



The regular meeting of the Conway Planning Commission was held, in person, Monday, April 17th at Conway City Hall. The following members, being a quorum, were present and acting: Rebekah Fincher, Laura King, Alexander Baney, Adam Bell, Mark Ferguson, Latisha Sanders-Jones, Lori Quinn, Ethan Reed, Jensen Thielke. Drew Spurgers was absent.

Minutes from the March 13th meeting were approved 8-0 on a motion made Alexander Baney and seconded by Ethan Reed, without the chairman voting.

I. SUBDIVISION REVIEW

A. Request for Preliminary Plat Approval: Birds Nest Commercial Subdivision Phase 2

Beth Sketoe, Planner, explained the applicant is requesting preliminary approval of a 4-lot subdivision located at the northeast corner of the Thomas G Wilson Dr and Dave Ward Dr intersection. The development represents the second phase of development at the site. The proposed buildable lots range from 1.47 acres to 13.07 acres. The subdivision will access via a proposed north-south street and a series of private streets, which will provide cross access. The north-south street is indicated on the Master Street Plan and will connect to Lot 10 providing street frontage. The proposed street will require a 8-foot sidewalks. Planning staff recommended approval of the preliminary plat contingent upon the completion of the amended punch list and associated conditions of approval.

CORRECTIONS NEEDED ON THE PLAT

1. Indicate proposed/existing locations of CAGIS monuments.
2. Provide all easements as indicated by the City Engineer, Planning Director, and Conway Corporation.
3. Other corrections as required by the City Engineer, Planning Director, Fire Marshal, and Conway Corporation on the Preliminary Plat/Street and Drainage Plans.

CONDITIONS

1. A planting easement along Dave Ward Dr will be provided to restrict direct access to Dave Ward Dr for lots 7-9. Lots 7-9 shall only take access from the proposed private streets.
2. Private streets for lots 7-9 shall be constructed concurrently with the development of each lot. No certificate of occupancy may be obtained for any lot unless all portions of the proposed private street fronting the lot have been constructed.
3. The proposed Veterans Dr shall be constructed to provide required street frontage for Lot 10. Lot 10 is considered unbuildable until this street is complete.
4. Wheelchair ramps shall be provided by the developer in accordance with the City of Conway's Standard Details.
5. The Street and Drainage Plans/Drainage Report shall be modified to meet the requirements necessary for approval by the City Engineer.
6. 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.
7. Fire hydrants must be placed so that the furthest point of a lot in a commercial subdivision is not more than 400 feet from the hydrant located on the same street. Variances must be approved by the Planning Commission and Fire Chief.
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 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.
10. 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.
11. Sidewalks along Dave Ward Dr and Veterans Dr shall be constructed at the time of building construction.



The Preliminary Plat was approved based on staff recommendations 8-0 on a motion made Ethan Reed and seconded by Alexander Baney without the chairman voting.

II. APPEAL REVIEW

A. Appeal to Planning Commission: Denial of Sign Variance - Over Height Sign

Kris Paxton, Planning Director, explained the applicant appealing the Director of Planning's denial of a requested sign variance to allow a sign height of 20'.

1. In the applicant's letter they stated in their hardship that an existing off-premise directional sign on the corner of E Oak St and Simon St would block the visibility of AutoZone's sign from traffic heading east along E Oak St.

a. The Director visited the site and planned location of the sign, and it does not appear that the sign at the corner of E Oak St and Simon St would interfere with the visibility of the sign heading east on Oak St. The exhibit provided shows the approximate location of the proposed sign and the sign at the corner of Oak & Simon. In the future, it is expected that the non-conforming sign at Oak and Simon Streets will be removed with future redevelopment or new development.

