

The regular meeting of the Conway Planning Commission was held Monday, December 16, 2019 in the Russell L. "Jack" Roberts District Court Building. The following members, being a quorum, were present and acting: Brooks Freeman, Dalencia Hervey, Arthur Ingram, Bryan Quinn, Brandon Ruhl, Latisha Sanders-Jones, Brian Townsend, Anne Tucker, and Rhea Williams. Justin Brown was absent.

Minutes from the November meeting were approved 8-0 on a motion made by Anne Tucker and seconded by Rhea Williams, with a correction to item I.G noted by Brandon Ruhl.

I. SUBDIVISION REVIEW

The Commission voted 8-0 to approve the report from the Subdivision Committee meeting as presented by Brandon Ruhl.

A. Request for preliminary plat approval – Museum Meadows Subdivision

The preliminary plat for Museum Meadows Subdivision was reviewed and approved, with conditions, by the Subdivision Committee subject to completion of the amended punch list.

The following items required correction on the plat:

1. Show all hydrant locations.
2. Corrections as noted on Preliminary Plat.

Conditions:

1. Preliminary Plat approval from all reviewing agencies shall be obtained.
2. A 10 foot planting easement shall be required along Lower Ridge Rd.
3. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions, and conditions applicable to the property included in the submitted plat.
4. Fire hydrants must be placed so that the furthest point of a lot in a residential subdivision is not more than 600 feet from the hydrant located on the same street. Variances must be approved by the Planning Commission and Fire Chief.
5. Minimum clearance of twenty-six (26) feet must be provided around a fire hydrant.
6. Utility easements as required by Conway Corporation are needed.
7. Drainage easements as required by the City Engineer are needed.
8. All other applicable provisions of the City of Conway Subdivision Ordinance (#O-00-03) shall be satisfied and accounted for prior to Preliminary Plat approval.
9. Receipt of an approved or conditionally approved copy of the Preliminary Plat, together with an approved copy of the Improvements Plan, shall constitute authorization of the Planning Commission for the developer to proceed with the preparation of the Final Plat, the installation of improvements, and the staking out of lots and blocks. The developer, after conditional approval of the Preliminary Plat, shall complete all improvements required under this regulation.

II. PUBLIC HEARINGS

A. Request for zoning variance to allow reduced exterior and front setbacks for property located at 2118 Hairston Avenue

James Walden, Director of Planning, described the location of the property and explained that it has never been platted nor had setbacks established,] outside of those required by its zoning district assignment. As the property was originally developed during the 1950s, prior to zoning regulation in the City of Conway, it was conforming at the time of development. With the adoption of zoning regulation the property became non-conforming. The applicants wish to demolish an existing, attached, carport and covered porch and to construct an addition to the home within the same footprint. Building setbacks required in the R-2A zoning district are 25' front and exterior. Reducing the front and exterior setbacks does not increase the non-conformity of the property, but rather reconciles existing [non-conforming] conditions. The Planning Staff recommends approval of the zoning variance, reducing the front setback (Western Ave) to 23' and exterior setback (Hairston Ave) to 9.5', with the condition that the property be platted prior to building permits being

issued. Theresa Gaxiola (2118 Hairston Ave) spoke in favor of the request.

The public hearing was closed and presented to the Commission for discussion. The request was recommended for approval, including 1 condition, 8-0 on a motion made by Bryan Quinn and seconded by Arthur Ingram.

Condition:

1. The applicant shall be required to plat the property prior to pulling building permits for the project.

B. Request for conditional use permit to allow self-storage facility in C-2 at 2505 Salem Road and 2890 Meadowlake Road

Levi Hill, Assistant Director of Planning, explained the applicant's request for conditional use permit to construct a self-storage facility on the property. While the proposed use of the property doesn't align with the Comprehensive Plan, utility deficiencies exist on the site that prevent it from being used as designated by the Comprehensive Plan. Staff recommends approval. Bobby French (1021 Front St) spoke in favor of the request on behalf of the applicant. Mr. French expressed concerned with the required additional landscaping along Salem Rd. Mr. Hill explained that the request was in an effort to provide additional screening as a buffer for neighboring residential uses. He also clarified that exact tree placement isn't required for approval of the conditional use permit. Specific landscaping requirements will be reviewed during development review. The Commission discussed the location of the entry drive and how that will impact traffic and access. Also, uses prohibited by proposed condition 8 were discussed, but Planning staff clarified that work done for the maintenance of the property would be considered different from work done inside a storage unit in support of another business. Slight changes were made (reflected in the minutes) to the wording of conditions 3, 4, and 8 from staff proposed conditions.

