



CONWAY PLANNING COMMISSION

PLANNING COMMISSION MEETING

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

August 21, 2017, 7:00 pm

The regular meeting of the Conway Planning Commission was held Monday, August 21, 2017 in the Russell L. "Jack" Roberts District Court Building. The following members being a quorum were present and acting: Vice-Chairman, Jerry Rye, Brooks Freeman, Dalencia Hervey, Marilyn Armstrong, Bryan Quinn, Wendy Shirar, Justin Brown, and Brandon Ruhl. Anne Tucker and Arthur Ingram were absent.

Vice-Chairman Rye called the meeting order at 7:02 pm.

Vice-Chairman Rye 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 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. Items reviewed by the Planning Commission on this agenda may be considered by the City Council August 22, 2017.

Vice Chairman Rye announced that agenda item D4, Phil Dayer's request for a Conditional Use Permit to allow General Retail at 2545 Prince Street, had been postponed. The public hearing for this item would be held at the September 18, 2017 meeting.

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

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. SUBDIVISION COMMITTEE REPORT

The subdivision committee report, presented by Marilyn Armstrong, was approved unanimously on a motion made by Bryan Quinn and seconded by [inaudible].

A. Request for Preliminary Plat Approval - Willow Oak Manor Subdivision

The preliminary plat for Willow Oak Manor was reviewed and approved by the Subdivision Committee subject to the completed punch list.

B. Request for Preliminary Plat Approval - Robynmar Subdivision, Phase 1

The preliminary plat for Robynmar Subdivision, Phase 1 was reviewed and approved by the Subdivision

Committee subject to the completed punch list and coordination with the Street and Fire Departments.

II. PUBLIC HEARINGS

A. Soul Food Cafe Mission's request to rezone from A-1 to R-2A property located at 1715, 1717, and 1727 S Donaghey Avenue

Rick Harvey, 168 Sunshine Farms Rd, Bigelow, Director of Soul Food Cafe Mission (SFCM), presented the request. Mr. Harvey, gave some background on the SFCM church (previously known as Christ Church) and shared the church's mission to serve those in need in the community. He went on to share statistics of how many meals have been served, people have accepted Jesus as their Savior, Bibles given, health & beauty and clothing items given, haircuts given, and food boxes given. SFCM is operated completely by volunteers. Mr. Harvey shared some testimonies. He described the proposed shelter program as short term, 1 to 3 days, with a maximum of 7-day stays for anyone in need of emergency shelter. Mr. Harvey addressed the concerns of SFCM's proximity to a school and daycare and shared some of the safety plans for SFCM's shelter program, some of which include interview of applicants by staff, required identification of applicants, no sex or violent offenders will be admitted, etc. Bill Milburn, no address given, a retired Conway police officer, spoke in favor of the request. Mr. Milburn spoke of having no problems with SFCM through his experience at the Police Department and told of how courteous SFCM is when using Conway First Church of the Nazarene's facility. Holly Michael, a Deerfield Subdivision resident and SFCM volunteer, spoke in favor of the request. Ms. Michael spoke of how well SFCM is run and the lives she sees changed for the better through their programs. Jared Bridgeman, 12 Forest Ln, spoke in favor of the request. Mr. Bridgeman spoke to hold the City accountable to their promise to help find the right place for this type of shelter program. Anthony Stauffer, homeless, spoke in favor of the request. Anthony described being diagnosed with a medical disorder that caused him to lose his job and home. He now lives in his car and relies on organizations like SFCM. He spoke of how difficult it is to live in the Conway community in terms of lack of help for those who do not have a home and/or employment. Phillip Fletcher, 2652 Bruce St, spoke in favor of the request. Mr. Fletcher echoed Mr. Bridgeman's comments to hold City Council accountable to protect all of Conway's citizens by supporting community efforts to meet needs or by creating avenues for compassion to roll freely. Rochelle Westin, [no address given], spoke in favor of the request. Ms. Westin described her experience of receiving help from SFCM for her family when she was in need. Rob Duhan, 60 Fairmont Dr, spoke in favor of the request. Mr. Duhan shared his experience of receiving help from SFCM when he was in need. Cheryl Pickens, 21627 Jeff Rd, Hinsley, spoke in favor of the request. Ms. Pickens described her experience of losing everything due to Hurricane Katrina in 2005 and how SFCM helped her family when they had nothing. Elizabeth West, 475 E Robins, Lot 42, spoke in favor of the request. Ms. West described her experience recovering from a drug addiction and how SFCM helped her as she was making a fresh start with her family. She now volunteers with SFCM. Brian Parsons, 2810 West Port Circle, spoke in favor of the request. Mr. Parsons described how his wife volunteers with SFCM 4 days per week and he feels safe with his wife being there. He recounted his wife's experiences of seeing the value of her contribution and he urged the audience to tour and/or volunteer with SFCM. Tracy Harvey, 168 Sunshine Farms, Bigelow, spoke in favor of the request. Mrs. Harvey, described how she feels called to go out and find those who are homeless and help them and stated that she never feels threatened or unsafe. She also shared a testimonial text of a formerly homeless individual who now has a place to live, but does not have electricity and virtually no possessions. Dusty Glidewell, 2295 Apple Blossom, spoke in favor of the request. Mr. Glidewell echoed Mrs. Harvey's comment about not feeling unsafe when trying help those who are homeless. Tim Britton, 1505 Gardenia, Pastor at First Church of the Nazarene, spoke in favor of the request. Mr. Britton explained his church's partnership with SFCM and stated that they have not had any problems and spoke of the community's responsibility to those who need help.

