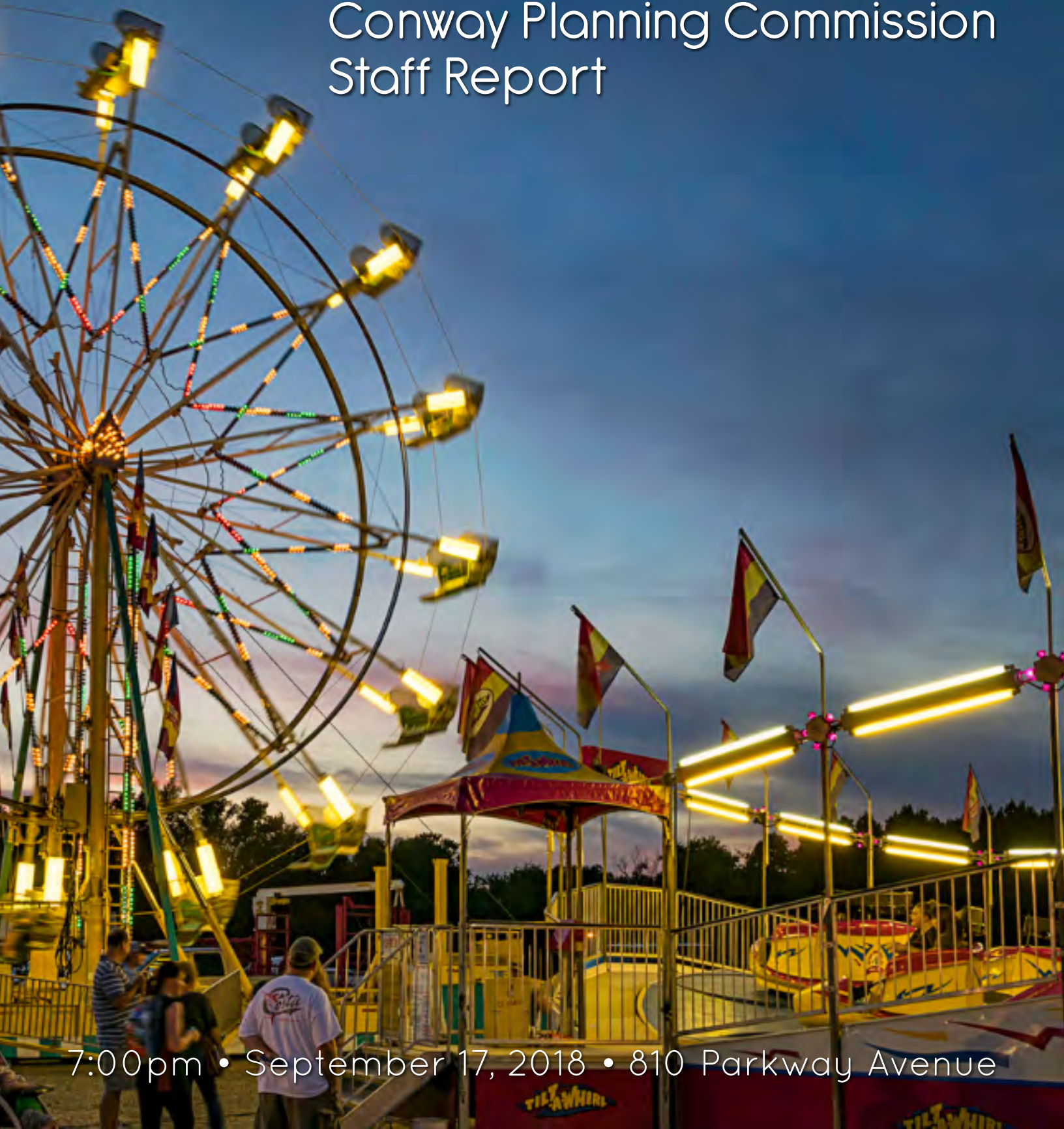


# SEPTEMBER

Conway Planning Commission  
Staff Report



7:00 pm • September 17, 2018 • 810 Parkway Avenue

# CONWAY PLANNING COMMISSION

Jerry Rye, Chairman

Justin Brown, Vice-Chairman

Wendy Shirar, Secretary

Brooks Freeman

Dalencia Hervey

Arthur Ingram

Bryan Quinn

Brandon Ruhl

Anne Tucker

Rhea Williams

Contact the Conway Planning Commission 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 reviewed at tonight's Planning Commission meeting may be considered by the City Council as early as **September 25, 2018**.