The public hearing was closed and presented to the Commission for discussion. The request was recommended for approval, including 11 conditions, as noted below, 8-0 on a motion made by Brandon Ruhl and seconded by Brooks Freeman.

Conditions:

1. The Planning Director may impose reasonable conditions on approval of the Development Review plans. Such conditions may be appealed to the Planning Commission if not agreed to by the applicant.
2. Platting of the property, in accordance with the Subdivision Regulations, shall be required.
3. Any proposed fencing shall use masonry or ornamental metal materials. The Planning Director may approve alternative materials.
4. Landscaping shall be provided in excess of that required by Section 1101 of the Zoning Code. This shall include a minimum of one canopy tree planted every 15 feet along Salem Rd. The Planning Director may approve alternative spacing.
5. Any expansions or additions to the structure as well as any changes to the use shall require an amended or new conditional use permit.
6. The storage of hazardous chemicals or explosives is prohibited.
7. The storage of petroleum products is prohibited.
8. The operation of spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, and other similar equipment in a storage unit is prohibited.
9. No storage unit may be used for the purposes of operating a business except for the purpose of providing storage for a business that is located off-site.
10. Any outside storage, including vehicles and/or vehicles/equipment for rental use, shall be screened and shielded from view of adjacent property or public right of way.
11. All lighting shall not exceed twenty (20) feet in height and be full cut-off, shielded lighting as defined by the IESNA. Such lighting shall be directed to prevent trespass of light onto the adjacent residential district or use.

C. Request to rezone from A-1 to O-2 +/-3.29 acres located in the 100 block of Hogan Ln

James Walden explained the applicant's rezoning request and following conditional use permit request as largely speculative, but with one potential tenant, a church. The property is proposed as 3 lots, with only 2 developable. Planning staff recommended office zoning instead of commercial zoning as it is more appropriate considering existing surrounding uses. Mr. Walden noted that the property owner has done significant site work to create developable areas outside of the floodplain, but that FEMA action will be required prior to development. Given the site's location on the future western arterial loop of the City, increased intensity of the use of the property, from agricultural, is appropriate. Planning staff recommends approval. Landon Sanders (2365 Springcrest St) spoke in favor of the request, on behalf of the applicant.

The public hearing was closed and presented to the Commission for discussion. The Commission recommended approval 8-0 on a motion made by Anne Tucker and seconded by Brian Townsend.

D. Request for conditional use permit to allow Restricted Retail, Church, Restaurant/Drive-in Restaurant, and Pharmacy in an O-2 zoning district for property located in the 100 block of Hogan Ln

James Walden described the conditional uses being applied for and explained that the Zoning Code refers to the same type of use in multiple ways (i.e. Restaurant vs. Drive-in Restaurant vs. Eating Place with Drive-Through Service) so all versions of the requested uses are included. He explained that worst case scenario would be 2 drive-through restaurants,. Though unlikely, these uses would create the greatest traffic increase and have extended operating hours, thus having the greatest impact on the surrounding area. Other requested uses would not have tremendous impact. As the request is speculative, it is suggested that the Planning Commission retain authority to impose conditions at the time of development. Staff recommends approval per the suggested conditions. Landon Sanders (2365 Springcrest St) spoke in favor of the request. He confirmed that a church is one of the possible uses and that while a drive-through restaurant is not proposed at this time, the applicant would like to preserve that option for the future. Mr. Sanders confirmed that the applicant is also the owner of the single-family residence located immediately northeast of the site.

The public hearing was closed and presented to the Commission for discussion. The request was recommended for approval, including 6 conditions noted below, 8-0 on a motion made by Rhea Williams and seconded by Latisha Sanders-Jones.

Conditions:

1. Eating places with drive-through service, novelty stores, and video stores shall not be permitted.
2. A principal building for a single retail use may not exceed 12,000 square feet in size.
3. Any uses which require outside display of goods unscreened from public view shall not be permitted.
4. Any outside storage of materials, goods, or equipment shall be prohibited.
5. Any expansions or additions to the structures shall require an amended or new conditional use permit.
6. Use of the site shall be subject to Development Review prior to issuance of building permits.

Development Review approval shall require Planning Commission review. The Planning Commission shall have the authority to impose additional conditions on approval of the Development Review application as may be necessary to ensure the compatibility of the use.

