

The regular meeting of the Conway Planning Commission was held, in person, Monday, March 21<sup>st</sup> at Conway City Hall. The February Planning Commission meeting was cancelled due to inclement weather and all items from that agenda were moved to this meeting. The following members, being a quorum, were present and acting: Ethan Reed, Alexander Baney, Adam Bell, Latisha Sanders-Jones, Rhea Williams, Drew Spurgers, Greg West, and Rebekah Fincher. Larry Webb and Laura King were absent.

Minutes from the January 18<sup>th</sup> meeting were approved 7-0 on a motion made Rebekah Fincher and seconded by Alexander Baney without the chairman voting.

## **I. SUBDIVISION REVIEW**

### **A. Request for extension of preliminary plat approval for Miller's Creek Subdivision Phase 1 & 2**

James Walden, Planning Director, relayed the applicant is requesting a one-year extension to the previously approved preliminary plats for Miller's Creek Phases 1 and 2, which were granted authorization to proceed on February 26, 2021. Construction of improvements has not started due to the applicant coordinating additional utility details. An alternate access to Boxwood Dr, from East German Ln, has been discussed. If a modification to the preliminary plat, as approved, is requested, the plat will require additional review. Planning staff recommended approval of the 1-year extension.

Starla Wood with Central Arkansas Professional Surveying (1021 Front St) spoke in favor of the extension and acknowledged all staff comments.

The subdivision review was closed and presented to the Commission for discussion to which they concluded to approve the extension of preliminary plat approval another year for both phases. A motion to approve was made by Greg West and seconded by Rebekah Fincher passed 7-0, without the chairman voting.

### **B. Request for preliminary plat approval of Cardinal Valley Subdivision Phase 2**

James discussed the applicant is requesting preliminary approval of a 44-lot subdivision located at the intersection of Stanley Russ Rd and Bill Bell Ln. The development represents the second phase of Cardinal Valley Subdivision. Proposed buildable lots range from 0.14 acres to 0.62 acres, with access proposed via Bill Bell Ln and lots fronting on an internal loop street. Planning Staff recommended approval of the preliminary plat contingent upon the completion of the amended punch list and associated conditions of approval:

1. The street layout shall be modified to meet the requirements of the Subdivision Code in Article IV, Section 6, (1) and Article IV, Section 5, A., (10), a.
2. Wheelchair ramps shall be provided by the developer in accordance with the City of Conway's Standard Details.
3. The Street and Drainage Plans/Drainage Report shall be modified to meet the requirements necessary for approval by the City Engineer.
4. A draft Bill of Assurance/Covenants and Restrictions proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the submitted plat.
5. 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.
6. 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.
7. 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.
8. Any of the above conditions not met, as determined by the concurrence of the Planning Director and City Engineer, shall require re-review and approval by the Planning Commission.

9. Waivers for the creation of double frontage lots along S German Ln and Stanley Russ Rd as well as acceptance of fees-in-lieu of sidewalk construction along Stanley Russ Rd are approved. Fees in-lieu are the responsibility of the subdivider and shall be paid prior to filing the final plat.
10. Sidewalk construction along the Bill Bell Ln frontage of any new lots created is the responsibility of the subdivider. Installation is required prior to filing the final plat.

Justin Magie with Magie Engineering (915 Oak St) spoke in favor of the subdivision for the applicant RKVC, LLC and acknowledge all staff comments.

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 Drew Spurgers and seconded by Adam Bell passed 7-0, without the chairman voting.

## **II. VARIANCE REVIEW**

### **A. Request for zoning variance to allow reduced exterior setback for property located at 519 Mitchell Street**

Ryan Robeson, Planner, described the applicant is requesting a 23'9" reduced exterior setback along Christian St, creating a 1'3" setback for the existing structure that must be granted a variance to follow zoning codes and ordinances. No setback reduction has been requested where property abuts any adjacent property, with this variance only being valid for the existing structure. Planning staff recommended approval allowing the variance as it would allow appropriate development of the site without harming adjacent properties. The Commission added a third condition, as follows, due to surrounding property owner testimony at the meeting:

1. Variances shall apply to the existing structures and shall become void if the structure is voluntarily destroyed by the owner. The structure may be rebuilt if destroyed by natural disaster or fire in accordance with Article 701 of the Conway Zoning Code.
2. Existing accessory structure shall be removed prior to filing of the replat.
3. A drainage plan must be established prior to the issuance of building permits.