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 and a public notice will be placed on the City's website: [www.cityofconway.org](http://www.cityofconway.org).

# CONWAY PLANNING COMMISSION AGENDA

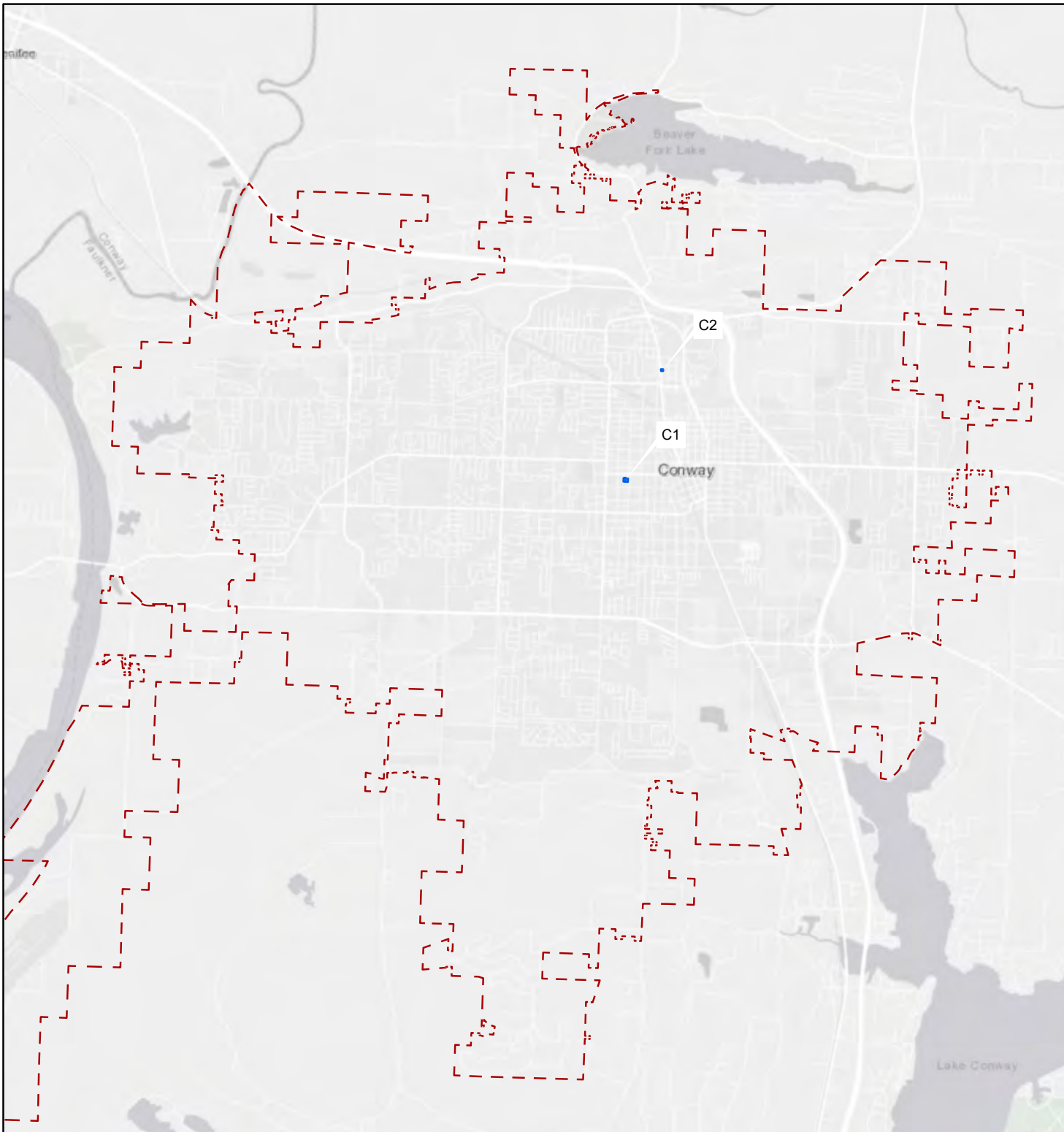
September 17, 2018 • 7:00 pm • 810 Parkway Street

