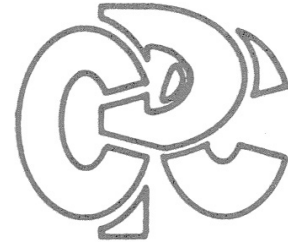




PLANNING COMMISSION MEETING

District Court Building
810 Parkway Street
Conway, AR 72034



Conway Planning Commission

August 17, 2015, 7:00 pm

The regular meeting of the Conway Planning Commission was held Monday, August 17, 2015 in the Russell L. "Jack" Roberts District Court Building. Present: Vice-Chairman Mark Lewis, Stan Hobbs, Marilyn Armstrong, Bryan Quinn, Anne Tucker, Wendy Shirar, Jerry Rye and Justin Brown. Chairman, Lee Washington was absent.

Vice-Chairman, Mark Lewis, 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. 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. Items reviewed by the PC on this agenda may be considered by the City Council as early as August 25, 2015.

Vice-Chairman Lewis requested that the Commission members introduce themselves to the audience present.

Minutes from the July meeting were approved unanimously on a motion made by Anne Tucker and seconded by Wendy Shirar.

The procedure followed for 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 item will be brought back into committee for discussion.

Stan Hobbs, Subdivision Committee Chairman, presented the subdivision committee report.

I. SUBDIVISION

- A. The Planning Commission voted unanimously to approve the Subdivision Committee report (report items follow) on a motion made by Jerry Rye and seconded by Marilyn Armstrong.
- B. The Subdivision Committee declined to review the North Woods Estates preliminary plat due to the amount of information that was missing or required correction. The Subdivision Committee requested that more information be provided and corrections be

made and it would review the preliminary plat at the September Conway Planning Commission meeting.

- C. The preliminary plat for Cambridge Village Subdivision was approved subject to the completion of the amended punch list. Punch list items that were amended are as follows.

Lot Design Requirements

14. A minimum lot size of .05 acre in area shall be allowed as per the intent of the PUD Final Development Plan. ***The Planning Commission approves this request.***
15. A minimum lot depth of approximately 88 feet shall be allowed as per the intent of the PUD Final Development Plan. ***The Planning Commission approves this request.***
16. A minimum lot width of approximately 23 feet shall be allowed as per the intent of the PUD Final Development Plan. ***The Planning Commission approves this request.***
17. The minimum building setback (building line) shall be no less than 20 feet from the Meadowlake Road right-of-way. This is a 5 foot reduction from the original PUD Final Development Plan. All other setbacks shall be 0 feet with the exception of the 25 foot setback along North Market Plaza Drive. ***The Planning Commission approves this request.***

- D. The preliminary plat Cottage Court Subdivision was approved subject to the completion of the amended punch list. Punch list items that were amended are as follows.

Sidewalk Design Requirements

31. 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. ***Sidewalks in common courtyard areas are approved by the Planning Commission.***
- E. The requested sidewalk variance for Castleberry Meadows was granted seeing as any sidewalks installed along Prince Street will be torn up when further street improvements are made in that area. The developer may pay an in-lieu of fee for the 810.31 linear feet of sidewalk along Prince Street identified in the exhibit dated August 3, 2015, provided by Central Arkansas Professional Surveying.

II. PUBLIC HEARINGS

1. Lindsey Spears' request for a conditional use permit to allow a home occupation for a single-operator hair salon at property located at 44 Kensington Drive was approved 7-2 subject to conditions on a motion made by Bryan Quinn and seconded by Anne Tucker with commissioners Marilyn Armstrong and Mark Lewis voting in opposition. Gary Tatum, 2960 Baxter Drive, owns the property at 44 Kensington Drive and spoke first in favor of Ms. Spears' request. As the property owner, Mr. Tatum wished to address some information being circulated about the requested permit that he felt was in error as well as share the specific conditions he has set for the business that Ms. Spears wishes to operate from her home. These include that there would be vast and expensive interior modifications made to the residence. Mr. Tatum explained that no exterior modifications and very minor interior modifications [+/- \$600] would be made to the home. Also, it was believed that the business would be large and busy, but only Ms. Spears will be allowed to work and for only one client at a time. Additionally, this is related to the expected increase in traffic and parked vehicles that could impact the safety of neighborhood

