it would be developed. Bryan Patrick explained that the Commission could amend condition 13 so that the lot will be platted with no zone and the developer will have to come back before the Planning Commission to assign a zone. Brenda Moore, a Makenna Cove, resident asked to speak. She expressed concern regarding the the amount and speed of traffic traveling through Sun Valley Estates and Makenna Cove to Theodore Jones Elementary.

Bryan Quinn motioned that the request be forwarded to the City Council with a recommendation for approval including the 15 staff suggested conditions, listed below, but amending condition 13 to give no zoning classification to the large lot fronting Lower Ridge Rd. [The zoning district regulating this lot will be determined at a later date and the final development plan amended.] Brandon Ruhl seconded the motion. The motion passed 9-1. Justin Brown voted in opposition.

#### Staff Suggested Conditions for the PUD Final Development Plan

1. Exterior composed of brick, rock, or Hardie board (cement fiber board)
2. Vinyl siding/shingles allowed on gables and dormers only.
3. 8/12 roof pitch or greater unless porches.
4. Garages cannot protrude past front of house more than 7 feet, unless side entry.
5. Architectural shingles or metal roofing only.
6. Minimum 9' ceilings.
7. Each home will be different.
8. PUD shall be generally developed as shown on the submitted site plan. Minor variations from the submitted plan shall be allowed for technical reasons. However, the density and intent of the site plan shall be followed.
9. Additional review of reduced street rights of way by the City Engineering and Planning Departments will be needed to ensure adequate space for utilities, sidewalks, drainage and street infrastructure. This review will be part of the platting process.
10. Platting shall be required. Any additional rights of way, sidewalks, etc. as required by the Subdivision Ordinance shall be dedicated and constructed. Any additional right of way per the Master Street Plan along Lower Ridge Road shall be dedicated as part of the platting process.
11. Setbacks, utility/pedestrian easements, public rights of way, etc shall be defined in the final development plan, plat, and PUD documents.
12. Pedestrian access shall be provided on the south and east to provide possible pedestrian access to elementary school.
13. The 2.4+/- acre lot in the northeast corner of the PUD with 380 +/- feet of Lower Ridge Road frontage shall be given no zoning district classification. An amendment to the PUD shall be required in order to place an appropriate zoning on the lot.
14. PUD may be developed in phases. Phases will be determined during the platting process.

15. Azalea Lane right of way must be improved by developer to meet Fire Code access requirements during the appropriate phase of development.

**E. Jim Hawks request to annex certain lands located east of Highway 25 N and immediately north of Northwoods Estates PUD**

Mike Elrod, Greers Ferry resident, presented the request. Mr. Elrod explained that the property adjoins current City property to the south and including the lot north of Southshore Drive, this annexation would extend City of Conway to the south shore of Beaverfork Lake.

Chairman Tucker closed the public hearing and brought the item back before the Planning Commission for discussion. Bryan Quinn motioned that the request be forwarded to the City Council with a recommendation for approval. Brooks Freeman seconded the motion. The motion passed 9-1. Justin Brown voted in opposition.

**F. 2018 Planning Commissioner nomination and selection schedule**

The Commissioners noted the schedule for selection of new commissioners and that no action is required at this time. Anne Tucker noted that, though her term is ending, as she is completing a partial term for former Commissioner Stan Hobbs, she is eligible to serve a new, full term and will likely apply.

**III. ITEMS NOT REQUIRING PLANNING COMMISSION ACTION**

**A. The following Development Reviews were completed since the previous meeting.**

1. Remax Office Building, 2450 Donaghey Ave
2. Covington Front Street Apartments, 1121, 1123, & 1125 Front St
3. David's Burgers, 1200 S Amity Rd

**B. The following Lot Splits, Lot Mergers, and Minor Subdivisions were filed for record since the previous meeting.**

1. Harp's Lot Merger Correction Plat (Book L, Page 336)
2. Cedar Ridge Addition (Book L, Page 337)

**C. The following Lot Splits, Lot Mergers, Minor Subdivisions, and Major Finals were submitted for review since the previous meeting.**

1. Campbell Cove PUD (Major Final)
2. Winterbrook, Phase II (Major Final)
3. Salem Woods, Phase II (Major Final)
4. Covington Commercial, Phase II (Major Final)
5. Lewis Ranch, Phase II (Major Final)
6. Bradley Place Replat (Minor)
7. Conway Towne Centre (Minor)
8. Furlow Subdivision (Minor)

**Adjournment**

There being no further business to conduct, the meeting was adjourned by unanimous vote on a motion made by Justin Brown and seconded by Dalencia Hervey. The motion passed unanimously.

Approved:



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Chairman, Anne Tucker