- A. **Call to Order**
- B. **Approval of Minutes**
  - 1. August 20, 2018
- C. **Public Hearings**
  - 1. Bernard request to rezone 819 & 853 Mitchell from R-2A to R-1
  - 2. Willow Bayou, LLC request for Conditional Use Permit to allow Restricted Office in R-2A at 1904 Washington Ave
- D. **Discussion**
  - 1. 2019 Planning Commissioner Nomination and Selection Schedule
  - 2. Additional items as decided by the Planning Commission
- E. **Adjourn**

#### Planning Staff Review reports to the Planning Commission

The following items (development reviews, minor subdivisions, plats filed for record, etc) 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:

- F. **Development Reviews**
  - Haven House, 455 S Country Club Rd (SIT2018MAY04)
  - Lenderman Dental, 841 Donaghey Ave (SIT2018MAY03)
  - Kroger Click-List Parking Expansion, 855 Salem Rd (SIT2018AUG03)
- G. **Lot Splits, Lot Mergers, and Minor Subdivisions (filed for record)**
  - Landmark Medical Center, Replat of Lot 3 Tommy Lewis Ph 2 (P2018-00043)
  - Landmark Medical Center, Lot 1 Correction Plat (P2018-00046)
  - Guardsmart Southwest Addition (P2018-00045)
  - Lewis Ranch, Phase II (P2018-00047)
- H. **Lot Splits, Lot Mergers, Minor Subdivisions, and Major Finals (submitted for review)**
  - Robynmar Subdivision, Phase I (SUB2018AUG02)
  - Deerbrook Subdivision Replat (SUB2018AUG03)



#### C. PUBLIC HEARING ITEMS

- 1. Jay Bernard Request to Rezone R-2A to R-1 (819 & 853 Mitchell St)
- 2. Willow Bayou LLC Conditional Use Request for Restricted Office in R-2A (1904 Washington Ave)

**C1 REQUEST TO REZONE R-2A TO R-1; 819 & 853 MITCHELL ST**

**BERNARD REQUEST TO REZONE FROM R-2A TO R-1 PROPERTY LOCATED AT 819 & 853 MITCHELL STREET**

**APPLICANT**

Jay & Molly Bernard  
1905 Caldwell St  
Conway, AR 72034

**STAFF REVIEW BY**

Jason Lyon, Assistant Director of Planning and Development  
1201 Oak St  
Conway, AR 72032

**SITE DATA**

**Location.** 819 and 853 Mitchell Street (Lots 2 and 3 Jay's Replat Block 41 Robinson's Plan)

**Site Area.** ±1.02 acres.

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

**Requested Zoning.** R-1 (Single Family Residential District).

**Existing Structures.** None.

**Overlay.** Within the Asa P. Robinson Historic District.

**Comprehensive Plan.** The Comprehensive Plan shows this area appropriate for low density residential.

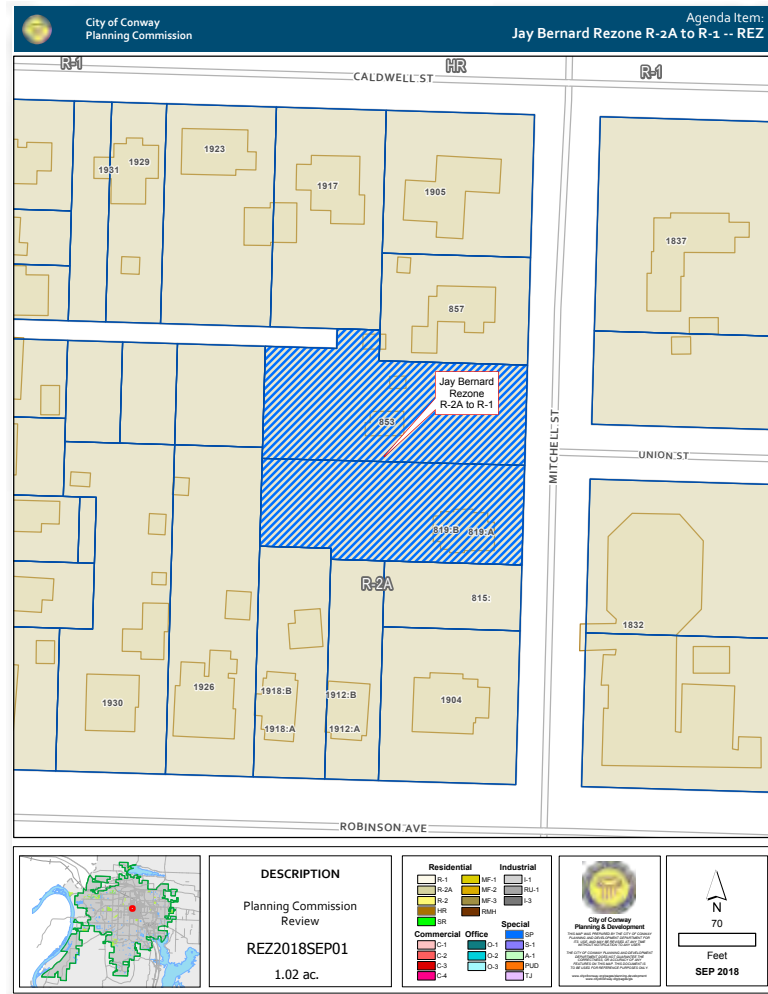
**Projected Traffic Impact.** With the current R-2A zoning and lot configurations, duplexes are not be allowed. However, under R-2A zoning, the lots could be reconfigured to allow 1 duplex and 1 single family residence. This reconfiguration would result in around 30 vehicle trips per day. With a rezoning to R-1, around 10 vehicle trips per day can be expected.

