



CONWAY PLANNING COMMISSION

PLANNING COMMISSION MEETING

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

July 16, 2018, 7:00 pm

The regular meeting of the Conway Planning Commission was held Monday, July 16, 2018 in the Russell L. "Jack" Roberts District Court Building. The following members, being a quorum, were present and acting: Chairman Jerry Rye, Vice-Chairman Justin Brown, Brooks Freeman, Dalencia Hervey, Bryan Quinn, Brandon Ruhl, Wendy Shirar, and Anne Tucker, and Rhea Williams. Arthur Ingram was absent.

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 reviewed by the Planning Commission on this agenda may be considered by the City Council on July 24, 2018. 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.

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.

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

I. SUBDIVISION COMMITTEE REPORT

The subdivision committee report was presented by Justin Brown.

A. Request for preliminary plat approval - Station Haus Addition

The preliminary plat for Station Haus Addition was reviewed and approved by the Subdivision Committee [on June 18, 2018] subject to the amended punch list. Punch list items that were amended are as follows:

Street Design Requirements

17. The Planning Commission may authorize a new boundary street when the subdivider agrees to dedicate the entire right-of-way and construct all the required improvements. ***The Planning Commission authorized this condition.***

Block Design Requirements

23. Blocks over 1000 feet in length may require a public crosswalk within a dedicated easement of not less than 15 feet in width including a paved crosswalk not less than five feet in width to provide pedestrian circulation. ***The Planning Commission approved the over-length block without requiring the crosswalk.***

B. Request for preliminary plat approval - Freyaldenhoven Subdivision

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

II. PUBLIC HEARINGS**A. Request for Conditional Use Permit to allow mini-storage in RU-1 for property located at 1550 E Dave Ward Drive**

Chairman Rye announced that the request had been withdrawn by the applicant prior to the meeting.

B. Request to rezone property located at 2010 Salem Road from A-1 to RU-1

Mitch Hart, 1401 Hogan Lane, presented the request on behalf of Jackson Wilson/The Computer Works. Mr. Hart explained that the rezoning is an attempt to bring the property into zoning compliance as it has been used in the same manner for 30+ years and has a grandfathered status. Jackson Wilson, 9 Valley Ridge, spoke in favor of the request. Mr. Wilson explained his family's business, The Computer Works, is looking to purchase the property. They are aware that AT&T has an active lease on the property until 2020 and the right of first refusal to renew the same lease, but should AT&T not renew, The Computer Works would like to move their business to this location to provide more room for their operation. Jim Meheny, 1940 Royal Dr, spoke in opposition to the request. Mr. Meheny expressed concerns regarding increased traffic and noise if the property were to be rezoned. Jay Winbourne, 2950 Franklin Circle, spoke in opposition to the request. Mr. Winbourne expressed concern that the zoning change does not fit with the Comprehensive Plan and would create opportunity for other, namely commercial, uses of the property, through the conditional use permit process, which would increase traffic and noise. He was concerned about his property value as well. Dave Tusson, 2950 Craighead Cir, spoke in opposition to the request. Mr. Tusson expressed concern about the increase in traffic that has occurred in the last couple of years and would continue to increase if the property zoning were to change. He was also concerned about his property value and the possibility that the property would be sold. Bryan Patrick, Director of Planning & Development explained that the RU-1 zoning primarily allows office and school uses by right. An office building could be developed on the property with the zoning change, but Development Review would be required. Likewise, any subdividing of the property would require Subdivision review by the Planning & Development Department. The current use of the property can continue so long as it does not lapse for one year, without requiring a zoning change or conditional use permit as it has grandfathered status and would convey with the property. Chuck Davison, 1930 Royal Dr, spoke in opposition to the request. Mr. Davison was in favor of the property being developed as residential, because then it could not be developed into anything beyond residences. He was concerned with the unknown and what impact that would have on property values. John Skinner, 2870 Summerset Dr, spoke in opposition to the request. Mr. Skinner's property is adjacent to the subject property. He expressed concerns for security and his property's value, though he noted that the current use of the property is not bothersome. He liked the security of knowing that access to the rear of the subject property is currently controlled by an access gate and limited to AT&T employees. Robert Groff, 3140 Baxter Dr, spoke in opposition to the request. He inquired if an environmental impact study had been done as it pertains to the drainage problems that exist in Royal Oaks and Krooked Kreek Subdivisions. Mr. Groff was also concerned with property values. Emily Pearce, 2880 Summerset Dr, spoke in opposition to the request. Ms. Pearce shared concerns for security, access to the rear of her property through a double gate, increased traffic, and property value. Lisa Winbourne, 2950 Franklin Cir, spoke in opposition to the request. Mrs. Winbourne asked if the property could be subdivided and portions sold. The answer was yes, as the Planning Commission cannot limit a property owner's right to subdivide or sell his property. Dave Tusson, 2950 Craighead Cir, asked about public notifications that were mailed. It was explained that the required notification area was a certain radius from the subject property and was assured that the notification requirement had been met. Randall Erwin, 2835 Summerset Dr, spoke in opposition to the request. Mr. Erwin noted that large wooded portion of the property serves as natural wetlands for drainage. Bennie Morris, 2820 Summerset Dr, spoke in opposition to the request. Ms. Morris shared concerns for security if the property were to change and develop further.

