

The regular meeting of the Conway Planning Commission was held Tuesday, February 16, via Facebook Live due to the restrictions imposed by the Covid-19 pandemic and inclement weather. The following members, being a quorum, were present and acting: Rebekah Fincher, Rhea Williams, Brandon Ruhl, Laura King, Arthur Ingram, Drew Gainor, Larry Webb, and Brian Townsend. Anne Tucker and Latisha Sanders-Jones were absent.

Minutes from the January 19th meeting were approved 6-0-1 on a motion made by Rebekah Fincher and seconded by Rhea Williams. The chairman did not vote.

I. SUBDIVISION REVIEW

A. Request for preliminary plat approval of Miller's Creek Phase 2 Subdivision

Levi Hill, Assistant Director of Planning, explained the applicant is requesting preliminary approval of a 46-lot subdivision located at the southeast corner of the intersection East German Lane and Lower Ridge Road, which represents Phase 2 of the Miller's Creek Subdivision. The property is zoned R-2 with proposed lots ranging from 7,800 square feet to 16,500 square feet. There will be one access point from East German Lane and a new internal street that will connect into Miller's Creek, Phase 1. One waiver was requested for the creation of double frontage lots. Staff recommends approval of the preliminary plat contingent upon the completion of the amended punch list and associated conditions of approval:

1. Preliminary Plat approval from all reviewing agencies shall be obtained.
2. A 10-foot planting easement shall be required along Lower Ridge Rd and East German Ln. Alternatively, a permanent ornamental fence or wall may be substituted. No lot shall take access from Lower Ridge Rd.
3. A 10-foot developer required sidewalk shall be constructed along Lower Ridge Rd.
4. Wheelchair ramps shall be provided by the developer/subdivider in accordance with the City of Conway's Standard Details.
5. 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.
6. 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.
7. Utility easements as required by Conway Corporation are needed.
8. Drainage easements as required by the City Engineer are needed.
9. 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.
10. Receipt of an approved copy of the Preliminary Plat along with approved Street and Drainage Plans shall constitute authorization of the Planning Commission for the developer to proceed with the preparation of the Final Plat.

Bobby French (1021 Front St) spoke in favor of the subdivision and acknowledged the conditions.

The subdivision review was closed and presented to the Commission for discussion to which they concluded to approve the preliminary plat. A motion to approve was made by Larry Webb and seconded by Rebekah Fincher; passed 6-0-1, with the chairman voting and Laura King abstaining.

II. PUBLIC HEARINGS

A. Request to rezone property located at 507 Bruce Street from C-3 to R-1

Levi described the applicant is requesting to rezone from C-3 to R-1 for the purpose of constructing a single-family residential subdivision. The requested zoning is not consistent with the Comprehensive Plan and single-family use would be inappropriate. The site's existing C-3 zoning is appropriate and an increase of single-family uses in the area would create a mixture of incompatible uses. Planning Staff recommends denial of the

rezoning request as it would allow inappropriate use of the property in context to the surrounding area and could negatively impact adjacent properties.

Kris Paruchuri spoke in favor of the rezoning. He acknowledged the surrounding commercial uses including the multi-family apartments across the street on Bruce St and mentioned if single-family use was not appropriate, they could develop duplexes or multi-family. He explained with the narrowness of the lots that he did not know what other type of residential development would be an appropriate use. The Chairman asked Mr. Paruchuri why he was pursuing single-family use to which he answered that a higher density would need another mean of access to the property, which is not possible.

Brian and Lori Armstrong (2130 Blackberry Ln) spoke in opposition to the rezoning in an email sent in on 1/4/21. They relayed as adjacent property owners they are concerned about a residential neighborhood being constructed in between C-3 businesses. Their fear is future residents will complain about the business activities next door for decades to come. If the development is approved, they ask that the developer be required to construct an 8' masonry barrier to help isolate the new residents from the C-3 businesses around them. Mrs. Armstrong also commented during the meeting via YouTube chat the duplexes would be a worse choice of development and questioned if the applicant had already purchased the property. Mr. Paruchuri responded they were looking to close in the next week. He said he had spoke the neighbor across the street and he was in favor of the single-family use and that he plans to put an 8-foot fence around the entire property if approved.

The public hearing was closed and presented to the Commission for discussion to which the conferred the rezoning was not cohesive to the surrounding area. A motion to approve the rezoning request was made by Rhea Williams and seconded by Larry Webb; motion failed 0-7-1, with the chairman voting and Drew Gainor abstaining.