**Flood\Drainage.** The site is not within any FEMA Flood Zones.

**Utility Infrastructure.** Future development will require coordination of utilities with Conway Corporation.

**Street Improvement.** There are no current plans for Mitchell Street improvements. Curbs and the west sidewalk were improved within the last 10 years.

**Conway 2025.** Not applicable.



**STAFF COMMENTS**

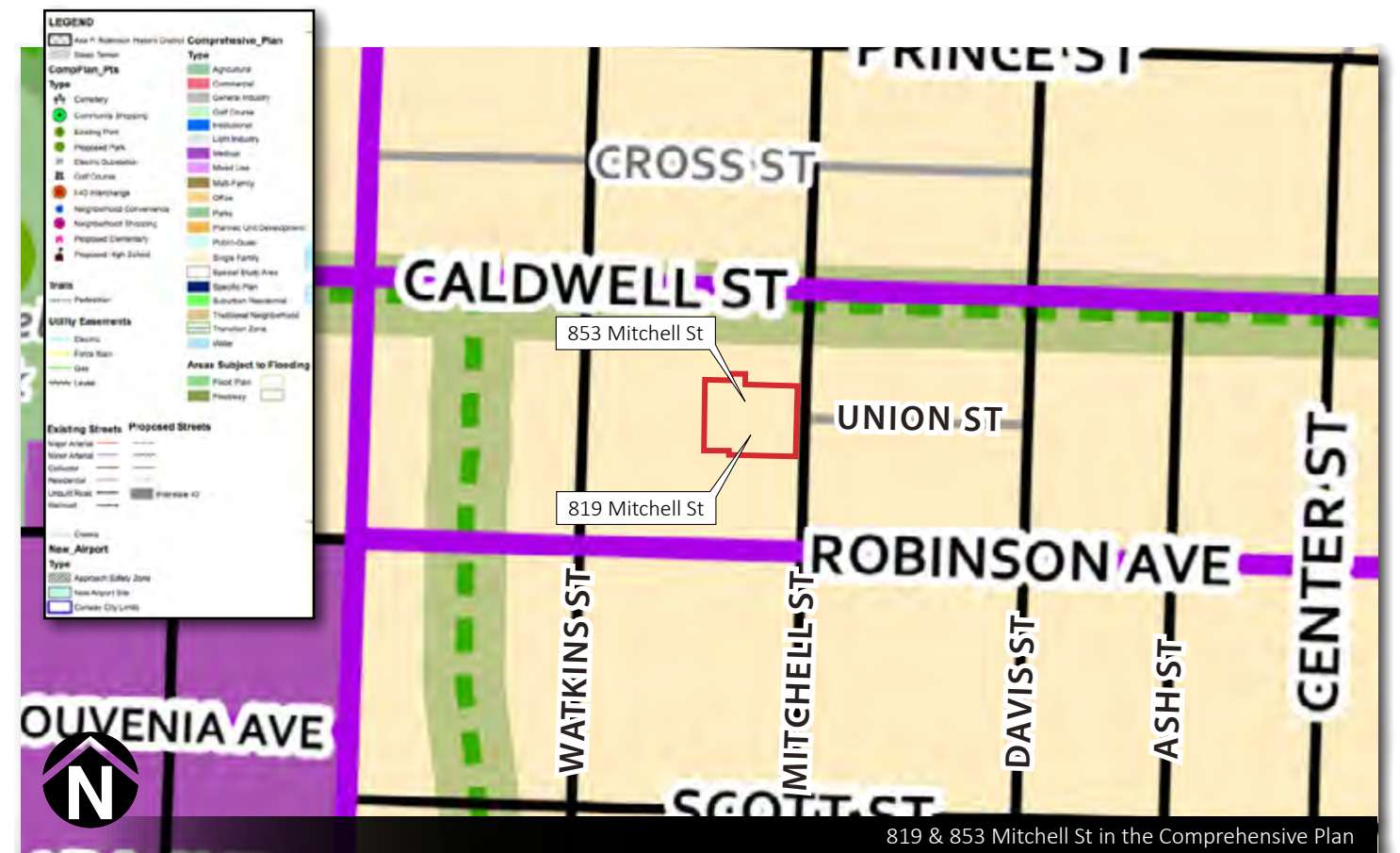
The applicant is seeking a rezoning from R-2A (Large lot duplex) to R-1 (Single family residential). The property was recently replatted creating two lots within the requested area. The newly created lots are approximately 91 and 89 feet wide. With this layout, and current R-2A zoning, a duplex is not allowed as duplex lots must be at least 100 feet wide. However, the lots could be reconfigured to two lots; 100 and 80 feet wide allowing a duplex and a single family residence. This downzoning would result in only allowing 2 single family residences. Rezoning to R-1 also prohibits any development other than single family residential. R-1 zoning negates any conditional use request for office or multifamily; both are available in an R-2A zoning.