residents. The increase in traffic should be minimal as Ms. Spears can only work with one client at a time. Lindsey Spears, 44 Kensington Drive, the applicant spoke next, providing additional details about her planned salon services. As the primary care giver for her children, Ms. Spears would like to earn some additional money to supplement her family's income. She plans to see approximately 6 clients per week and over a 2 to 3 day period. Her planned hours of operation will be from 9:30 am to 2:00 pm. Ms. Spears further explained that she could jeopardize her cosmetology license if she does not get the appropriate permit from the City to operate. She is not seeking to have a large salon, rather she is trying to "protect" herself and "do it the right way." Ms. Spears plans to use a 206 sf room for her business. As the residence is 2076 sf, this is 10% of the residence area devoted to the business, less that the maximum 25% allowed. With no construction or visible signage planned, she does not feel that property values will be negatively impacted as some neighbors fear. Ms. Spears addressed the Bainbridge Subdivision Covenants and Restrictions and asked if the City Zoning Ordinance supersedes them. Tom Holladay, 3312 Donnell Ridge Road, spoke in favor of the request. As Ms. Spears' father, Mr. Holladay was in favor of her trying to earn some extra money to help her family. Mike Flory, 46 Kensington Drive, spoke in opposition to the request. Mr. Flory presented a petition opposing Ms. Spears' request signed by 13 of the 16 property owners within the 200' notification area. His primary opposition was not to Ms. Spears' request specifically, but to the precedent that allowing her to run a business in a residential neighborhood would establish. Other objections to Ms. Spears' permit request include an increase in traffic and noise and possible decreased property values. Mr. Flory stated that he purchased his home to use as a residence and wanted the residential character of the neighborhood to remain intact. He cited the Bainbridge Subdivision Covenants and Restrictions and, while he understands that they are separate from the city zoning and a private matter, he asked the Planning Commission to consider them. Mr. Flory expressed doubt that Ms. Spears would not need to do more extensive interior modifications and therefore work more than expected to recoup her investment. He inquired as to who would monitor Ms. Spears hours of operation and cited that there are not other conditional use permits in effect within the Bainbridge Subdivision. Jeff Wilbanks, 41 Kensington Drive, spoke in opposition to the request citing the Covenants and Restrictions and stating that he felt a home-based business would "weaken the neighborhood." He was also concerned that Ms. Spears rents the property and is not the homeowner. Wolfgang Oeste, 42 Kensington Drive, spoke in opposition to the request stating that while he admires Ms. Spears attempt to gain the permit in an "honest and upright fashion," he fears the "slippery slope" that allowing the first conditional use permit is. Dr. Oeste explained that his family had relocated previously due to the changing character of their then neighborhood and that it is in his and his neighbors best interest that the character of the neighborhood be unchanged. The PC discussed the neighborhood covenants and restrictions as well as other home-based business [direct sales/internet sales companies] that often operate without seeking a conditional use permit. The PC commended Ms. Spears' attempt to help provide for her family. Several commissioners felt that the feared traffic and noise impact on the neighborhood would not happen due to the small scale of the proposed business.

The conditions attached to the motion are:

1. The hair salon shall not occupy more than 25% of the gross floor area of the residence
2. The hair salon shall not require external alternations, construction features, or

mechanical equipment not customary to dwellings.

3. Signage is limited to 1 non-illuminated identification sign not more than 2 square feet in area attached to the main or accessory building.
4. Permit is limited to applicant, Lindsey Spears.

- B. Orion Capital Partners' request to operate a child-care facility in an O-2 zone was approved unanimously subject to conditions on a motion made by Bryan Quinn and seconded by Justin Brown. Aaron Nicholson with Sage Partners, 2325 Linda Drive, presented the request on behalf of the Goode Family, the current property owners. Mr. Nicholson explained the the purchase proposal between Orion Capital Partners and the Goode Family, previously discussed at the July PC meeting, had been reworked to allow the required extension of Allyson Lane to be constructed and the project to move forward. Brock Martin with Orion Capital Partners, 13 Pinehurst Circle, Little Rock, also in favor of the request made himself available to answer any questions the PC might have. The PC discussed the possible hours of operation.

The condition attached to the motion is:

1. Hours of operation are limited to 6:00 am to 6:00 pm.

- C. The request to amend the Northeast Old Conway Area Specific Plan to create specific regulations to allow a cottage courtyard development on Block 7 of the Burns Addition was approved unanimously on a motion made by Bryan Quinn and seconded by Anne Tucker. Planning Director, Bryan Patrick, explained the public/private partnership between the City and a private developer through Community Development Block Grant funds to stimulate development in the Pine Street area by building a cottage pocket neighborhood. The homes will be smaller and on fee simple lots with shared green/plaza space, connecting walk ways throughout and shared parking along the perimeter. There was some discussion to clarify who is responsible for shared and private property maintenance, etc. Mr. Patrick explained that this would be achieved through a property owner's association. Scott Grummer, City Planner and Imagine Conway Program Manager, further described the plan for the cottage-style pocket community focusing on higher density and smaller footprints/two-story residences resulting in better land use. He also explained the sale plan for the homes to encourage and facilitate home ownership among earners at our below the 80% median income level. Linda Paxton, 1258 Lincoln Street, is the President of the Pine Street Area Community Development Corporation and expressed her support of the planned development sharing that the community has been meeting regarding this project for several years now and is fully aware of the plan.

III. ITEMS NOT REQUIRING PLANNING COMMISSION ACTION

- A. Lot Splits, Lot Mergers, and Minor Subdivisions (filed for record)
1. Marty's Replat

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