B. Request for conditional use permit to allow childcare facility in O-2 for property located at 930 Wingate Drive, Building E

Beth Sketoe, Planner, relayed that the applicant intends to open a childcare center. The site is primarily surrounded by other office and multi-family uses but is adjacent to a single-family residence to the south. The childcare center will occupy approximately half of Building E and is planned to be 2 classrooms serving fewer than 30 children. The applicant plans to add an outdoor play area to the south of the building, which will impact existing available parking for the development and is adjacent to the single-family residence. Planning Staff offered no recommendation for this conditional use request, due to the addition of the play area, but if approved by the Commission, suggested the following conditions:

1. Operating hours are limited to Monday – Friday, 7:00am – 6:00pm.
2. No drive-thru drop-off or pick-up is allowed. Patrons must park and walk in to drop-off and pick-up children.
3. No equipment taller than 18" shall be allowed in the outdoor play area.
4. Use of the outdoor play area is limited to 2 hours per day.
5. Any new fencing shall comply with Article 1101, Development Review Standards, of the Zoning Code. Fencing type and placement shall be approved by Planning Staff prior to installation.
6. Any new lighting shall be inward, downcast, and shrouded to prevent light trespass onto adjacent property and shall comply with Article 1101, Development Review Standards, of the Zoning Code.
7. Any expansions or additions to the structure or outdoor play area as well as any changes to the use shall require an amended or new conditional use permit.

Brandy Hansberry (930 Wingate) spoke in favor of the conditional use. She had reviewed and agreed with the conditions proposed. Commissioner Finch asked if she operates other childcare centers and wanted to know if she had any outstanding violations. Mrs. Hansberry stated they just got their full-time license and have had some violations in the past that can be found online on the DHS website. Commissioner King asked about the

appropriateness of this building for this use along with the surrounding businesses. Mrs. Hansberry spoke with surrounding owners and to the owner of the single-family home to the south, and all had no issues with the use or playground addition.

A letter of support from Matthew Brown (3010 Pheasant Rd) was received via email on 2/9/2021 and was read by Planning Director James Walden. Mr. Brown supports this conditional use request as it will give children in the area a new daycare facility and will create 3 new jobs. He stated that childcare facilities are limited on capacities and the Covid-19 pandemic has only hurt them further. As well, Mrs. Hansberry already operates another facility, knows the regulations, and has obtained DHS licensing approval.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the conditional use was made by Rhea Williams and seconded by Arthur Ingram; passed 7-0-1, with the chairman voting, and Laura King abstaining.

C. Request to rezone ± 5.11 acres north of Gentry Lake, northwest of Lake Front Drive and West End Street from R-1 to PUD

Beth explained the applicant is requesting to rezone from R-1 to PUD for the purpose of developing a gated, large-lot single family subdivision. The surrounding area is predominantly residential and future access to the development is proposed via a new private drive. A public information meeting was held virtually on February 1, 2021 with 8 members of the public in attendance in addition to Planning Staff, the property owner, and the project manager. Planning Staff recommends approval of the rezoning, as it would not likely negatively impact the adjacent property, with the following conditions:

1. Permitted uses are limited to single-family residential with a maximum of 4 dwelling units.
2. All standards and uses other than those defined shall be governed by restrictions of the R-1 zoning district.
3. Maximum height of primary residence shall not exceed 45 feet.
4. Building setbacks shall be: Front, Exterior, and Rear – 25 feet; Interior – 6 feet.
5. One accessory structure, per primary residence, is allowed on the north side of the access easement with a maximum area no greater than 50% of the heated and cooled square footage of the primary residence.
6. Trees 12" and greater in diameter shall remain unless they directly impede home construction, pose a safety hazard, or are a noxious species.
7. Applicant shall plat the property in accordance with the Subdivision Regulations.
8. Applicant shall return a signed copy of the final development plan agreement prior to the issuance of building permits.
9. All roadway improvements shall be privately maintained.
10. A Property Owners' Association shall be required to be formed and operate in perpetuity to maintain all common areas and improvements such as streets, entry gate, and lighting.
11. PUD shall be generally developed according to the proposed plan and the PUD proposal (Exhibit A).
Minor variations from the approved plan may be allowed by approval from the Planning Director.

