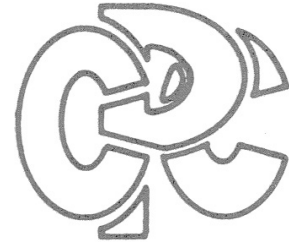




## PLANNING COMMISSION MEETING

District Court Building  
810 Parkway Street  
Conway, AR 72034



Conway Planning Commission

**March 16, 2015, 7:00 pm**

The regular meeting of the Conway Planning Commission was held Monday, March 16, 2015 in the Russell L. "Jack" Roberts District Court Building. Present: Chairman Lee Washington, Vice-Chairman Mark Lewis, Stan Hobbs, Matthew Brown, Marilyn Armstrong, Bryan Quinn, Anne Tucker, Wendy Shirar, Jerry Rye and Justin Brown.

Chairman Washington called the meeting order.

The Conway Planning Commission (PC) makes recommendations to the City Council on public hearing items. The City Council will make a final decision on these items using the PC's recommendation as a guide. Items not approved by the PC may be appealed to the City Council within 30 days after the PC's denial. Items reviewed by the PC on this agenda may be considered by the City Council as early as March 24, 2015.

Chairman Washington requested that the Commission members introduce themselves to the audience present.

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

The procedure followed for this meeting is to allow the first representative to speak in favor of a request for ten minutes and each subsequent speaker for two minutes each. Then, if there is opposition, the first speaker opposed to the request may speak for ten minutes and each subsequent 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 item will be brought back into committee for discussion.

There being no Subdivision Committee business to report the chair moved directly to the public hearing items.

### **I. BOARD OF ZONING ADJUSTMENT**

- A. Lewis Crossing request for building setback variance was approved unanimously on a motion made by Bryan Quinn and seconded by Justin Brown. Review of Board of Zoning Adjustment (BZA) items are final with the Planning Commission [acting as the BZA] and are not forwarded to the City Council for approval. Dan Tanner, 5323 S. Lewis Avenue, Tulsa, Oklahoma 74105, speaking on behalf of the developer, Collett Properties, presented this request. The Planning Commission approved the preliminary subdivision plat at it's regular meeting on January 20, 2015.

The specific variances requested are:

1. Variance to allow reduced front building line setback (minimum front yard) adjacent to realigned Amity Road from 40 feet to 10 feet for Lots 6, 7, 8, 9 and 10.

2. Variance to allow reduced front building line setback (minimum front yard) adjacent to realigned Dave Ward Drive from 40 feet to 25 feet for Lots 3, 8 and 9.

Bryan Patrick, Director of Planning and Development, commented that the Planning Department recommends approval of the requested variances as the lots are odd shaped due to the changes being made to Amity Road and Dave Ward Drive by the Arkansas State Highway and Transportation Department. Additionally, he stated that changes to the current required 40-foot building setback have been discussed to move more towards parking in the rear versus parking in front of the building on the street side. Other examples of similar, smaller building setbacks around the City, including MedExpress and Arvest Bank on Oak Street and Taco Bueno on Dave Ward Drive, etc., were cited. Mr. Tanner shared a concept site plan with the Commission of a potential building location if the building setback variances were approved.

## II. PUBLIC HEARINGS

- A. Kenneth Freyaldenhoven's request for annexation with A-1 zoning of some 10.03 acres of property located at the northwest corner of E. German Lane and Bill Lucy Drive was approved 9-0 on a motion made by Matthew Brown and seconded by Anne Tucker. Tommy Bond, 2601 T.P. White Drive, Jacksonville, Arkansas 72076, speaking on behalf of the buyer, presented the request. There was limited discussion primarily regarding the exact location of the property.
- B. Kenneth Freyaldenhoven's request for rezoning from A-1 to RU-1 for property located at the northwest corner of E. German Lane and Bill Lucy Drive was approved 9-0 on a motion made by Bryan Quinn and seconded by Justin Brown. Tommy Bond, 2601 T.P. White Drive, Jacksonville, Arkansas 72076, speaking on behalf of the buyer, presented the request.
- C. Kenneth Freyaldenhoven's request for a Conditional Use Permit for a self-storage facility on property located at the northwest corner of E. German Lane and Bill Lucy Drive was approved with conditions listed below 7-2 on a motion made by Bryan Quinn and seconded by Stan Hobbs. Marilyn Armstrong and Anne Tucker voted in opposition. Tommy Bond, 2601 T.P. White Drive, Jacksonville, Arkansas 72076, speaking on behalf of the buyer, presented the request. The PC reviewed the intended design including landscaping, similar to two other existing facilities in other communities, for the planned self-storage facility. Mr. Bond stated that due to the nature of the facility and limited hours of operation [6:00 am-10:00 pm] imposed by the owner, Preston Robinson, activity of typical users is about one visit/unit/month. He went on to explain that operation of the facility is entirely automated and conducted online and via a remote kiosk on site. Additionally, Mr. Bond stated that the entire property is equipped with video surveillance. There was some discussion about the appropriateness of the use in relation to the nearby existing middle school and residences. Commissioner Mark Lewis commented that there was another, nice, self-storage facility in the City that was located in a large residential area. There was further discussion about the difference in traffic increase between a self-storage facility [less] and multi-family housing [more]. David Strack, 1885 Wills Drive, spoke in favor of the request stating that he would prefer this usage of the land to additional apartment developments. Mr. Strack stated that with the planned