Starla Wood represented the variance request.

There was opposition to this request present at the meeting from adjacent property owners Kevin Sims (507 Mitchell St) and Charles McDonald (1907 Christian St). Both gave accounts of excessive flooding already present at the site and their fears of new development furthering this issue, which in turn led the Commission to add the third condition.

There was public comment to this request submitted to the Planning Department prior to the meeting via email from Kevin Sims (507 Mitchell St) on 2/18/22 & 2/22/22 expressing concerns with the disruption of the historical area, the size of the new lot, and the current excessive flooding in the area. Tina McCord (1840 College Ave) emailed on 2/23/22 and relayed problems with the lot split creating further rental property in the area, which already is overly full of rentals and wishes to see the area revert to single-family owned homes.

The public hearing was closed and presented to the Commission for discussion to which they concluded to approve the variance request, as amended. A motion to approve was made by Drew Spurgers and seconded by Alexander Baney passed 7-0, without the chairman voting.

### **B. Request for zoning variance to allow reduced exterior setback for property located at 812 Merriman Street**

Ryan relayed the applicant is requesting an 8' reduced secondary front setback along the southwest corner of the property, creating a 1'2" setback for an existing metal building that must be granted a variance to follow zoning codes and ordinances. Staff expects impacts from the request to be minimal as the structure is already existing and this variance will only apply to the building. Any new structure built on this property, or any expansion or redevelopment, would be required to meet all setbacks, ordinances, and codes. Planning staff

recommended approval allowing the variance as it would allow appropriate development of the site without harming adjacent properties, with the following condition:

1. Variances shall apply to the existing structures and shall become void if the structure is voluntarily destroyed by the owner. The structure may be rebuilt if destroyed by natural disaster or fire in accordance with Article 701 of the Conway Zoning Code.

Megan Weckworth with the Tyler Group (240 Skyline Dr) represented the applicant in this variance request. There was no opposition to this request.

The public hearing was closed and presented to the Commission for discussion to which they concluded to approve the variance request. A motion to approve was made by Rebekah Fincher and seconded by Alexander Baney passed 8-0, with the chairman voting.

**C. Request for zoning variance to allow reduced minimum lot width, reduced interior side setback, reduced exterior side setback, and reduced front setback for property located at 1217 Watkins Street**

Ryan, explained the applicant is requesting reduced lot area, reduced minimum lot width, reduced side setbacks, and reduced front setbacks for two existing duplexes that must be granted a variance to follow zoning codes and ordinances. This would configure the two new lots with a reduced minimum lot area to 9,850 sf per lot (Min 10,000 sf per lot for duplex), reduced minimum lot width to 49.6' (100' min for duplex), reduced side setback to be 7' (Min interior: 10'; Min exterior: 25'), and reduced front setback to 25' (Min 40'). Staff expects impacts from the request to be minimal as the structures are already existing and this variance will only apply to the existing buildings. Any new structure built on this property, or any expansion or redevelopment, would be required to meet all setbacks, ordinances, and codes. Planning staff recommended approval of the variances as they would allow appropriate development of the site without harming adjacent properties, with the following condition:

1. Variances shall apply to the existing structures and shall become void (excluding minimum lot width and minimum lot area) if the structure is voluntarily destroyed by the owner. The structures may be rebuilt if destroyed by natural disaster or fire in accordance with Article 701 of the Conway Zoning Code.

Starla Wood represented the variance request. There was no opposition to this request.

The public hearing was closed and presented to the Commission for discussion to which they concluded to approve the variance request. A motion to approve was made by Greg West and seconded by Alexander Baney passed 8-0, with the chairman voting.