Chairman Rye closed the public hearing and brought the item back before the Planning Commission for discussion. The Commission discussed the ownership of the property and possible lease renewal by AT&T. The Commission sought guidance from Bryan Patrick regarding the “grandfathered” status of the use of the property and potential future development. Bryan Quinn motioned that the request be forwarded to City Council with a recommendation for approval. Anne Tucker seconded the motion. The motion passed 7-1 with Rhea Williams voting in opposition.

C. Request for conditional use permit to allow Contractor (general or heavy construction) facilities other than office; Contractor (special trade) facilities; Office Equipment Sales; Retail Restricted; Utility Facility; Warehousing; and Drive-through window in RU-1 for property located at 2010 Salem Road

Mitch Hart, 1401 Hogan Lane, presented the request on behalf of Jackson Wilson/The Computer Works. Mr. Hart explained that the conditional uses being requested were chosen to cover the current uses of the property by AT&T and possible future uses by The Computer Works and the process of how they made these selections. The Commission discussed with Mr. Hart how these suggested conditions might be modified to make the request more acceptable to nearby residents. Dave Tusson, 2950 Craighead Cir, spoke in opposition to the request. Mr. Tusson questioned the possibility of retail on the property following the approval of the rezoning to RU-1. Jim Meheny, 1940 Royal Dr, spoke in opposition to the request. Mr. Meheny expressed concern that property values would decline if retail use is approved for the property. Shannon Chamoun, 1950 Royal Dr, spoke in opposition to the request. Ms. Chamoun was worried that the business would grow and expand if The Computer Works occupies the property. John Skinner, 2870 Summerset Dr, spoke in opposition to the request. Mr. Skinner stated that he has grown accustomed to AT&T’s current use and that a zoning change wasn’t needed if a change in the use of the property wasn’t imminent. Ms. Chamoun questioned the traffic impact indicated in the Staff Report to which the Commission explained that it is the role of the Planning Staff to share the worst-case scenario that could occur if the proposed change of the property is approved to the Planning Commission can weight the potential impact.

Chairman Rye closed the public hearing and brought the item back before the Planning Commission for discussion. Justin Brown suggested, in light of all the opposition voiced, that the motion [in the positive] be crafted carefully with the mindset that it could be approved and recommend on to City Council. The allowed uses and suggested conditions were modified to only allow for how the property is currently being used. The question was raised that if the conditional use permit was only to be issued to allow uses that are currently allowed by grandfathered status was the requested conditional use permit necessary? Anne Tucker motioned that the request for a conditional use permit to allow Contractor (general or heavy construction) facilities other than office; Contractor (special trade) facilities; Utility Facility; and Warehousing in RU-1 be forwarded to City Council for approval with the conditions listed below. Dalencia Hervey seconded the motion. The motion failed 0-8.

Conditions attached to the motion:

1. Any parking lot expansion must be approved by Planning Staff and meet development review standards.
2. No additional curb cuts along Salem Road.
3. No outdoor sound system.

D. Request to rezone from RMH to C-3 property located at 2740 Dave Ward Drive

David White with Tyler Group, 240 Skyline Dr, presented the request on behalf of Bryan Trent/Trent Family, LLC. Mr. White explained the applicant’s plan to develop the property as commercial which he thinks is fitting with the area. He cited examples of several areas of recent development that do not conform to the Comprehensive Plan in an effort to counter Planning Staff’s objection to the request. Car-Mart is the proposed tenant for 40%, approximately 2 acres, of the site. Bryan Trent, 12 Jentar Farm Rd, Greenbrier, spoke in favor of the request. Representing Trent Family, LLC, the property owner, Mr. Trent explained the plan to develop the property into 2 or 3 commercial lots. Ed Gerrardo, 802 Southeast Plaza, Bentonville, spoke in favor of the request. Mr. Gerrardo represents Car Mart and shared a conceptual plan for the proposed development including a shared drive in the

middle of the property using an existing curb cut along Dave Ward Dr.

