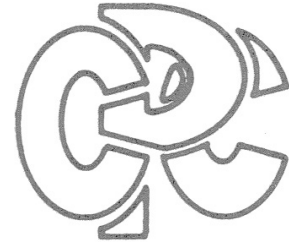




PLANNING COMMISSION MEETING

District Court Building
810 Parkway Street
Conway, AR 72034



Conway Planning Commission

April 20, 2015, 7:00 pm

The regular meeting of the Conway Planning Commission was held Monday, April 20, 2015 in the Russell L. "Jack" Roberts District Court Building. Present: Vice-Chairman Mark Lewis, Stan Hobbs, Matthew Brown, Marilyn Armstrong, Bryan Quinn, Anne Tucker, Wendy Shirar, Jerry Rye and Justin Brown. Absent: Chairman, Lee Washington.

Vice-Chairman, Mark Lewis, 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 April 28, 2015.

Vice-Chairman Lewis requested that the Commission members introduce themselves to the audience present.

Minutes from the March meeting were approved unanimously on a motion made by Anne Tucker and seconded by Jerry Rye.

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 any 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 vice-chair moved directly to the public hearing items.

I. PUBLIC HEARINGS

- A. Jason Freyaldenhoven's request for a Conditional Use Permit for a home occupation allowing a single-operator hair stylist at property located at 821 E. Siebenmorgen Rd. was approved 8-0 on a motion made by Bryan Quinn and seconded by Wendy Shirar. Jason Freyaldenhoven, 821 E. Siebenmorgen Rd., presented the request. Mr. Freyaldenhoven explained that the existing home on the property would be demolished and a new 1,500 square foot residence would be built. He also explained that he would reside in the new home and operate his business from there approximately 20 to 25 hours per week. Mr. Larry Woodall, 3300 Tyler Street, asked a question regarding parking on the site. The suggested conditions were reviewed and a fourth condition,

limiting the permit to the applicant, was added.

Conditions attached to the motion are:

1. The hair salon shall not occupy more than 25% of the gross floor area of the residence.
2. The hair salon shall not require external alterations, construction features, or mechanical equipment not customary in dwellings.
3. Signage is limited to one, non-illuminated identification sign not more than 2 square feet in area attached to the main or accessory building.
4. Conditional Use Permit is limited to applicant, Jason Freyaldenhoven.

B. Conway Public Schools' request for rezoning from R-1 to S-1 for property located at 2220/2230 Prince St. and 1201 Donaghey Ave. was approved 8-0 on a motion made by Bryan Quinn and seconded by Stan Hobbs. Mr. Carroll Bishop, 3055 Windcrest Drive, presented the request. He explained that the School District would like to rebuild portions of the Ida Burns Elementary campus to update the facility and be able to keep the school in its present location as well as possibly add a multi-purpose/indoor practice facility on the high school campus. Donny Hay, 2411 Meadow Drive, asked if this rezoning would affect any of the residences in the immediate vicinity of the two school campuses. Mr. Bishop confirmed it would not. William Andrew Patterson, 2159 Hickory Street, asked if the proposed changes to the campuses, made possible by the rezoning, would improve the traffic flow and pedestrian safety in the area. Mr. Bishop explained that it was the intent of Conway Schools to hopefully improve traffic by redesigning the Ida Burns Elementary campus and its proximity to Donaghey Avenue. Hervey Bizzell, 2135 Poplar Street, inquired if the School District intended to 'take any houses'. Mr. Bishop stated that there were no plans to do anything with any property surrounding the two school campuses. James Ingram, 2118 Weems Street, expressed confusion about why some of the residential property near the school was identified in the notice the residents [within 200' of the school property] received as being rezoned. Bobby French of Central Arkansas Professional Surveying, 1021 Front Street, explained that only property that Conway Schools owned was being rezoned. Director of Planning, Bryan Patrick, offered a map to Mr. Ingram showing the property being rezoned and stated that the description offered in the official notice was too general. Norma Smothers, 2419 Meadow Drive, clarified that there were two notices sent. The initial notice included an incorrect property description and that a second, follow-up notice with a corrected property description was also sent. Jerry Rye explained that since the school property was grandfathered into zoning of the City and operating under a conditional use permit that the Planning Commission has a measure of oversight concerning what is built on the property which somewhat protects the surrounding residents. He went on to ask why the school needed to change the zoning now. Bryan Patrick explained that the new construction planned would void the grandfathered status of the property and would trigger the need for rezoning, hence the school's application.