2. The Director reviewed considerations as to the applicant's discussion regarding other businesses within the area of the proposed AutoZone location having existing taller freestanding signs in which the applicant believes that by requesting a taller sign this would not take away from other area businesses.

a. The City Council, at the unanimous request of the Planning Commission, has recently adopted new considerations for the Oak Street Corridor with the Oak Street Ahead corridor plan. This frontage is within Oak Street District 3 Conceptual Area. Oak Street Ahead promotes considerations for sign regulations applying to all new development or redevelopment along this corridor. While staff is aware of non-conforming issues related to signage within this area, staff interprets the recently adopted considerations as a desire by the Council and Commission to reduce non-conforming issues along this corridor and considers signs to be an issue along Oak St which need more in-depth review and consideration.

b. While Oak Street Ahead supports an Auto Parts District use at the corner of Simon St and Oak St, the Simon St intersection is envisioned as a future gateway into the district, implying beautification along this area in the future with redevelopment. The Oak Street Ahead project also supported this consideration in the City Quality section, in which Oak Street east of I-40 is encouraged to become a Green Corridor, walkable with less oversized parking and more greenery. Exceeding sign requirements may be counterproductive to this setting and maintains non-conforming standards along the corridor during redevelopment and new development.

c. In addition, the Planning Commission Bylaws state, "Precedents - Each item docketed shall be decided upon its own merit and circumstances attendant thereto. No action shall be considered a precedent for future action."

The appeal discussion was closed and presented to the Commission for discussion to which a motion was made by Adam Bell and seconded by Ethan Reed to uphold the denial of the requested sign variance. The motion passed 8-0, without the chairman voting.



III. PUBLIC HEARINGS

A. Request to Rezone 14.27 ±acres east of S German Lane, opposite from Fawn Trail from R-1 to PUD

Beth Sketoe, Planner, explained the applicant is requesting to rezone 14.27 acres ± from R-1 to PUD to achieve a slightly higher density than allowed by R-1 zoning standards. The Planned Unit Development District is intended to accommodate developments that might otherwise be impractical or impossible to implement through traditional zoning...a PUD district offers the developer an opportunity to create a unique project that also provides an appropriate level of compatibility with surrounding development (Zoning Code §311.1) This acreage represents the fifth and final phase of the Bell Valley Subdivision development. The Planning Commission reviewed this phase and granted preliminary plat approval at the October 17, 2022 meeting; if this request is approved, new preliminary plat approval will be required. The proposed, now 82-lot, development represents a 22% increase in density from the original proposed 67-lot single-family development; projected traffic impact is comparable at an estimated 22% increase. Though the proposed development is slightly more dense than typical single-family, the allowed uses would still be limited to single-family residential; duplexes are not proposed. A public information meeting was held on March 30th, 2023; no members of the public attended and no public comment was received.

Planning staff made two recommendations on this request:

1) approval of this request to rezone the property to Planned Unit Development with the recommended PUD Final Development Plan conditions on the basis that the proposal provides an appropriate level of compatibility with surround development,

OR

2) denial of the request to rezone the property to Planned Unit Development on the basis that development of the property is possible through traditional zoning.

Conditions were as follows:

1. The development shall be constructed in a manner consistent with the proposed preliminary plat [Exhibit A] with regard to the general location and configuration of lots and streets.
2. Approved uses are limited to single-family residential with a maximum of 82 detached dwelling units.
3. All development shall be governed by the standards of the R-1 zoning district unless specified otherwise in this PUD Development Plan.
4. All signage shall be governed by the standards of the R-1 zoning district and shall comply with §1205.1 of the Zoning Code which governs signage in residential zones; no signage is proposed as part of this request.
5. Minimum lot width* shall be at least 50'; • *Lots fronting on curving street frontages shall have at least 35' of street frontage with the 2 side lot lines intersecting the street diverging until they are separated by at least 50' at the building line; • *Corner lots shall have at least 75' of street frontage.
6. Except as noted, setbacks for principal structure shall be 25' front, exterior side† , and rear; 5' interior side. † Exterior side setback for Lots 55, 68, 69, 82, and 21 shall be 15'.
7. No lots shall take access from S German Ln.
8. The use of vinyl siding is limited to the sides and rear of structures; façades visible from the public realm, including exterior sides on corner lots, shall be fully masonry comprised of brick, stone, or cement fiber siding or a combination thereof. If cement fiber siding is to be used as a masonry material it may comprise no more than 50% of any façade visible from the public realm.
9. Developer shall install sidewalks along S German Ln frontage of Lots 54 and 155 and along all frontage of all lots indicated as unbuildable or to be permanently vacant.
10. PUD Development Plan to be signed by the Developer and Builder at the time of preliminary plat approval and issuance of authorization to proceed.