**STAFF RECOMMENDATIONS**

Planning Staff recommends approval of this rezoning request. The rezoning to R-1 lowers the density of housing in the area and removes any uses outside of a single family residences. The property is within the Asa P. Robinson Historic District. Any future home construction on the two lots will Historic District Commission approval.



Aerial View of 819 & 853 Mitchell St



819 & 853 Mitchell St in the Comprehensive Plan

**C2 REQUEST FOR CONDITIONAL USE PERMIT FOR RESTRICTED OFFICE IN R-2A; 1904 WASHINGTON AVE**

**WILLOW BAYOU, LLC/JIMMY NEW REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW RESTRICTED OFFICE IN R-2A ZONING DISTRICT**

**APPLICANT**  
Willow Bayou, LLC/Jimmy New  
PO Box 11512  
Conway, AR 72034

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

**SITE DATA**  
**Location.** 1904 Washington Ave. The northeast corner of Washington Avenue and Gist Street.

**Site Area.** ±0.28 acres.

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

**Requested Conditional Use Permit.** Restricted Office

**Existing Structures.** A 1686 square foot single family residence.

**Overlay.** Old Conway Design Overlay District.

**Comprehensive Plan.** The Comprehensive Plan shows this area as appropriate for single family residential. The request is not congruent with the plan.

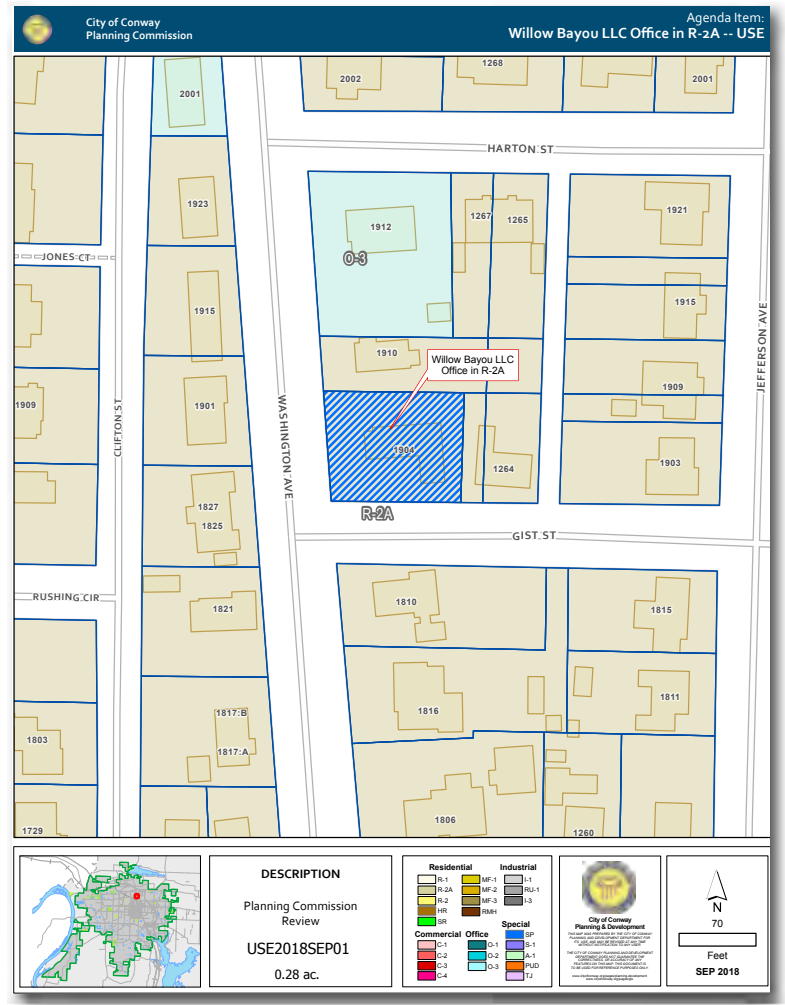
**Projected Traffic Impact.** With the existing R-1 zoning and single family use, around 10 vehicle trips per day can be expected. With a conditional use permit allowing restricted office use, around 20 vehicle trips per day should be generated.