Landon Sanders, 2355 Springcrest, spoke in opposition to the request representing the Spring Valley Subdivision. Mr. Sanders stated that the residents of Spring Valley are not opposed to helping those who are homeless, but that they feel there is a more appropriate place for these services, primarily the overnight stay portion, to be offered instead of a largely residential area with an elementary school and preschool. Mr. Sanders noted that the rezoning to R-2A, which could allow duplexes, is not desirable. He said the residents of Spring Valley are

concerned about loitering, safety, crime, drug use, and property values. He presented a petition signed by more than 200 individuals and asked the Commission for a unanimous denial of the rezoning and conditional use permit requests. Vice-Chairman Rye interjected that the Commission is happy to hear all opposed speakers, but he noted the Commission had received 60+ emails and asked that speakers not reiterate what was said in those messages. Roger Dobbins, 2670 Zoysia Ln, spoke in opposition to the request. Mr. Dobbins drew attention to the City of Conway Comprehensive Plan which designates the subject property as appropriate for single-family residential use. Thomas Vincent, 904 Front St, representing Kids University, spoke in opposition to the request. Mr. Vincent shared statistics regarding crime and drug use among the homeless population. He questioned SFCM's capacity to screen shelter applicants. Stephanie Johnson, 2440 Apple Blossom, spoke in opposition to the request. Ms. Johnson is a GIS Technician with the Arkansas Military Department. She is concerned about the possibility of homeless encampments that may develop in the wooded areas near SFCM. Ms. Johnson shared her experience of being homeless before she moved to Conway, but feels that, though she is now a home-owner, short-stay shelter will not help those without a home transition appropriately. Chris Sullivan, 2650 Poppy Cv, spoke in opposition to the request. Mr. Sullivan recounted the various requests that the Spring Valley POA has opposed in the past in order to protect its residents and property values. He noted that he was homeless approximately 10 years ago. Lee Early, 115 Nichole Cir, spoke in opposition to the request. Mr. Early is a certified residential appraiser and stated that property values can be affected by the proximity to the requested services. He also drew attention to the lack of sidewalks to serve those on foot in the area. David Eubanks, 1745 Jasmine, spoke in opposition to the request. Mr. Eubanks shared concerns about individuals not served by SFCM, those that are beyond their 7-day limit, and the prevalence of mental illness among the homeless population. Jamie Stratton, 2335 Dahlia, spoke in opposition to the request. Ms. Stratton, provided aerial photos depicting the location of residences, schools, etc. in the area. She is concerned with the ease of access individuals at SFCM have to Spring Valley Subdivision and noted she has seen tents being used on the property. Jackson Terrell, 2535 Apple Blossom, spoke in opposition to the request. Mr. Terrell, 14-yr old, shared that he is concerned for the safety of students attending Ellen Smith Elementary which he too attended for many years. Roger Anderson, 1635 Ivy Cv, spoke in opposition to the request. Mr. Anderson, a long-time volunteer with The Stewpot in Little Rock, is concerned with the location of the proposed shelter. He is not opposed to the services offered, but those receiving the services have to get to and from them and the location is not ideal for this use. Melissa Britt, 1520 Gardenia, spoke in opposition to the request. Ms. Britt presented a petition, opposing the homeless shelter use, signed by some