**III. PUBLIC HEARING ITEMS**

**A. Request to modify Lot 12A (3200 Prince St) of the Club Villas PUD to allow residential development**

James explained the applicant is seeking to modify the allowed use of Lot 12A of the Club Villas PUD Final Development Plan for the creation of 3 additional lots. Lot 12A currently allows only uses permitted in the O-3 zoning district. The applicant is requesting a division of property to the north to allow single-family residential development. Planning Staff recommended approval of the requested modification, with existing conditions applicable to Lot 12A for office use remaining unchanged, as it would not likely cause harm to adjacent properties with the following conditions of approval for Lots 12B-12D:

1. A replat shall be required for the legal creation of 3 new lots.
2. Permitted uses shall be limited to single-family residential.
3. Setbacks shall be 25' front and rear and 6' on the sides.
4. No accessory structures shall be allowed.
5. Individual driveways shall not be allowed. Lots 12B and 12C shall share one common drive; Lot 12D shall share a common drive with Lot 11.

6. For all other provisions not specifically addressed by the PUD Final Development Plan, the rules of the R-1 zoning district shall apply.

Chris Hervey (3195 Prince St) represented this modification request as the property owner. There was no opposition to this request.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the PUD major modification was made by Alexander Baney and seconded by Drew Spurgers; passed 7-0, without the chairman voting.

**B. Request to rezone property located at 1 & 3 Azalea Lane and 65 Azalea Loop from A-1 to R-2A**

Ryan relayed the applicant has requested a rezone to R-2A to accommodate duplex construction. Duplexes in this area would be consistent with this type of zoning. The maximum density allowed with this rezoning is one duplex per parcel, which would total two duplexes (4 units) if redeveloped. As it appears rezoning would not likely cause harm to adjacent properties, Planning staff recommended approval of the rezoning request.

Megan Weckworth represented the applicant in this rezoning request. There was no opposition to this request.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the rezoning was made by Drew Spurgers and seconded by Rebekah Fincher; passed 7-0, without the chairman voting.

**C. Request to modify Conditional Use Permit No. 1042 to allow a childcare facility in the O-1 zoning district for property located at 700 Salem Road**

Ryan explained the applicant is seeking to modify the existing conditional use permit at the site, allowing health club/spa to accommodate the operation of a childcare facility in the O-1 zoning district. This facility has been in use since 1997 and is consistent with the character of the area. Planning staff recommended approval of the requested modification as it would not likely cause harm to adjacent properties with the following conditions of approval:

1. The facility will not be open any later than 10:00 p.m.
2. Approved uses are limited to: Health club, spa, day care center, nursery school, and day nursery.
3. Any expansions or additions to the structure as well as any changes in the use shall require an amended or new conditional use permit.
4. All state and local guidelines related to operating a day care must be followed by applicant.
5. All licenses must be obtained and kept current.

*\*Approval of this conditional use permit will repeal the previous conditional use permit approved for this property, Permit No. 1042.*

Bryan Gibbs with Conway Regional Health Systems (3930 Newcastle Dr) represented the applicant in this modification request. There was no opposition to this request.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the conditional use modification was made by Latisha Sanders-Jones and seconded by Ethan Reed; passed 6-0-1, without the chairman voting, and Rebekah Fincher abstaining.

**D. Request to modify Conditional Use Permit No. 1277REV to allow retail restricted and retail general in the O-1 zoning district for property located at 2525 Prince St**

Beth Sketoe, Planner, explained the applicant is proposing to develop a portion of the property as retail with a drive-through restaurant. The development will be accessed by a singular drive from Prince St with the option of a future connection to Farris Rd to the east in conjunction with future development of the property on the southwest corner of Farris Rd and Prince St. Given this and the site's location along a major arterial, single-

family residential is no longer the most appropriate use for the site as the office and commercial uses requested. Planning staff recommended approval of the requested modification, specifically for the subject property, with 12 conditions of approval. The Commission added a thirteenth condition and modified condition #8, as follows:

1. Allowed uses are limited to those permitted by right in the O-1 zoning district and those defined as Retail - General, excluding Gunsmith shop and Hay, grain, or feed store; and Retail - Restricted.
2. The subject property shall be removed/detached from conditional use permit no. 1277REV.
3. The development shall be built in a manner that's consistent with the conceptual site plan, included in this application. The location and/or orientation of the proposed Retail/Office structure will require revision given the location and orientation of proposed development on property adjacent to the west which is currently going through the site development review process.
4. All proposed site improvements shall be subject to development standards as outlined in Article 1101 of the Conway Zoning Code, unless otherwise noted in permit conditions.
5. All signage shall comply with standards for the O-1 zoning district as outlined in Article 1301 of the Conway Zoning Code (Sign Ordinance).
6. The property shall be platted in accordance with the Conway Subdivision Ordinance prior to the issuance of building permits. The development shall require a shared parking agreement to be recorded and referenced on the final plat.
7. Driveway separation/access management-curb cuts are to have a 300 feet separation and a minimum of 150 feet from side lot lines unless outstanding conditions warrant other locations.
8. A 30-foot undisturbed green space buffer [no parking or structures] is required along the southern and eastern property lines, where they abut residential zoning and uses, to be properly maintained by the property owner. 30-foot buffer to include the required increased landscaping when abutting residential uses per Article 1101 of the Conway Zoning Code.
9. 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 the trespass of light onto the adjacent properties.
10. Any additional structures, expansion of uses not permitted by right, or additions to those structures indicated on the conceptual site plan shall be subject to review through an amended or new conditional use permit.
11. This conditional use permit expires 2 years from the date of issuance if no building permit has been issued.
12. If the site or any structure on an individual lot become vacant for a period of more than 18 consecutive months, the conditional use permit shall become void for the site or portion of the site as appropriate to the extent of the vacancy.
13. Hours of operation are limited to 6:00am to 11:00pm.

Rik Sowell with Sowell Architects (1315 North St) represented the applicant with the modification request. There was no opposition to this request presented at the meeting.

There was a public comment to this request submitted to the Planning Department prior to the meeting. Members of the Southwick family (921 Farris Rd) emailed a letter on 3/7/22 expressing concerns with increased traffic, the overabundance of existing commercial uses, and requested traffic and environmental impact studies be conducted at the site.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the conditional use modification was made by Drew Spurgers and seconded by Rebekah Fincher; passed 7-0-1, with the chairman, Rhea Williams, abstaining.

**E. Request for Conditional Use Permit to allow the operation of an accessory use in a nonconforming primary use for property located at 725 Second Street**

Ryan explained the applicant desires to operate a sign/graphic design business in the C-3 zoning district, however, this use is not permitted in a nonconforming residence. This request arose from Code Enforcement action. Staff recommended denial of the request as the operation of a commercial accessory use in conjunction with the nonconforming primary use would likely negatively impact adjacent properties as commercial properties which abut residential require additional measures to be taken to minimize harm to the adjacent properties.

Melissa Branscum (725 Second St) represented herself as the tenant for this the modification request. There was no opposition to this request.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the conditional use was made by Alexander Baney and seconded by Adam Bell; failed 1-6, with Latisha Sanders Jones voting in favor and Rebekah Fincher, Alexander Baney, Adam Bell, Ethan Reed, Drew Spurgers, and Greg West all in opposition. The chairman did not vote.

**F. Request to rezone property located at 3055 Stermer Road from RU-1 to A-1**

Ryan relayed the applicant has requested a rezone to A-1 to accommodate the construction of a single family home. The placement of a single-family home at the property is consistent with development in the area. As it appears rezoning would not likely cause harm to adjacent properties, Planning staff recommended approval of the rezoning request.

Trent Miner (610 Ingram) represented the applicant in this rezoning request. There was no opposition to this request.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the rezoning was made by Ethan Reed and seconded by Greg West; passed 7-0, without the chairman voting.

**G. Request to rezone property located at 2522 & 2600 College Avenue from O-2 to PUD**

James described the applicant is seeking to rezone to PUD for the development of a residential/commercial mixed-use development. Given existing development in the area, it is clear the corridor is in a state of transition from single-family development to a variety of lower intensity office, retail, and multi-family uses. With these uses in close vicinity, the proposed uses are appropriate to the site. Planning Staff recommended approval of the requested rezoning as the proposed uses are appropriate to the area and will not significantly increase the intensity of allowed use from the present zoning, with the following conditions of approval:

1. The development shall be constructed in a manner consistent with the proposed sketch plan in regards to the general location of the building. It will be constructed with minimal setback addressing the corner of the intersection of College Ave/Denison St.
2. The site shall be limited to the following uses: multi-family development with a max of 120 units, office, retail-restricted, and eating place without drive-thru.
3. The height of the proposed structure shall not exceed 40 feet or 3 stories.
4. The development shall meet all applicable standards for Article 1101 of the Zoning Code.
5. The first two stories of the building shall be limited to stone, brick, and glass with precast concrete used as architectural accents.
6. The development shall meet all applicable signage standards for the O-2 district.
7. All proposed site improvements shall be subject to Development Review as handled within Article 1101 of the Zoning Code.
8. Prior to issuance of Development Review approval for the site, the applicant shall plat the property and file a deed restriction or similar document that ties the parking lot improvements and maintenance to the use of the building and building owner in perpetuity.
9. All other zoning requirements not addressed via this approval shall be governed by the provisions of O-2 zoning.

10. For the property east of Denison St, a 20' undisturbed vegetative buffer shall be maintained which shall include the addition of planting evergreen trees capable of forming a continuous row of vegetation to a height of at least 30' in addition to meeting the landscaping requirements of Article 1101 of the Zoning Code.
11. For the property west of Denison St, all property north of the existing concrete ditch (as of February 17, 2022) shall be left as an undisturbed vegetative buffer. Within 10' of the north property line, additional evergreen trees capable of forming a continuous row of vegetation to a height of at least 30' shall also be required in addition to meeting the landscaping requirements of Article 1101 of the Zoning Code.
12. Denison St shall be constructed to city standards as a local residential street, and may include parallel parking. Any parking provided as parallel parking may be counted to reduce the off-street parking requirements.

Gary Harpole (Jonesboro, AR) represented the applicant in this rezoning request. Susan Goode (Holland, AR), the previous property owner, spoke in favor of the proposed site development. Andrew Harnage (5380 Lantana Dr) expressed the good addition it would make to the city and for college student use. Christy Oliver (Holland, AR) addressed the help of furnished apartments for college students and traveling medical personnel.

There was opposition to this request present at the meeting from adjacent property owners Douglas Ward (2570 Holly Cv) and Karen Fulmer (2565 Holly Cv). Both expressed concerns with flooding, privacy, noise, the tree buffer not being sufficient for screening, and traffic congestion from the site.

There were also public comments to this request submitted to the Planning Department prior to the meeting. An email was received from Brandon Potts (2823 College Ave) on 2/14/22 expressing concerns with drainage and flooding in the area. Douglas Ward (2570 Holly Cv) submitted a FOIA request in person at City Hall requesting information regarding the application notification process, the PUD public information meeting held on 2/8/22, and past Planning Commission meeting minutes on 2/14/22. Mr. Ward again reached out via email on 3/15/22 addressing the layout of the development, landscaping, drainage, and density of the site.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the rezoning was made by Alexander Baney and seconded by Ethan Reed; passed 7-0, without the chairman voting.

#### **IV. ADDITIONAL BUSINESS**

##### **A. Amendment to the Master Street & Trail Plan**

James presented an amendment to this plan to accommodate the proposed route changes that will incur with the Connect Conway project funded by the Raise Grant.

There was no public comment.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve this amendment was made by Rebekah Fincher and seconded by Drew Spurgers; passed 7-0, without the chairman voting.

##### **B. Amendment to the Conway Zoning Code**

James presented revisions of definitions and the use table for Office, Bank, and Financial Institution to address making these items more cohesive and up to date throughout the Zoning Code.

There was no public comment.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve this amendment was made by Drew Spurgers and seconded by Latisha Sanders-Jones; passed 7-0, without the chairman voting.

**ITEMS NOT REQUIRING PLANNING COMMISSION ACTION**

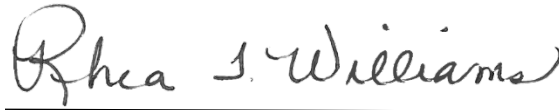
**A. Development Review Approvals**

1. Waffle House (SDR-0122-0198)
2. Covington Restaurants (SDR-0921-0101)

**Adjournment**

There being no further business to conduct, the meeting was adjourned by unanimous vote on a motion made by Latisha Sanders-Jones and seconded by Drew Spurgers.

Approved:



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2022 Chairman, Rhea Williams