III. DISCUSSION/ADDITIONAL ITEMS**A. Raising Cane's (916 East Oak Street) – Development Review consideration**

James Walden explained that Planning staff has had predevelopment meetings with Raising Cane's regarding possible development of the site at 916 E Oak St. Planning staff and Raising Cane's are not in agreement regarding an access drive off of Hwy 64/E Oak St. If the project is submitted as proposed by the applicant, Planning staff will not approve the drive and will require the applicant to appeal the Development Review denial to the Planning Commission. Mr. Walden suggested that Raising Cane's approach the Planning Commission, prior to formal development review submission, for an informal review/discussion to gather feedback as to how the Commission might react to the appeal for the access drive. Mr. Walden cited the current traffic counts for the site and noted that these are at the top limit of what the current state (4

lanes with a turning lane) of Hwy 64 can adequately accommodate. Access management of the Hwy 64/E Oak St corridor is very important. Part of this process is lengthening the distance between driveways which would reduce the number of conflict points (potential accidents) for motorists; reducing the number of turning points also works to keep traffic flowing. The location of the drive on the proposed site plan is less than 85' from Oak Grove Dr, an unplatted/undocumented access easement, which is too close per City regulation. Improvement of the private drive and platting of the property would be required. All of these reasons contribute to Planning staff's recommendation of denial of the access drive from Hwy 64/E Oak St, but if approved that the drive be limited to right out only. Mr. Walden acknowledged the many complexities which make the site difficult to develop. Melanie Bagley (2348 Arezzo Ln, Allen, TX 75013), with Raising Cane's, described how the company has selected, vetted, and designed this site. She provided the Commission with images of a similarly designed Raising Cane's just opened in Fort Smith, AR. She explained the need for a full-access drive so that Raising Cane's delivery trucks will be able to access the site and because improving Oak Grove Dr to required standards for public ROW is not feasible from a cost aspect. The Commission asked about the possibility of selecting a different site. Ms. Bagley explained that given all requirements for Raising Cane's and availability, the site selected is the best choice. Hank Kelley (no address given) Flake & Kelley, is the commercial realtor representing the property owners. He explained that while alternate site suggestions are appreciated, his role is to act on behalf of the owners to help Raising Cane's use the site selected. The Commission took a mock vote considering 3 options, 1) only access off of Oak Grove Dr, 2) full access on/off Hwy 64/E Oak St, and 3) right in/right out only access on/off Hwy 64/E Oak St of which the Commission's preference was option 3.

B. Public Hearing to consider removal of Planning Commissioner Brooks Freeman

James Walden explained that Ordinance #O-19-35, adopted in March 2019, requires a public hearing to consider the removal of a Planning Commissioner who has missed 3 meetings in a 12 month period. City Attorney, Chuck Clawson, provided information regarding the intent of ordinance, to allow Boards and Commissions to be more effective and efficient. It was explained that Brooks Freeman was absent at the April, June, and September meetings. There was some discussion as to who should be notified, Planning Staff or the Commission Chairman, when a member must be absent. It was clarified that Planning Staff should be notified. Further discussion revolved around what constitutes an excused absence. Mr. Clawson explained that no absence is excused. The purpose of the public hearing is to allow the member in question to present evidence/reasoning for absences. It was also noted that the 12 month time frame is a rolling 12 months, not a calendar year.

A motion to remove Brooks Freeman from the Planning Commission was made by Anne Tucker and seconded by Dalencia Hervey. The motion failed 0-4-4, with Brandon Ruhl, Anne Tucker, Latisha Sanders-Jones and Rhea Williams voting in opposition and Bryan Quinn, Arthur Ingram, Brian Townsend, and Dalencia Hervey abstaining.

C. Selection of 2020 Officers and committee assignments

The Commission selected 2020 Officers as Brandon Ruhl, Chairman; Dalencia Hervey, Vice-Chairman; and Rhea Williams, Secretary. The Commission discussed committee assignments, but ultimately only selected members for the Subdivision Committee after discussion with Planning Staff about possible changes to committees structure and By-Laws. 2020 Subdivision Committee members are Drew Gainor, Brandon Ruhl, Dalencia Hervey, and Brian Townsend, with Brooks Freeman serving as Chairman of the Committee.

IV. ITEMS NOT REQUIRING PLANNING COMMISSION ACTION

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

1. None

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

1. Weems Addition Correction Plat (P2019-00062)
2. Princeton Village, Replat Lots 29-30 (P2019-00063)

3. Hurd Lot Merger (P2019-00064)
4. Willow Oak Manor, Phase 3 (P2019-00066)

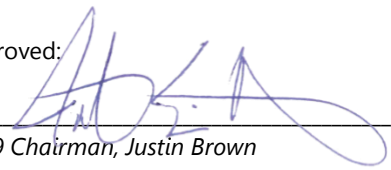
C. Lot Splits, Lot Mergers, and Minor Subdivisions were submitted for review since the previous meeting.

1. Orchard Hills Subdivision, Phase 1 (SUB2019NOV03)

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 Rhea Williams.

Approved:



2019 Chairman, Justin Brown