of the residents of Southwind Subdivision. She recounted instances of people walking in the neighborhood acting oddly. Stephen Sichmeller, 2250 Morning Glory, spoke in opposition to the request. Mr. Sichmeller drew attention to the time frame in which Spring Valley was constructed [2250 Morning Glory was constructed in 2003] compared to when SFCM received their land and built their facility [2007]. Jennifer Hyatt, 1675 Churchill, spoke in opposition to the request. Mrs. Hyatt, who manages 9 residential properties in the immediate area, expressed concerns regarding safety, property values, drug use, etc. Kevin Watson, 680 Padgett Rd, spoke in opposition to the request. Mr. Watson, while a supporter of the SFCM services, does not feel the location is appropriate. Dave Hogue, [no address given], spoke in favor of the request. Mr. Hogue stated that denying SFCM's request based on the proposed location was not appropriate. Pamela Maltbia, [address given as Spring Valley Subdivision], spoke in opposition to the request. Ms. Maltbia moved to Conway from Chicago to provide a safer environment for her family. She would not feel safe with SFCM's homeless shelter in the immediate area. Pam Arnold, 1650 Ivy Cv, spoke in opposition to the request. Ms. Arnold's spouse works 28 days at a time on an off-shore oil rig. She is concerned about safety for her and her son when her husband is away working. Mark Keller, 1640 Jasmine, spoke in opposition to the request. Mr. Keller expressed concern for the safety of his two daughters. He asked the Commission to consider the largely single-family nature of the area. Stephanie Cullum, 2535 Gladiola, spoke in opposition to the request. Ms. Cullum expressed concern for the foot traffic, to and from SFCM, this would create, which is unsafe in her opinion, and also stated that there is nothing in the area, aside from SFCM, for those needing help. It is largely single-family homes and no other services. Aaron Myers, 1660 Churchill, spoke in opposition to the request. Mr. Myers posed questions regarding SFCM's shelter policies, i.e. what happens to applicants who are rejected and what happens to applicants when their allowed 7 day stay is complete? He wants to see those who need help to receive it, but for it to be done in the

right way and not put SFCM's programs at risk if they have problems.

Vice-Chairman Rye closed the public hearing and brought the item back before the Planning Commission for discussion. Marilyn Armstrong clarified that she does not believe that all homeless individuals are dangerous and that there is a criminal element in many parts of the City, not among any one specific group. The Commission seemed most concerned with the appropriateness of the R-2A density in the mostly R-1 area and if the rezoning to R-2A is a means to an end, meaning what would happen if SFCM were to change locations? Concerns regarding mental health and drug abuse were discussed. Marilyn Armstrong motioned that the request be forwarded to the City Council with a recommendation for approval. Dalencia Hervey seconded the motion. The motion neither failed or passed on a 5-3 vote, with commissioners Marilyn Armstrong, Bryan Quinn, Jerry Rye, Wendy Shirar, and Brandon Ruhl voting in opposition. [*Vice-Chairman Jerry Rye announced that the motion failed, but as it did not receive the minimum of 6 votes required, the request will be forwarded on to City Council with no recommendation.*]

B. Soul Food Cafe Mission's request for a conditional use permit to allow a Shelter for the Homeless and Religious Activities for property located at 1715, 1717, and 1727 S Donaghey Avenue

As the rezoning which would have permitted this Conditional Use Permit was not approved this item was not reviewed.

