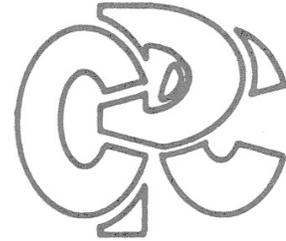




## PLANNING COMMISSION MEETING

District Court Building  
810 Parkway Street  
Conway, AR 72034



Conway Planning Commission

**February 17, 2015, 7:00 pm**

The regular meeting of the Conway Planning Commission was held Tuesday, February 17, 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, Jerry Rye and Justin Brown. Matthew Brown and Wendy Shirar were absent.

Chairman 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 and as early as March 10, 2015. If an item is appealed to the City Council, a public hearing notice sign will be placed on the property at least seven days prior to the City Council meeting. A public notice will also be placed on the City's website, [www.cityofconway.org](http://www.cityofconway.org). Items reviewed by the PC on this agenda may be considered by the City Council as early as February 24, 2015.

The PC is comprised of appointed, non-paid Conway citizens. Chairman Washington requested that the Commission members introduce themselves to the audience present.

Minutes from the December 2014 and January 2015 meetings were approved unanimously contingent on the correction to the January 2015 minutes to show that Marilyn Armstrong was in attendance on a motion made by Anne Tucker and seconded by Jerry Rye.

Stan Hobbs presented the Subdivision Committee report.

### **I. SUBDIVISION**

A. The preliminary plat for Lewis Crossing subdivision was approved subject to the amended punch list. Punch list items that were amended are as follows.

#### **Lot Design Requirements**

26. Lots must abut upon a public street except where private streets are approved by the Planning Commission in Planned Unit Developments or where a dedicated access easement 25' in width in C-1, C-3 or O-1 zones has been approved by the Planning Commission. A request of variance has been received to allow Lots 1, 4, and 5 to be platted without street frontage. A 25' public easement access will be provided to these lots. The Planning Commission approves this request. Double frontage lots other than corner lots fronting on two street shall not be platted except under extreme circumstances, as may be approved by the Planning Commission. A request for variance has even received to allow Lots 2, 3, 8 and 9 to be approved as double frontage lots. ***The Planning Commission approves this request.***

29. 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. A request for variance has been received to allow Lots 2, 3, 8 and 9 to be approved as double frontage lots. ***The Planning Commission approves this request.***

#### **Sidewalk Design Requirements**

36. The City Engineer has suggested payment in lieu instead of sidewalk construction adjacent to Thomas G. Wilson Drive and south of the Amity Road roundabout where street improvements will not be done by the developer. Any constructed sidewalk at this location by the developer would likely be torn up when street improvements are done. If a waiver is granted, the developer shall contribute an amount of money in lieu of construction equal to \$15 per linear foot of the the required sidewalk. ***The Planning Commission approves this payment in lieu at these locations only.***

B. The preliminary plat for BK Dean PUD Subdivision was approved subject to completion of the punch list.

C. The requested variance for Nahlen Cove Subdivision was granted subject to the amended punch list. Punch list items were amended as follows.

#### **Sidewalk Design Requirements**

15. A request for variance has been received to allow payment in lieu for sidewalks along Nutters Chapel Road due to shallow drainage and utilities at the placement of the sidewalk. Sidewalks will be built inside the subdivision. ***The Planning Commission approves this request.***

D. The requested variance for Watson Family Subdivision was granted subject to the amended punch list. Punch list items that were amended are as follows.

#### **Sidewalk Design Requirements**

16. The property owner/developer may request a waiver from the required sidewalk construction. The Planning Commission should grant this money in-lieu of sidewalk construction only in extreme circumstances. The Planning Commission shall review the following factors to determine whether or not to grant this waiver:

- Pedestrian traffic generators such as parks and schools in the area.
- The existence of a sidewalk network in the area.
- The density of current and future development in the area.
- The amount of pedestrian traffic likely to be generated by the proposed development.
- Whether the terrain is such that a sidewalk is physically practical and feasible, and the extent to which trees, ground cover, and natural areas would be adversely impacted by the construction of the sidewalk.
- The design of the subdivision such that utilities, the location of structures, rights-of-way, easements, etc., create conditions making sidewalks impractical
- The overall need for a sidewalk to be constructed on the lot.

If a waiver is granted, the subdivider/developer shall contribute an amount of money in lieu of construction equal to \$15 per linear foot of the required sidewalk. This in-lieu

fee shall be subject to a maximum fee equivalent to one hundred twenty five (125) feet per street frontage.

This money shall be deposited into a general sidewalk fund to be used solely for the addition of new sidewalks and maintenance of the existing sidewalk network. The dispersal of money from this sidewalk fund shall be at the discretion of the Conway City Council. Contributions to this fund are to be expended within two (2) years to serve a sidewalk project. This in-lieu fee shall be reviewed by the City Council at least every five (5) years. The Planning commission may also grant a waiver to construct an internal pedestrian trail system in lieu of the required sidewalks. The pedestrian trail right-of-way shall be clearly noted on the final plat. Specifications for the right-of-way width, trail pavement, and other specifications shall be determined by the City Engineer and Director of Planning and Development.

An subdivider/developer may appeal the sidewalk construction requirement/in-lieu fee to the City Council. The City Council shall use the above waiver factors to determine if an exception may be made. If the Council makes an exception, the subdivider/ developer shall construct an equivalent amount of sidewalk in a location designated by the City Council.