C. Bobby Conrad's request for rezoning from A-1 to RU-1 for property located at 2105 E. German Ln. was approved 6-2 on a motion made by Bryan Quinn and second by Marilyn Armstrong. Commissioners Jerry Rye and Anne Tucker voted in opposition. Jeff Jackson of Tyler Group, Inc., 42 Herring Lane, Conway, AR 72032, speaking on behalf of the Owner, presented the request. Mr. Jackson explained that Mr. Conrad wished to rezone the 5 acres [of a total of 26 acres] fronting E. German Ln. in order to relocate Linns Auto Glass and operate an advertising business. Jamie Green, 1610 Wills Drive,

inquired what would happen to the remaining 21 acres not being rezoned. Mr. Jackson explained that the the property was being subdivided and he was not aware of the plans for the property outside the rezoning request.

- D. Bobby Conrad's request for a Conditional Use Permit to allow an auto glass shop in an RU-1 zone for property located at 2105 E. German Ln. was approved 7-1 on a motion made by Jerry Rye and seconded by Bryan Quinn. Commissioner Anne Tucker voted in opposition. Jeff Jackson of Tyler Group, Inc., 42 Herring Lane, speaking on behalf of the Owner, presented the request. Mr. Jackson explained that the advertising business would be allowed by right in an RU-1 zone, but the auto glass shop would require a conditional use permit and since Mr. and Mrs. Conrad have operated their businesses from the same facility in the past they would like to keep it that way in the new facility. There was some discussion regarding additional landscaping requirements to provide additional buffering to neighboring residents as well as limiting the permit to the applicants. Next, allowable hours of operation were discussed. It was determined that hours of operation pertain to the business being open to customers, but that projects in progress could be completed after these hours if need be. The possibility of requiring a fence was discussed, but ultimately dismissed. Mr. Conrad explained that he is purchasing the entire 26 acres, but has no current plans to develop the remainder of the property, not being rezoned, at this time.

Conditions attached to the motion are:

1. Hours of operation are limited to 8:00 am to 5:00 pm, Monday through Friday.
2. Double the amount of development review required landscaping along the south and west boundaries. One half of required trees are to be evergreen in species to provide additional buffering to neighboring residences.
3. Conditional Use Permit is limited to applicants, Bobby and Angela Conrad.

- E. Stoby's request for rezoning from R-2A to O-2 for property located at 817 Donaghey Ave. was approved 8-0 on a motion made by Anne Tucker and second by Bryan Quinn. David Stobaugh, 47 Lakeview Drive, presented the request. He explained that Stoby's would like to use the existing residence at 817 Donaghey Ave. to serve groups too large to eat together in the Stoby's Restaurant. Food would be prepared at Stoby's and taken next door. Chris Throneberry, 901 Reedy Road, spoke in favor of the request. Mr. Throneberry is a property owner directly to the north of 817 Donaghey Ave. and he complimented the Stobaugh's as good citizens that serve the City of Conway. Barbara Satterfield, 48 Southshore Lane, spoke in favor of the request. Ms. Satterfield stated that local neighborhood restaurants are an essential part of neighborhoods. Thea Spatz, 615 Davis Street, spoke in favor of the request stating that Stoby's Restaurant [the Stobaughs] are 'good neighbors'. Jackie Fliss, 2411 Robinson Avenue, spoke in favor of the request explaining that the local neighborhood restaurant, Stoby's, was one of two key reasons she chose to raise her family in the area. She went on to describe how Stoby's supports and develops young people. Rodney Kilduff, 822 Donaghey Avenue, spoke in opposition to the request. Mr. Kilduff expressed concern for his property value, the traffic flow around Stoby's and on Donaghey Ave., as well as the noise level. Mr. Stobaugh explained that he felt the planned additional parking is adequate to meet the increased need and also, when those additional spaces are not being used by groups, they will provide additional parking for Stoby's. He went on to assure Mr. Kilduff that this request is not to expand the Stoby's Restaurant. It is merely a request to provide a place for larger groups that cannot typically eat together at Stoby's. Jo Kilduff, 822