C. Watson & Watson Construction's request to rezone from A-1 to R-1 property located west of S Donaghey Ave, south of Spring Valley Subdivision, and east of Salem Woods Subdivision

Kevin Watson, 680 Padgett Rd, presented the request. Mr. Watson explained that the property is currently zoned A-1 and his company has plans to develop it into a single-family home subdivision of approximately 140 to 150 lots over a 4 to 5 year time period with homes ranging in size from 1400 to 2000 sf. David Giorgi, 1680 Hosta, representing the Spring Valley Subdivision Property Owner's Association, asked for clarification of the location of the proposed rezoning.

Vice-Chairman Rye closed the public hearing and brought the item back before the Planning Commission for discussion. Bryan Quinn motioned that the request be forwarded to the City Council with a recommendation for approval. Justin Brown seconded the motion. The motion passed unanimously.

D. Covington Properties' request to rezone from I-3 to C-3 property located at 655 & 700 Dave Ward Drive

Jason Covington, 4630 Bay Hill Drive, presented the request explaining their intent to rezone to C-3 so that as lots are sold development will be held to the higher C-3 standard instead of the lesser I-3 requirements and there would be no requirement for conditional use permits for retail, as is the current requirement. Vice-Chairman Rye closed the public hearing and brought the item back before the Planning Commission for discussion. There was a lengthy discussion about allowing a carte blanche rezoning to C-3 with no clear plan for the property. The different uses allowed in C-2 versus C-3 were explained by Bryan Patrick, director of Planning & Development. It was determined that intensive industrial use, such as manufacturing, is no longer appropriate for this area. The possibility of downgrading the rezoning to C-2 to provide more control of development was proposed, but the applicant requested to leave the zoning as is if the requested rezoning to C-3 would not be considered. 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 on a vote of 7-1. Justin Brown voted in opposition.

E. Grant Gordy's request to rezone from A-1 to R-1 property located at 2 Eve Lane

Grant Gordy, 4915 Tyler Street, presented the request explaining his desire to split the large lot into two smaller single-family lots and construct a new residence on the new lot as well as renovate the existing residence. Vice-Chairman Rye closed the public hearing and brought the item back before the Planning Commission for discussion. Bryan Quinn motioned that the request be forwarded to the City Council with a recommendation for

approval. Dalencia Hervey seconded the motion. The motion passed unanimously.

E. Joseph Thielke's request to rezone from I-3 to C-3 property located at 1200 Thomas G Wilson Drive and 1300, 1350, and 1400 E.W. Martin Drive

Joe Thielke, [no address given], presented the request. Mr. Thielke described the location of his property in relation to the recently developed Lewis Crossing shopping center and noted when the high-pressure sewer line was installed it forced the property to be configured into small lots which are not very useful for intensive industrial use. Vice-Chairman Rye closed the public hearing and brought the item back before the Planning Commission for discussion. Bryan Quinn motioned that the request be forwarded to the City Council with a recommendation for approval. Wendy Shirar seconded the motion. The motion passed unanimously.

F. Angela Byrd's request for a conditional use permit to allow restricted office in an R-2 zoning district for property located at 1344 Robins St

Angela Byrd, [no address given], presented the request. Ms. Byrd explained that she is purchasing the property and would like to operate her small law office from this location as it is in close proximity to the Faulkner County Justice Building. Vice-Chairman Rye closed the public hearing and brought the item back before the Planning Commission for discussion. Marilyn Armstrong motioned that the request be forwarded to the City Council with a recommendation for approval including the staff suggested conditions. Brooks Freeman seconded the motion. The motion passed unanimously.

Conditions attached to this motion are:

1. Signage. Signage shall be limited to a non-illuminated face-plate attached to the structure no greater than 2 square feet in area. Freestanding signage shall be 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.
2. Terms of Conditional Use. The restricted office is 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.
3. Lighting, parking, screening/buffering, and sidewalks are subject to Staff Development Review.

