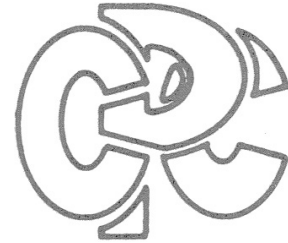




PLANNING COMMISSION MEETING

District Court Building
810 Parkway Street
Conway, AR 72034



Conway Planning Commission

June 20, 2016, 7:00 pm

The regular meeting of the Conway Planning Commission was held Monday, June 20, 2016 in the Russell L. "Jack" Roberts District Court Building. Present: Chairman, Mark Lewis, Vice-Chairman Matthew Brown, Marilyn Armstrong, Bryan Quinn, Wendy Shirar, Justin Brown, and Dalencia Hervey. Jerry Rye, Anne Tucker and Brooks Freeman were absent.

Chairman Lewis called the meeting order. He then clarified that the Board of Zoning Adjustment variance request for 1915 Arrowhead Lane has been postponed until the July Planning Commission meeting.

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 June 28, 2016.

Minutes from the May meeting were approved unanimously on a motion made by Wendy Shirar and seconded by Marilyn Armstrong.

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.

I. PUBLIC HEARINGS

- A. Mr. Keller Johnson's Princeton Village PUD modification denial appeal was approved, to accept the fence as is built, 7-0 on a motion made by Bryan Quinn and seconded by Dalencia Hervey. This modifies the language of condition 10 to read, *"The existing fence extends along the entire south property line of Lots 7-15 on the south side of the alley. This fence is constructed of brick with brick columns approximately 16 feet on center. The existing fence height varies from approximately 6'-9" on the east to 9'-0" on the west, exclusive of the brick columns. The brick section height is measured from the base of the fence at ground elevation. The existing wood fence shall not be decreased in height."* The language of condition 11, as presented in the June 2016 Staff Report was approved 6-0-1 on a motion made by Bryan Quinn and seconded by Wendy Shirar with

Dalencia Hervey abstaining. Mr. Frank Shaw, 1315 Main Street, presented the request on behalf of Keller Johnson. Mr. Shaw stated that the modification request was for conditions number 10 and 11 of the Princeton Village Final Development Plan, pertaining to fence height and construction materials. The perimeter fence in question has been completed for some time and was installed to provide privacy for Mr. Donald Bryant, an abutting property owner to the south. Mr. Shaw explained that for the fence to be constructed as required, "on berm", would have caused the berm to intrude further onto Mr. Bryant's property forcing the removal of some trees, and would have negated the rear alley drive-way that was planned to serve the residences along Harvard Avenue. To compensate for the lack of the height that the berm would have added to the 8' fence, Mr. Johnson built a 9'-6" fence including 12' columns/pilasters. Mr. Shaw referenced and showed [to the Planning Commissioners] some photographs taken that day of Mr. Johnson standing in front of the fence on the Princeton Village side. At the time of construction, Mr. Bryant requested the wall be built taller to provide additional privacy to his property. Mr. Shaw provided correspondence from a consulting engineer who confirmed that extending the wall's height "...would likely overstress the wall and could lead to failure..." Mr. Shaw concluded by asking that the Final Development Plan be modified to accept the fence as constructed. Some discussion regarding the different fence construction materials followed. The PC sought clarification for action required from Director of Planning, Bryan Patrick, who stated that the PC's role was to 'clean up' the language of the conditions in question and provide clear direction to Mr. Johnson for the completion of the fence. Donald Bryant, 6 Westin Circle, spoke in opposition to the request. He recounted discussions with Mr. Johnson regarding the changes being made to the height of the roadbed and building lots which ultimately affected the height of the fence from Mr. Bryant's property; trees that were promised to provide privacy screening, but were not installed; and project clean up that was not performed. Dede Bryant, 6 Westin Circle, spoke in opposition to the request. Mrs. Bryant described the "big difference" of fence heights from the Princeton Village side versus the Donald's property side. She also noted a quote for \$3,500 she and Mr. Bryant solicited to complete the fence as required by the Final Development Plan. She stated that she and Mr. Bryant have tried to work with Mr. Johnson to come to a compromise, but have not been able to. The PC called on the homeowners on Harvard Avenue for their opinions. Robin Walker, 4365 Harvard Avenue, who lives directly opposite the Bryant's property, said she doesn't use her backyard much, but would not like to have a brick walk any taller. Janet Bradley, 395 Yale Drive, spoke saying that from the Princeton Village side you could not see anything on the Bryant's property. She also mentioned that making the fence any taller would feel like a "prison." (*Ms. Bradley does not live in a residence that borders the Bryant's property. She lives 6 lots north of Harvard Avenue, at the front of the development.*) The PC called on Keller Johnson to comment regarding the claims made by the Bryant's regarding possible concessions. Mr. Johnson stated that he felt he had gone above and beyond. He also admitted that he did agree to install trees, but was not aware that Mr. Bryant was expecting 5-6" caliper trees, which is larger and more expensive than the 2" caliper tree typically installed in new developments. He went on to say that he is still willing to install the smaller trees and let them grow. Mr. Johnson explained that the city street department required the undercut, which lowered the alley level, but that he also had to build the residential lots back up to get them out of flood plain. He also stated that lowering the alley height negated the possibility of the berm being built below the fence. The PC called on Mr. Shaw who stated that people often hope to have undeveloped property remain that way for privacy purposes, but this is not

the case. He pointed out that homeowners have purchased properties in the development with “reliance just like it [the fence] is.” He stated that both Mr. Johnson and Mr. Bryant could have planted trees in 2012 that would be maturing at this point.