Donaghey Avenue, spoke in opposition to the request inquiring as to the hours of operation. Mr. Stobaugh answer saying they would 'mimick' Stoby's Restaurant.

- F. Stoby's request for a Conditional Use Permit to allow an eating place in an O-2 zone for property located at 817 Donaghey Ave. was approved 7-1 on a motion made by Bryan Quinn and seconded by Anne Tucker. Commissioner Justin Brown voted in opposition. David Stobaugh, 47 Lakeview Drive, presented the request by repeating his description of the planned use of the property as group dining. He went on to explain that the facility would be available for reservation as well as for walk-in groups and and that there would probably be limited menu offered, depending on the needs of the groups. He also commented that eventually there would probably be a need for a kitchen of some type in the new building for groups and catering, but it would never be a stand-alone restaurant or provide over-flow seating if Stoby's is full. A discussion regarding bus/van parking followed. Mr. Stobaugh answered that the parking design would 'take some work' and have to be modified to allow for bus/van parking and entry/exit. Mr. Stobaugh stated that they planned to grow into the use of the building, renovating and upgrading as needed. Landscaping in relation to the parking area was discussed with regard to the Donaghey Corridor Study. Additionally, as part of the Old Conway Design Overlay District, the Historic District Commission (HDC) will have to review and approve any parking changes to be made at the property. Jo Kilduff, 822 Donaghey Avenue, spoke in opposition to the request by expressing her concern for all the additional concrete that would be going onto the site. Rodney Kilduff, 822 Donaghey Avenue, spoke in opposition to the request by posing the question if Stoby's is outgrowing its current facility why does it not move and occupy another site. It was stated that this requested use falls within the intended uses identified in the Donaghey Corridor Study and the PC opted to leave the parking and landscaping requirements to be determined by the HDC. Conditions attached to the motion are:
1. Hours of operation to coincide with Stoby's Restaurant, currently 6:00 am to 10:00 pm, Monday through Saturday.
 2. Dining facility is limited to Stoby's/Branch, Inc. use only.
 3. The structure is limited to group dining. A full service restaurant will require a future amendment to this conditional use permit.
 4. Additional parking similar to the Planning Staff sketch proposed in the April Staff Report will be required.
- G. Shaver Properties; request for a Conditional Use Permit to allow MF-1 Density in an R-2 zone for property located at 511 1st Ave. and 501-505 2nd Ave. was approved 8-0 on a motion made by Justin Brown and seconded by Marilyn Armstrong. Allen Shaver, 1261 Harkrider Street, presented the request. Mr. Shaver explained that the permit for the higher density would allow him to gain one additional unit creating three single-family residences and one duplex on one lot. Mr. Shaver constructed the same configuration immediately south, on the opposite side of Hayes Street. Conditions attached to the motion are:
1. The property must be replatted with appropriate street right of way dedications.
 2. The replatted property shall have a maximum of 9 dwelling units.
- H. Gridiron AP, LLC's request for a Conditional Use Permit to allow a communication transmission tower for property located at 3750 Prince St. was denied 2-6 on a motion made by Anne Tucker and seconded by Stan Hobbs. Commissioners Stan Hobbs,