**Flood\Drainage.** The property is not within any FEMA flood zones.

**Utility Infrastructure.** Existing utility service is adequate.

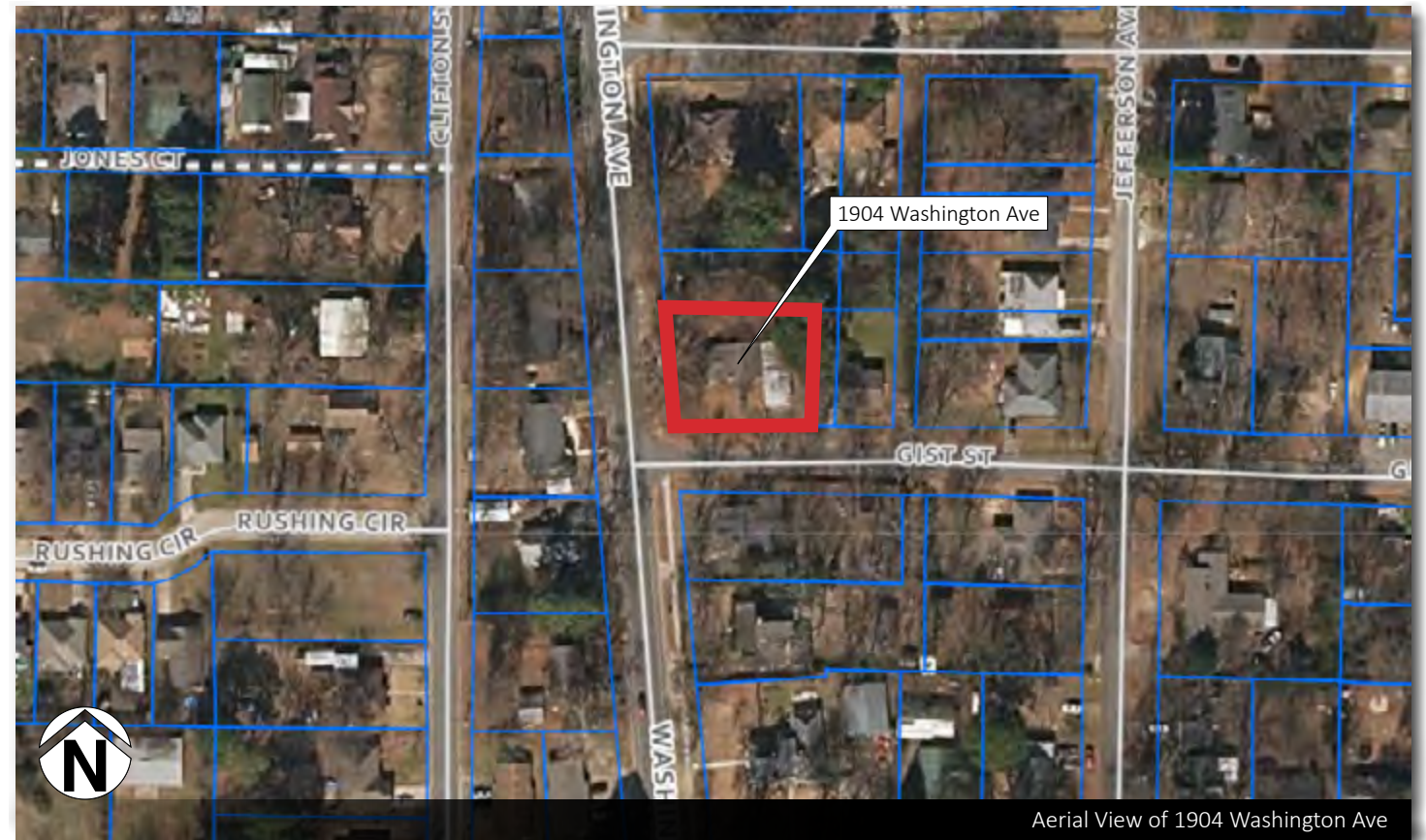
**Street Improvement.** Washington Avenue was improved in 2013. No additional area street improvements are planned in the near future.