A request for variance has been received to pay in lieu instead of building the sidewalk along Padgett Road because of the constructed wrought iron fence. This fence is currently built approximately 13' inside the dedicated right-of-way from a dedication deed dated back September 12, 2003. The Faulkner County Assessor's Office shows the house to be completed in 2004. There are no permits for fences. This property is in the middle of approximately 1700' from April Drive in Westin Park Subdivision to Ruth Doyle Elementary. ***The Planning Commission approves the payment in lieu for a total of 250'. However, should potential future road improvements along Padgett Road require the existing fence to be moved, it will be the sole responsibility of the Owner to replace the fence once the road improvements are completed. Since the fence is located inside the street right-of-way, the City of Conway will not relocate the fence in the future when the road is improved.***

## II. PUBLIC HEARINGS

A. Trinity Development's request for annexation with R-1 zoning of some 14.84 acres of property directly west of Chapel Creek Subdivision north of Prince Street was approved 7-0 on a motion made by Bryan Quinn and seconded by Marilyn Armstrong. Bobby French, Central Arkansas Professional Surveying, 1021 Front Street, presented the annexation request. The preliminary plat for the proposed subdivision, Castleberry Meadows, planned for this property was approved by the Planning Commission in January 2015. Mr. French confirmed the hearing by the Faulkner County Court to release the property is set and he does not anticipate any problems having that completed by the time the City Council would approve the Ordinance.

B. Ayisha Miller's request for a Conditional Use Permit for Restricted Office to allow a private mental health practice for property located at 1312 Avenue was approved 7-0 on a motion made by Anne Tucker and seconded by Jerry Rye. Ayisha Miller, 1312 Donaghey Avenue, presented the request. Ms. Miller reported that she had had positive feedback from some neighboring residents and that she felt her requested use was in line with other,

similar small office settings already along Donaghey Avenue. At the request of the PC, Ms. Miller explained the services that her practice plans to offer will include general counseling and therapy services as with similar psychology practices. She also addressed the issue of parking at the request of the PC. Ms. Miller stated that at the most there would be 8 individuals at the practice at any given time, 4 therapists and 4 patients. Ms. Miller explained that this situation was unlikely since many therapists in private practice work on a part-time basis and all of them would likely not be seeing patients at the same time. Nicholas Canant, 606 North Fourche Avenue, Perryville, AR, spoke regarding the parking issue. He stated that there was adequate space in the rear of the structure for a concrete parking area that would not alter the residential appearance of the structure. Ms. Miller also stated that additional parking would be kept in the rear of the residence to provide additional privacy to the patients and avoid a commercial appearance. Ms. Miller described that she would phase out of using the structure as a residence and ultimately have the structure as a full-time office, which did not agree with item number 7 of the Staff Comments section of the Staff Report. Director of Planning, Bryan Patrick, stated that it was his understanding that Ms. Miller would continue to reside at the residence while using it as an office and he felt that the property was still viable as a residence, though he did not have a problem with it becoming solely an office if the PC approved and if it continued to have a 'residential feel' to the structure. It was stated that if additional parking would be added to the rear of the residence Ms. Miller would probably have to seek approval of the Historic District Commission as the proposed property is included in the Old Conway Design Overlay. The conditions of the permit were discussed and slightly modified/clarified. The following six final conditions were attached to the motion to approve.

1. Hours of operation will be limited to 7:00 am to 7:00 pm, Monday through Friday.
2. The total number of employees may not exceed four (4).
3. The Conditional Use Permit is limited to Ayisha Miller/Business Entity, once formally established.
4. The existing structure shall be used for the restricted office. The character of the structure shall remain residential.
5. Parking is limited to the existing driveway and the rear of the structure.
6. Signage is limited to a 2 foot by 2 foot, non-illuminated sign attached to the structure as defined by the Conway Sign Ordinance (O-96-60). No freestanding signage or banners may be used.

C. Hal Crafton/Rush-Hal Properties' request for rezoning from A-1 to R-1 for property located at 2200 W. Tyler Street was approved 7-0 on a motion made by Bryan Quinn and seconded by Anne Tucker. Hal Crafton, 5460 Lost Canyon Drive, presented the request. The preliminary plat for the proposed subdivision, Winterbrook, planned for this property was approved by the Planning Commission in January 2015.

D. The request to amend the Northeast Old Conway Area Specific Plan (NEOCA Plan) by adopting the Markham Street Neighborhood Specific Plan (MSN Plan) was approved 7-0 on a motion made by Justin Brown and seconded by Marilyn Armstrong. Bryan Patrick presented the request which is a study, made possible by a Jump Start grant from the US Department of Housing and Urban Development through Metroplan, prepared by Gateway Planning in conjunction with the Conway Planning and Development staff of the Markham Street corridor that connects Hendrix College to Downtown Conway. The plan was developed from the SmartCode and was 'calibrated' to the City of Conway's specific needs. This plan covers land use and building form, but also is a marketing study of what the area

could be worth with potential growth and redevelopment. As a Specific Plan it allows for greater flexibility related to building form, etc. since this plan spans multiple 'zones'. The MSN Plan is a refined version of the NEOCA Plan specific to the Markham Street corridor that 'tightens up' the allowed forms, etc. and addresses more refined 'streetscapes'. Existing structures that fall within the plan are 'grandfathered' in, but any changes to these existing structures would be required to meet the MSN Plan requirements. The MSN Plan also streamlines the development approval process.

As this plan was developed as part of a grant, it makes future studies and development more likely to receive further grant monies, specifically the grant Scott Grummer, City of Conway Community Development Block Grant Project Manager, is currently working towards for more in-depth study of the former Spencer Street scrap metal yard.

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