Chairman Rye closed the public hearing and brought the item back before the Planning Commission for discussion. Bryan Patrick explained the Planning Staff recommendation of denial is based on the fact that, while the subject property is located on a major arterial, it is outside the neighborhood shopping node at the intersection of Salem Rd and Dave Ward Dr and should not be rezoned in an effort to prevent the “stripping out” of Dave Ward Drive. There was some discussion regarding shared access to the property to reduce the number of curb cuts and Bryan Patrick reminded those present that Dave Ward Dr is governed by the Access Management Plan which requires all curb cut accesses to be approved by Metro Plan. Bryan Quinn motioned that the request be forwarded to City Council with a recommendation for approval. Brooks Freeman seconded the motion. The motion passed 8-0.

E. Request to rezone from R-2A to O-3 property located at 1904 Washington Avenue

Beau Wilcox, 1315 Main St, presented the request on behalf of Willow Bayou, LLC/Jimmy New. Mr. Wilcox explained that his client had purchased the property, which had been vacant for a number of years, from the heirs of the previous owner’s estates with the intention of refurbishing it and operating it as a rental quiet office space. He gave some examples of other, non-residential, uses in the immediate area. Dennis Williams, owner of 1910 Washington Ave, inquired as to what types of businesses could operate in O-3. Bryan Patrick explained that any ‘typical’ office would be allowed by right. Diane Robinson, 1204 Winfield St, spoke in opposition to the request. Ms. Robinson voiced her concern that the rezoning of this property would continue the change from residential to office that she feels began with the rezoning of the property used by Fritzie Vammen for her law office. Ms. Elissa Douglass, 1810 Washington Ave, spoke in opposition to the request. Ms. Douglas was concerned with the property becoming a rental, but was pleased that it is being restored.

Chairman Rye closed the public hearing and brought the item back before the Planning Commission for discussion. The Commission discussed if rezoning was the only or best way to achieve the applicant’s goal and if allowing an office by conditional use permit might be a better choice. Anne Tucker motioned that the request be forwarded to City Council with a recommendation for approval. Dalencia Hervey seconded the motion. The 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.

III. ITEMS NOT REQUIRING PLANNING COMMISSION ACTION

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

1. Sleep Number, 811 E Oak St
2. St. Joseph Parking Lot, 1118 College Ave
3. Highway Mini Storage, 3875 Dave Ward Dr
4. Discount Direct, 709 6th St

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

1. Moffett Subdivision (P2018-00017)
2. Lewis Crossing Replat Lot 10 (P2018-000018)
3. Allen’s Subdivision (P2018-000019)
4. Club Villas PUD Replat (P2018-00020)
5. Jay’s Replat (P2018-00023)
6. Audubon Place Replat (P2018-00024)
7. Campbell Cove PUD (P2018-00025)
8. Kimberly Addition Replat (P2018-00026)

- 9. H.P. Merrit Replat (P2018-00027)
- 10. Campbell Cove PUD Correction Plan (P2018-00030)
- 11. Shelton Subdivision (P2018-00031)
- 12. Guy Murphy Industrial Park Ph 3 (P2018-00035)

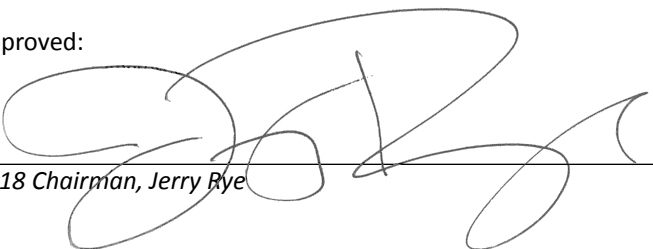
C. Lot Splits, Lot Mergers, and Minor Subdivisions were submitted for review since the previous meeting.

- 1. Guy Murphy Industrial Park Ph 3 (SUB2018JUN03)
- 2. Boulevard Replat Lot 3 Blk 54 (SUB2018JUN04)

Adjournment

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

Approved:



2018 Chairman, Jerry Rye