Speaking in favor of the request were Frank Shaw (1315 Main St) owner of the property. He was agreeable to all stated conditions, and noted that he would like to have a 15' rear setback as opposed to 25'. Meagan Whetworth, Tyler Group (240 Skyline Dr.) also spoke in favor of the request. No one spoke in opposition.

The item was brought back into commission for discussion. Alexander Baney made a motion to approve the request to rezone the property to a Planned Unit Development based on staff recommendations and conditions on the basis that the proposal provides an appropriate level of compatibility with surrounding development. Ethan Reed seconded the motion. The motion passed 8-0, without the chairman voting.

B. Request for Conditional Use Permit to Allow Duplex in C-2 Zoning District for Property Located at 1715 Bowie St.

Ryan Robeson, Planner, explained the applicant desires to construct two duplexes in the C-2 zoning district. These types of structures are not permitted by right in the current zoning district, but are allowed with a conditional use permit. The proposed use of duplexes is less intense than a potential commercial use at this site. There are several existing duplexes adjacent to the west and northwest of the proposed site. As conditioned, this use would not likely negatively impact adjacent property.

Staff recommends approval of the conditional use permit with the following conditions:

1. Permitted uses are limited to two family residential and a maximum of 2 attached dwelling units per lot.
2. All standards and uses other than those defined in these conditions shall be governed by restrictions of the R-2 zoning district.
3. Parking area and driveway must be paved with a sealed surface pavement or concrete and shall be maintained so as to prevent dust resulting from continued use.
4. The planting of at least one (1) tree with a minimum 1.5" diameter at breast height shall be required for all new construction of single-family and two-family/duplex dwellings where no tree(s) exist on the parcel or lot. It is strongly encouraged to retain existing trees to meet this requirement.
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. No variance of any kind may be subsequently requested.
7. The conditional use shall automatically expire if the approved use is not commenced within 18 months from the date of approval and/or if the uses ceases for a consecutive period of greater than 18 months.

The applicant's realtor, Christopher Siler (2115 Washington Ave) spoke in favor of this request. No one spoke in opposition. The was brought back into commission for discussion to which a motion to approve the conditional use, was made by Adam Bell and seconded by Latisha Sanders-Jones; passed 8-0, without the chairman voting.

IV. Announcements/Additional Business

A. Printed Agendas.

Kris Paxton, Planning Director, stated that Agendas are no longer being mailed or hand delivered. Printed copies will be made available for pick up by commissioners and a digital copy will be emailed in advance of upcoming meetings,

B. Upcoming Workshop.

Kris Paxton, Planning Director, reminded commissioners of an upcoming workshop on April 25th from 1 to 4 pm.

C. Request notification of Public Hearings.

Adam Bell, Planning Commissioner, requested that notifications of upcoming public hearings be put on the monthly newsletter published by the Planning Department.



ITEMS NOT REQUIRING PLANNING COMMISSION ACTION

A. Development Review Approvals

1. University Lofts, 2600 College Ave (SDR-1122-0397)
2. Central Church Accessory Building, 3333 Dave Ward Dr (SDR-0223-0029)
3. Brentwood Village Pool house, 901 S Salem Rd (SDR-0323-0049)

B. Plats Filed for Record (Lot Splits, Lot Mergers, and Final Plats)

1. Ridgeland Subdivision (P2023-00017)
2. Lots 77 A & B North Hills Replat (P2023-00018)
3. Lands End (P2023-00019)

4. Graddy Subdivision (P2023-00020)


5. U.G.H. Group LLC Replat (P2023-00021)

6. Lot 1B Replat, Lewis Ranch Phase 2 (P2023-00022)

Adjournment

There being no further business to conduct, Lori Quinn made a motion to adjourn.

Approved:


2023 Chairman, Rebekah Fincher