landscaping buffer he is “good with it”. Ronnie Robertson, P.O. Box 1010, Greenbrier, AR, 72058, spoke in favor of the request. While not a resident of the immediate area, Mr. Robertson is the largest landowner [37 acres total] in the immediate area and was also in favor of this type of development versus additional residential rental property. There was some additional discussion regarding another condition limiting the permit to the owner, Preston Robinson, but this was decided against as it would cause complications should Mr. Robinson decide to sell the property in the future. Also, since the PC had already approved the rezoning of the property to RU-1, this additional condition is not needed.

Conditions attached to the motion are:

1. Structures shall be constructed as presented with decorative masonry walls and architectural metal roofs. Roof color shall be an earth tone red to match the Jacksonville “Campground Storage” facility.
2. Double the amount of development review required landscaping along north boundary. One half of required trees to be evergreen species to provide additional buffering to residences.
3. Fencing shall have an ornamental wrought iron appearance.
4. Hours of operation to be limited to 6:00 am to 10:00 pm.

- D. Wal-Mart Stores, Inc. request to amend the Wal-Mart Neighborhood Market PUD condition no. 6, to extend permissible business hours to 24 hours per day, 7 days per week failed 1-7-1 on a motion made by Jerry Rye and seconded by Mark Lewis. Mark Lewis voted in favor of the motion and Bryan Quinn abstained. Stephen Giles, 425 W. Capitol Avenue, Suite 3200, Little Rock, Arkansas 72201, speaking on behalf of Wal-Mart Stores, Inc., presented the request. Mr. Giles stated that Wal-Mart Neighborhood Market was seeking the extended operating hours to better serve residents who work odd shifts and need to shop after midnight as well as relieve pressure of late night/early morning shopping on the nearby Wal-Mart SuperCenters. There was a question from the PC regarding how much need there was for this time of wee-morning hours shopping. Beth Sketoe, 57 Timberlane Trail, spoke in opposition to the request stating that the Prince Street corridor between Donaghey Ave. and Country Club is a quiet area in the late evening/early morning. Mrs. Sketoe also cited that other similar retailers in the immediate area, though allowed to, do not operate 24/7, noting that Kroger Market Place had previously operated 24/7, but has since scaled back it’s operating hours to 6:00 am to 1:00 am, and that this was evidence that there was not enough demand for 24/7 grocers in this area. Anne Tucker recalled the meetings in 2012 leading up to the initial development of the Wal-Mart Neighborhood Market and that there was a lot of public opposition to the development. Mark Lewis questioned if granting this request would cause Kroger MarketPlace to open 24/7 to remain competitive and how that might affect the residents in close proximity to that store. Large-truck delivery hours and potential inappropriate activity that could be encouraged were discussed. Initial promises to the surrounding community at the time of development were discussed and how changing the conditions might alter those promises. Mark Lewis recalled the majority of public opposition being to the existence of the store in general and that hours of operation limitations were imposed by the City Council at the request of Alderwoman Mary Smith. He went on to comment on the lack of public opposition at this meeting. Marilyn Armstrong speculated that residents may not have attended this meeting to speak in opposition, because after several meetings speaking against the initial

development the store was developed anyway and the residents might feel their comments are ineffectual. Anne Tucker echoed this same thought, though Mr. Lewis disagreed. Justin Brown, though not personally opposed to the extended hours, felt it the responsibility of the PC to uphold promises made to the surrounding community and cited no change in circumstances to necessitate Wal-Mart Neighborhood Market operating 24/7. Mr. Brown stated that it could provide additional employment to the community, but that it would be very limited.

Following the initial vote that failed, it was decided to offer an amendment to the operating hours condition to extended them to 1:00 am to allow Wal-Mart Neighborhood Market to operate the same hours at Kroger MarketPlace. The motion, made by Matthew Brown and seconded by Anne Tucker was approved 6-2-1 with Justin Brown and Marilyn Armstrong voting in opposition and Bryan Quinn abstaining. Bryan Patrick suggested, for clarity, to include the results of both votes when forwarding the recommendation to the City Council.

### **III. ITEMS NOT REQUIRING PLANNING COMMISSION ACTION**

- A. Development Reviews
  - 1. None
- B. Lot Splits, Lot Mergers, and Minor Subdivisions (filed for record)
  - 1. Hudson Acres Replat, Lot 1
  - 2. Sherwood Estates Replat, Lots 19-22

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