- B. Salter Acquisition’s request to amend conditional use permit no. 1288 to include properties located at 2195 Dave Ward Drive and 815 South Donaghey Avenue was approved, omitting the existing conditions and without any new conditions, 6-1 on a motion made by Bryan Quinn and seconded by Marilyn Armstrong with Justin Brown voting in opposition. Brent Salter, 201 Lee Andrew Lane, presented the request. Mr. Salter described how Salter Properties has been developing the approximately 30 acres to the west of the subject property in a similar fashion and would like to extend the permitted conditional uses to include the subject property to enable like development.
- C. Evermore Ranch’s (formerly Back Acher’s Ranch) request to amend conditional use permit no. 1323 due to a change in property ownership was approved 6-1 on a motion made by Matthew Brown and seconded by Bryan Quinn with Justin Brown voting in opposition. Joanie White-Wagoner, 3725 College Ave, presented the request explaining that she and her husband, Daren Wagoner, have purchased the property from Letitia McMaster and would like to amend condition 10 of the existing conditional use permit since it ties the permit to the previous owner. There was some PC discussion about removing altogether the condition tying it the property owner, but ultimately the condition was retained.
- D. De Togni Properties’ request to rezone property located at 2522 College Avenue from R-1 to O-2 was approved 6-0-1 on a motion made by Bryan Quinn and seconded by Dalencia Hervey with Matthew Brown abstaining. Angela DeFrietas, 10 Shady Valley Lane, presented the request on behalf of Dr. De Togni. Ms. DeFrietas explained that Dr. De Togni is considering developing the property into physicians/medical offices, but does not have a firm plan at this time. He would like to secure the rezoning in order to pursue a partner with whom to develop the property.
- E. Grace Bible Church’s request for a conditional use permit to allow religious activities for property located at 701 Garland Street was approved 7-0 with no conditions on a motion made by Marilyn Armstrong and seconded by Wendy Shirar. Brian Felland, 48 Springhill Lane, Greenbrier, presented the request as the contractor on behalf of his client. He explained that the church would like to develop the existing building for the church’s use.
- F. Shaver Properties’ request to rezone property identified as the 400 block of Ingram Street, including 420 2nd Street and 401 Monroe Street, from R-2A to PUD, including the four staff suggested final development plan conditions, was approved 7-0 on a motion made by Justin Brown and seconded by Marilyn Armstrong. Mr. Allen Shaver, 1261 Harkrider Street, presented the request. Mr. Shaver described his plans to develop 26 single-family residences, 20 townhouse units, and 4 duplexes with the townhouses and duplexes located to the rear of the property, closest to the existing, adjacent apartment development, and the single-family houses located closer to the street. Mr. Shaver addresses the PC’s question regarding street improvements by explaining that, while there are no city street improvements planned, he intends to build a private drive through the center of the PUD, but intends to keep it privately maintained as he may install a gate system to prevent a lot of traffic from the adjacent apartment development from cutting through the PUD. Mr. Bryan Patrick, Director of Planning & Development, explained the plans for higher density developments, prepared by the Planning Staff for Mr. Shaver’s development, could become part of standard guidelines [form-based code] for future small lot developments in an effort to promote well-planned, higher-density developments, even outside the confines of a PUD. The presented plan includes

individual lots for the different dwellings and will require replatting accordingly. While Mr. Shaver will retain ownership of all the properties at this time, creating separate lots lends itself to more of a neighborhood feel and would allow him to sell individual lots in the future.

Final Development Plan Conditions required as part of this rezoning include:

1. PUD shall be generally developed as shown on the site plan sketch. Variations from the submitted plan shall be allowed for technical reasons. However, the density and intent of the site plan shall be followed.
2. Platting shall be required. Any additional right of way, sidewalks, etc. as required by the Subdivision Ordinance shall be dedicated and constructed. An additional 5 feet of right of way shall be dedicated along Ingram Street in anticipation of Ingram Street being upgraded to a collector street classification.
3. Setbacks, Lot Coverages, Parking Areas and Building Form. As a small lot development, reduced setbacks and increased lot coverages shall be allowed. Defined setbacks, lot coverages, parking areas, and desired building forms shall be defined in the final development plan, plat and PUD documents.
4. Planning Director approval of structure designs and materials is required. Planning Staff shall use the Old Conway Design Overlay guidelines as the basis for review. Planning Staff decisions may be appealed to the Conway Historic District Commission.

II. DISCUSSION

- A. Bryan Quinn asked to consider changing the standard meeting time from 7:00 pm to 6:30 pm. After some discussion Mr. Quinn agreed to leave the meeting time unchanged.
- B. Wendy Shirar expressed concern about how the Princeton Village PUD Final Development Plan modification denial appeal was handled. She explained that the reason for her affirmative vote was her understanding that there would be an amendment made to require Mr. Johnson to install trees as a concession to the Bryants. Marilyn Armstrong agreed saying that the PC needs to "hear" people when they come to express their opinion. Dalencia Hervey recounted that there was discussion about a separate vote on an amendment that would require trees. Bryan Quinn agreed, but said when he made the motion regarding condition 11 he failed to include the tree requirement.

III. ITEMS NOT REQUIRING PLANNING COMMISSION ACTION

- A. Development Reviews
 1. The Shoppes at Centerstone, 2405 Dave Ward Dr
 2. Burger King, 2355 Moix Blvd
 3. Baptist Medical Office Building, 325 United Dr
 4. Arkansas Skin Cancer Center, 1075 Andrews Dr
 5. Thornton Mini-Storage Phase 2, 760 S. Hogan Rd
- B. Lot Splits, Lot Mergers, and Minor Subdivisions (filed for record)
 1. The Village at Hendrix, Phase 1 Replat Lots 95-R thru 104-R-B [minor subdivision]
 2. The Meadows Subdivision, Phase 6 [minor subdivision]

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