**Conway 2025.** Conway 2025 does not contain any specific statements directly applicable to this request.



**STAFF COMMENTS**  
A request to rezone the property from R-2A to O-3 was presented at the July 16, 2018 Planning Commission meeting. At that time, the possibility of requesting a conditional use permit for restricted office was discussed. A motion was made to approve the O-3 rezoning request. This motion failed 3-5 with Dalencia Hervey, Rhea Williams, Justin Brown, Wendy Shirar, and Brandon Ruhl voting in opposition. Immediately following the denial, Bryan Quinn motioned that reconsideration of a request for this property be allowed within one year if submitted as a request for Conditional Use Permit to allow Restricted Office in R-2A. Brandon Ruhl seconded the motion. The motion passed 7-1 with Justin Brown voting in opposition.

The applicant is now seeking a conditional use permit to allow restricted office. The 1920s residence is listed as a contributing structure in the Hendrix Addition National Register of Historic Places Historic District. A contributing structure retains its historic materials and has not been significantly altered since construction. The property is part of the Old Conway Design Overlay District. Neither the National Register listing nor Old Conway Overlay prohibits demolition. However, the intent of restricted office by conditional use permit is to repurpose the existing residence to office use. Any new structure or addition must be approved by the Historic District Commission.



Aerial View of 1904 Washington Ave



1904 Washington Ave in the Comprehensive Plan

There are three office zonings on Washington north of this property; 1912 Washington (rezoned in 2006) at the southeast corner of Washington and Harton; 2001 Washington (rezoned in 2003) on the west side between Clifton and Washington; and 2010 Washington (rezoned in 2010) at the corner of Washington and Fleming. 1912 Washington is within the same block as the requested property. The structure at 1912 is also listed as a contributing historic structure. There was some neighborhood opposition when this property was rezoned in 2006. 2001 Washington is outside of the Hendrix Addition historic district and the Old Conway Design Overlay. 2010 Washington sits at a busy intersection. The property was also reduced for roundabout construction. Due to the level of traffic at this busy corner, the property was seen as no longer useful as a residence.

Section 601.27 of the Conway Zoning Ordinance; Office as a Conditional Use in Residential Districts, lists the intent and conditions that must be considered as part of a restricted office conditional use request:

*A conditional use may be granted to allow the conversion of older structures within residential districts that are no longer useful, serviceable, or desirable in their present use to Restricted Office use. Such offices will have minimal to no negative impact on the residential areas. The following conditions are required:*

- *Hours of operation: Appropriate hours of operation must be determined.*
- *Signage: Wall signage shall be limited to a non-illuminated faceplate attached to the structure no greater than 2 square feet in area. Freestanding signage shall be a non-illuminated monument or two pole sign no greater than 4 feet in height and 4 feet wide. A non-illuminated post and arm sign as defined by Conway sign regulations, may be substituted for a monument or two pole sign. No banners shall be permitted.*
- *Architectural Compatibility: Any remodeling or new construction must be compatible with the surrounding architecture. In areas outside of the Old Conway Design Overlay District or any Certified Local Government Historic District, compatibility shall be decided by the City Council after review by the Planning Commission.*
- *Within the Old Conway Design Overlay District or any Certified Local Government Historic District, the Old Conway Design Review Board or Historic District Commission shall review and decide compatibility. This review shall include overall exterior appearance, materials, setbacks, height, lot coverage, etc. The setbacks, height, and lot coverage restrictions will be no greater than allowed by the lot regulations per zone, overlay, or historic district.*
- *Term of the Conditional Use: Conditions are limited to the applicant. If the applicant does not own the property within 6 months of approval, the conditional use permit shall be void. If the property is sold, the conditional use shall be void. **The applicant is the current property owner.***