G. Elizabeth West's request for a conditional use permit to allow a child care facility in an R-2 zoning district for property located at 2425 Tyler Street

Elizabeth West, 2943 Hwy 287, Hattieville, presented the request. Ms. West explained that she is purchasing the property and would like operate a child care center as the property was originally designed to be. To help mitigate traffic concerns she plans to add 6 additional parking places to the property; have two staff members directing traffic during peak hours for drop off and pick up; she will instruct each parent as to the traffic flow plan. Ms. West described that she plans to operate from 6am to 6pm Monday-Friday and possibly 8am to 3pm on Saturday. There was some discussion about the number of children that will be permitted in the facility and the ages. It was concluded that the AR Department of Human Services will control these factors through it's licensing procedure. Kim Tyler, [no address given], spoke in favor of the request. As a representative of the Tyler Family Trust, which owns the property, Ms. Tyler gave some history of the property and explained that since the previous child care facility has been closed for more than one year (since approximately 2009) a conditional use permit is required to operate one in an R-2 zone. Hervey Galloway, 1616 Sarah Circle, spoke in opposition to the request. Mr. Galloway expressed concerns about the size of the lot as it pertains to adequate parking as well as the amount of traffic created that will add to traffic to and from nearby Conway High School during peak hours. Gwen Galloway, 1616 Sarah Circle, spoke in opposition to the request. Mrs. Galloway is concerned about the lack of parking and traffic that will be created. Vice-Chairman Rye closed the public hearing and brought the item back before the Planning Commission for discussion. The commission discussed the availability of parking as well as traffic that will be generated by the use. Justin Brown motioned that the request be forwarded to the City Council with a recommendation for approval including the conditions listed below. Marilyn Armstrong seconded the motion. The motion passed on a 6-1-1. Wendy Shirar voted in opposition. Bryan Quinn abstained.

Conditions attached to this motion are:

1. Hours of operation are limited to 6:00 am to 6:00 pm Monday through Friday; 8:00 am to 3:00 pm Saturday.
2. Permit is limited to applicants, Michael and Elizabeth West, only.

H. Request to amend Conway Zoning Ordinance #O-94-54 to clarify the definition of 'Office' and the allowed zoning districts for 'Pharmacy' and 'Pharmaceutical Compounding'

Bryan Patrick, director of Planning & Development, presented the request explaining that a conflict exists in the zoning ordinance regarding the zoning districts which allow a pharmacy and a pharmacy as part of a medical office. The intent of this amendment is to clarify what is allowed as an 'Office' generally and the proposed revised definition is, "a business providing administrative, executive, management, professional services, or medical clinic. Examples included architect, accountant, engineer, attorney, doctor, dentist, or similar profession." This amendment makes a clear distinction between 'Office' and 'Restricted Office'. Also proposed is changing which zoning districts would allow a general 'Office' use. Additionally, to clarify the allowed zoning districts for a 'Pharmacy' or 'Pharmaceutical Compounding', as per the intent of the Zoning Ordinance, Mr. Patrick proposes amending Addendum A to exclude 'Pharmacy' from the Clinic use category, add C-3 as an allowed zoning district for 'Pharmaceutical Compounding', and remove any reference to 'Pharmacy' from the 'Office' definition. Vice-Chairman Rye closed the public hearing and brought the item back before the Planning Commission for discussion. Marilyn Armstrong motioned that the request be forwarded to the City Council with a recommendation for approval including the staff suggested conditions. Dalencia Hervey seconded the motion. The motion passed unanimously.

III. ITEMS NOT REQUIRING PLANNING COMMISSION ACTION

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

1. Laurel Park Tennis Facility, 2215 Prince Street

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

1. North Market Partners Replat, Lots 5B & 5C (Book L, Page 333)
2. Sherwood Estates Replat, Lots 63 & 64 (Book L, Page 334)
3. Ingram Village PUD, Phase 2 (Book L, Page 335)

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

1. Zion Replat
2. Cadron Valley Estates, Phase 1 Replat

Adjournment

There being no further business to conduct, the meeting was adjourned by unanimous vote on a motion made by Justin Brown and seconded by Wendy Shirar. The motion passed unanimously.

Approved:



Chairman, Anne Tucker