Skip Colvin (640 Grandview Heights Dr) spoke in favor of the rezoning. He stated he has been working with perspective buyers for the 4 lots and that there will be certain size and design restrictions for the 4 homes. Mr. Colvin approved of the 11 proposed conditions.

Director Walden read three letters proposing questions submitted by the public prior to the Public Information Meeting held on February 1, with all these questions being addressed at the meeting. The first was received via

the Public Comment Web App from Clay Dyert on 1/26/21 requesting what the plans were for the development and the impacts on the surrounding areas. The second comment was sent via email on 2/1/21 from Jim Smith (302 Lakefront Dr). Mr. Smith's main concern was the additional traffic to the area and wanted to know if any street improvements had been proposed. Another email was received on 2/1/21 from Stella Capek (325 Katherine Dr) who listed questions for the Public Information Meeting to be answered by Staff. Most of the questions concerned the specifications of the PUD zoning's impact, the gated access, and impact on surrounding wildlife. The final comment was received via the Public Comment Web App from Ron Harrison on 2/5/21 requesting a copy of the site and land use plans.

Stella Capek (325 Katherine Dr) voiced her two concerns of the gated community and ecological impact to the area at the meeting. Mr. Colvin responded the development is designed for privacy and family security. Regarding the ecological impact, Mr. Colvin stated the last thing they want to do is to harm the habitat and they will do everything they can to ensure they keep wildlife in the area.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the rezoning was made by Rhea Williams and seconded by Rebekah Fincher; passed 8-0 unanimously, with the chairman voting.

D. Request to rezone ± 6.52 acres at 1 and 3 Oak Grove Drive and 1150 Museum Road from R-1 & C-3 to PUD

Levi described that the applicant is requesting to rezone from R-1 and C-3 to PUD for a development with a mixture of single-family and two-family residential units on individual lots ranging from 8,700 square feet to 23,500 square feet with structures fronting Oak Grove Drive. Access will be from Oak Grove Drive which will be developed and platted as a private drive with gates on both ends. Planning Staff recommend approval of the rezoning as it would not likely result in harm to adjacent property, with the following conditions:

1. Permitted uses are limited to one-family and two-family residential uses as indicated on the approved plan with a maximum of 32 dwelling units.
2. All standards and uses other than those defined shall be governed by restrictions of the R-1 zoning district.
3. Driveways shall be a minimum of 20 feet in length for new development.
4. New buildings shall be of the following materials: - Brick/stone - Cement fiber board (Hardie Board) - Wood - Other materials as approved by the Planning Director
5. Vinyl Siding shall be prohibited.
6. Any proposed fencing shall be approved by the Planning Director prior to installation.
7. No accessory structures shall be permitted.
8. Applicant shall plat the property in accordance with the Subdivision Regulations, at which time setbacks will be finalized.
9. Applicant shall return a signed copy of the final development plan agreement prior to the issuance of building permits.
10. All roadway improvements shall be privately maintained.
11. A Property Owners' Association shall be required to be formed and operate in perpetuity to maintain all common areas and improvements such as streets, sidewalks, and drainage.

Bobby French spoke in favor of the rezoning and approved Staff conditions.

There were no additional callers nor Facebook Live questions or comments on this topic.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the rezoning was made by Rebekah Fincher and seconded by Larry Webb; passed 7-0-1, with the chairman voting and Laura King abstaining.

ITEMS NOT REQUIRING PLANNING COMMISSION ACTION

A. Development Review Approvals

1. Hope Village (SIT2018SEP05)

B. Lot Splits, Lot Mergers, Minor Subdivisions, and Major Finals (submitted for review)

1. Porter Replat (SUB2021JAN04)
2. College Park Replat (SUB2021JAN06)
3. Replat of Calvary Subdivision, Lot 1 (SUB2021JAN07)
4. Museum Meadows (SUB2021JAN08)
5. Maly Village (SUB2021JAN09)
6. Orchard Hill Replat (SUB2021FEB01)
7. Esmerelda Subdivision (SUB2021FEB02)

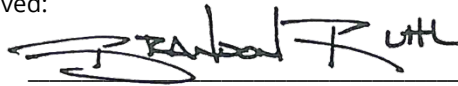
C. Lot Splits, Lot Mergers, and Minor Subdivisions (filed for record)

1. Porter Replat (P2021-00005)

Adjournment

There being no further business to conduct, the meeting was adjourned by unanimous vote on a motion made by Rhea Williams and seconded by Arthur Ingram.

Approved:



2021 Chairman, Brandon Ruhl