- *Lighting, parking, screening/buffering shall minimally match Conway Development Review Standards. Additional parking and/or screening/buffering requirements may be recommended by the Planning Commission and required by the City Council including, but not limited to, parking location and design, fencing or landscaping as required to provide an adequate buffer for neighboring properties.*
- *Sidewalks: Construction and or repair of existing sidewalks, if necessary, is required as per Conway Development Review Standards. **There is a new sidewalk along Washington Avenue. There are not sidewalks along Gist Street.***

*These conditions are to insure the compatibility of the office use with any adjacent residential use. New construction designed to reinforce existing residential area characteristics that would not be detrimental to the surrounding residential area may also be allowed by conditional use.*

The requested rezoning is a historic residence surrounded by other occupied residences. The residence is undergoing repair. The structure could be used as a residence. There are several other offices in the area created through rezoning of the properties. No conditions have been placed on these rezoned properties. With appropriate conditions, use as a restricted office could be made compatible with surrounding residences. Any new exterior construction requiring a building permit must be approved by the Historic District Commission.

**STAFF RECOMMENDATIONS**

Planning Staff recommends approval if appropriate conditions are placed on the restricted office use to preserve the historic structure and make the office use most compatible with the surrounding historic residential neighborhood.

**Staff Suggested Conditions.**

1. Hours of operation: Appropriate hours ?
2. Signage: Wall signage shall be limited to a non-illuminated faceplate attached to the structure no greater than 2 square feet in area. Freestanding signage shall be a non-illuminated monument or two pole sign no greater than 4 feet in height and 4 feet wide. A non-illuminated post and arm sign as defined by Conway sign regulations, may be substituted for a monument or two pole sign. No banners shall be permitted.
3. Architectural Compatibility: As part of the Old Conway Design Overlay District, any exterior remodeling or new construction requiring a building permit must be reviewed and approved by the Historic District Commission.
4. Lighting, parking, screening/buffering shall minimally match Conway Development Review Standards. Parking shall be limited to the south (Gist Street) or east (rear) sides of the structure.
5. Office use is limited to the existing structure or additions to the existing structure. Demolition of the existing structure must be approved by the Historic District Commission.

**Proposed Schedule for the Nomination of 2019 Planning Commission Members**

The calendar below is presented for discussion.

Both Jerry Rye and Wendy Shirar reside in Ward 4.

Two new members will be needed in 2019 to fill Jerry Rye's and Wendy Shirar's positions, whose terms are expiring. The two new 5 year terms will expire in 2023.

Ideally, one of the new members would represent Ward 1 and the Ward 4.

The nomination schedule below shows a window for nominee interviews and selection available between November 1 and November 18, 2018.

City wide representation is a desirable trait of the Planning Commission. Not including the two outgoing members, the Planning Commission consists of:

- Ward 1: 1 member
- Ward 2: 3 members
- Ward 3: 2 members
- Ward 4: 1 members
- Territorial Jurisdiction: 1 member

STEP	DATE	ACTION	DAYS PRIOR TO TERM EXPIRATION	DAYS REQ'D PRIOR TO TERM EXPIRATION
1	October 1, 2018 (Monday)	Planning Commission advertises for nominations	92	90
2	October 15, 2018 (Monday) <b>October Planning Commission Meeting</b>	Planning Commission discusses nomination process and creates nomination committee(s)	78	N/A
3	October 31, 2018 (Wednesday)	Planning Commission closes nomination period	62	60
4	November 1, 2018 (Thursday)	All Planning Commission nomination forms received by the deadline are sent to current Planning Commissioners		
5	November 1 to November 18, 2018	Nominee interviews, discussion and selection		
6	November 19, 2018 (Monday) <b>November Planning Commission Meeting</b>	Planning Commission selects and submits nominees to the City Council. Nominee choices are released to the media	43	30
7*	December 11 to December ?, 2018	City Council takes under advisement for 14 Days	?	10
8*	Meeting date not yet set <b>Second December City Council Meeting</b>	City Council notifies Planning Commission of action	?	----

*\*Second City Council meeting in December would fall on Christmas Day and will be rescheduled, but the new meeting date has not been announced yet.*