



CONWAY PLANNING COMMISSION

PLANNING COMMISSION MEETING

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

November 20, 2017, 7:00 pm

The regular meeting of the Conway Planning Commission was held Monday, November 20, 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, Dalencia Hervey, Marilyn Armstrong, Bryan Quinn, Wendy Shirar, and Justin Brown. Brooks Freeman and Arthur Ingram were absent.

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

Minutes from the October meeting were approved unanimously on a motion made by Wendy Shirar and seconded by Jerry Rye.

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 as early as November 28, 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. 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.

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. PUBLIC HEARINGS

A. Abraham Paguya request for zoning variance to allow reduced building setbacks for property located at 2307 Stout Street

Beau Wilcox, 711 Locust St., presented the request on behalf of Abraham Paguya. Mr. Wilcox recounted Mr. Paguya's request to rezone the subject property from R-2 to MF-1, which was approved by City Council in September 2017. He stated that Mr. Paguya wanted to wait for the rezoning action to be finalized before proceeding with variance requests. Mr. Paguya would like reduced building setbacks on the rear (west) and exterior (north) sides of the original single-family residence, constructed prior to the City's adoption of the zoning ordinance, and a more recent addition, constructed in 2017. Mr. Wilcox reasoned that as the original structure is non-compliant, "no harm is done" by the addition also being non-compliant.

Chairman Tucker closed the public hearing and brought the item back before the Planning Commission for discussion. It was noted that no one opposed to the request was present. Bryan Patrick, Director of Planning

and Development, clarified the Planning Departments recommendations that the zoning variances for the existing structure be approved as it was constructed prior to the adoption of the zoning ordinance, which regulates building setbacks; but that the zoning variance for the new addition be denied and the addition be made compliant with current setback requirements as it was built while building setback requirements are in place and without following procedure. Justin Brown cautioned the Commission against setting a precedent by it's decision. Jerry Rye motioned that the requested variances #1 and #2, pertaining to the original single-family residence, be approved and variance request #3, be conditionally approved for the new addition to align with the west face of the original single-family residence, which exceeds the minimum rear building setback by approximately 1 foot, in effect denying the full variance request of reducing the rear building setback [of the addition] to allow a maximum encroachment of 17.4 feet. Bryan Quinn seconded the motion. The motion passed 8-0.

B. Rush-Hal Development request for zoning variance to allow reduced corner lot width for lots 18, 22, 23, and 27 in Cherry Hill Subdivision

Bobby French, 1021 Front St., with Central Arkansas Professional Surveying, presented the request on behalf of Rush-Hal Development. Mr. French described how the recently approved reduced R-1 lot size creates a need for the requested variance as the minimum required lot width for corner lots in R-1 was not altered to coordinate with the reduced minimum lot size of 6,000 sf. Reducing the required corner lot width for the subject lots by approximately 3 feet will allow the lots to be closer to the new, smaller size.

Chairman Tucker closed the public hearing and brought the item back before the Planning Commission for discussion. Bryan Quinn motioned that the variance request be approved. Dalencia Hervey seconded the motion. The motion passed 8-0.

C. Finish Line Motors request for Conditional Use Permit to allow Automobile Sales & Service in CMU zoning district for property located at 1267 & 1269 Harkrider St

Carol Thomas, property owner of 1267 & 1269 Harkrider St, presented the request on behalf of the applicant, Sylvester Ingram. She clarified that the applicant is only seeking to sell, no service, automobiles. Ms. Thomas explained that the house on 1267 Harkrider St would be torn down. Louise Morrison, 1273 Harrison St, asked what would happen to the vacant lot across from her property. The Commission explained that the vacant lot in question was not part of Mr. Ingram's request and that they are not aware of any plans for that property. Another gentleman [no name given] whose Mother's lives at 1270 Harrison St, asked the same question. Ms. Thomas noted other car and scooter sales businesses in the immediate area. Bryan Patrick explained that those businesses are considered grandfathered as they were established prior to implementing the Markham Street Neighborhood Specific Plan.

Chairman Tucker closed the public hearing and brought the item back before the Planning Commission for discussion. The general consensus was that the requested use of the property is not congruent with the Markham Street Neighborhood Specific Plan. Justin Brown motioned that the request be forwarded to the City Council with a recommendation for approval. Dalencia Hervey seconded the motion. The motion failed 0-8 with all commissioners voting in opposition.

D. Salter Acquisitions request to amend conditional use permit no. 1288 to allow MF-3 in O-1 zoning district

Jordan Broadstreet, 201 Lee Andrew Ln, presented the request. Mr. Broadstreet explained Salter Acquisitions' plan to create a more walkable area through mixed-use developments of residential, office, and retail across these properties. He stated that the development would likely begin south of Andy's Frozen Custard and The Shoppes at Centerstone and the ratio of residential to office/retail would be determined by demand.

Chairman Tucker closed the public hearing and brought the item back before the Planning Commission for discussion. The Commission discussed the increase in traffic that the addition of many apartments will create.

Bryan Quinn motioned that the request be forwarded to the City Council with a recommendation for approval with the condition noted below. Dalencia Hervey seconded the motion. The motion passed 7-1, with Jerry Rye voting in opposition.

Condition attached to motion:

1. Multi-family units limited to 216 units.

E. R.U.M., Inc. request to rezone from I-3 to MF-3 property located in the 1200 block of Covington Way

Terry Burrus, 11912 Kanis Rd, Little Rock, presented the request on behalf of R.U.M., Inc. Mr. Burruss described other similar projects in Fort Smith, AR, Talequah, OK, and Columbia, MO on which he has coordinated with applicant. He described the applicant as a multi-generational organization that builds their properties to keep and maintains them well. Mr. Burruss explained that though the development is currently limited to 200 units due to available fire apparatus ingress/egress, the applicant would like to rezone to MF-3 to expand the total development once additional roads for ingress/egress are constructed.

Chairman Tucker closed the public hearing and brought the item back before the Planning Commission for discussion. The Commissioners discussed at length with Bryan Patrick how residents would access and leave the property from Dave Ward Drive. Bryan Quinn motioned that the request be forwarded to the City Council with a recommendation for approval. Brandon Ruhl seconded the motion. The motion passed 8-0.

F. 2018 Planning Commissioner nominations

Justin Brown, Nomination Committee Chairman, announced that a quorum of the Commission interviewed the nominees on November 14, 2017 and selected Rhea T. Williams and Anne Tucker to recommend for 5-year terms ending December 31, 2022.

II. ITEMS NOT REQUIRING PLANNING COMMISSION ACTION

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

1. Andy's Frozen Custard, 201 East Oak Street
2. Bruce Street Apartments, 1311, 1313, 1315, & 1317 Bruce Street
3. Take 5 Oil, 415 Oak Street

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

1. Life Choices Subdivision (L-340)
2. Haven House Subdivision (L-342)
3. Prime Care Addition (L-343)
4. Golden Meadows, Replat Lot 44 (L-344)
5. Turnberry PUD, Replat Lot 31 (L-345)

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

1. Willow Oaks Subdivision

Adjournment

There being no further business to conduct, the meeting was adjourned by unanimous vote on a motion made by Jerry Rye and seconded by Bryan Quinn.

Approved:



Chairman, Anne Tucker