Matthew Brown, Bryan Quinn, Wendy Shirar, Jerry Rye, and Justin Brown voted in opposition. Randy Frazier of Kutak Rock, LLP, 124 W. Capitol Ave., Suite 2000, speaking on behalf of the applicant, presented the request. Mr. Frazier explained that as demand for basic and enhanced wireless internet coverage increases so does the need for transmission towers. The proposed tower would 'house' Verizon Wireless at the very top and would be available for up to three additional carriers (co-locators) in 10 foot increments below that. Mr. Frazier also explained that studies were done to see if the existing tower directly across Prince St. could be extended to the necessary height, but unfortunately it was not designed structurally to carry the load a 140 foot tower would require. Mr. Kevin Watson, 5560 Lost Canyon Dr., spoke in opposition to the request. Mr. Watson, as owner of Turnberry Subdivision Phase I and the proposed Phase 2, expressed concern for the current/future residents of this subdivision and what this tower would do to their views, property values, etc. Commission discussion followed regarding the need and placement of these towers. A major stumbling block for the commission in approving this request is the presence of an existing tower directly across the street. Mr. Jim Curley, 2601 Kavanaugh Blvd., who works with Verizon Wireless on site acquisition, had a series of meetings with the owner of the leased tower property across Prince St. to see if there was a possibility of extending the existing tower or placing a second or replacement tower, but the owner was not interested. This site was not chosen arbitrarily, but due to its placement in the radio frequency ring. Mr. Frazier went on to point out that the proposed property is currently zoned C-3, not residential. He also confirmed that the tower would be raw metal colored.

Conditions attached to the motion were:

1. Height of tower is to be maximum of 140 feet.
 2. The tower must be a monopole "stealth" design with no external wiring or antennas.
 3. A brick or split face 8 foot tall masonry enclosure must be provided.
 4. Landscaping shall be provided as proposed with a boxwood or similar species hedgerow around the exterior perimeter of the enclosure.
 5. No additional lighting unless required by the FCC/FAA.
 6. The tower must be removed if it is not used for a continuous period of 24 months.
- I. Verizon Wireless' request to amend Conditional Use Permit No. 1195 to allow increased height of the pole at property located at 718 Monroe Street was approved 8-0 on a motion made by Justin Brown and seconded by Bryan Quinn. Randy Frazier of Kutak Rock, LLP, 124 W. Capitol Ave., Suite 2000, speaking on behalf of the applicant, presented the request. Mr. Frazier explained that Verizon wireless feels it can meet the extra demand for wireless coverage in the immediate area with a minimally intrusive height extension to the existing tower. Some discussion followed regarding the total structural capacity of the existing pole, which was not known.

Conditions attached to the motion are:

1. Height of pole is to be a maximum of 90 feet.
Other conditions that remain unchanged are:
2. Flagpole must be maintained.
3. Flag must be lighted at night.
4. U.S. flag only with no secondary flags on pole
5. No visible cabling except flag supports
6. Landscaping to be continued and maintained.

- J. Eagle Bank & Trust's request for a Conditional Use Permit for a bank in an O-2 zone for property located at 2900 and 2920 Prince Street was advanced to the City Council with no recommendation due to a 3-5 vote on a motion made by Anne Tucker and seconded by Matthew Brown. Commissioners Stan Hobbs, Marilyn Armstrong, Bryan Quinn, Jerry Rye, and Justin Brown voted in opposition. Barry Williams of Crafton, Tull & Associates, 1000 Ledgelawn Drive, speaking on behalf of the applicant, presented the request stating that the property is currently zoned O-2 and that the bank would fit that zoning with the requested conditional use permit. Larry Woodall, 3300 Tyler St., spoke in opposition asking why there was a need for a new building as there are currently several branch bank buildings in Conway that are vacant. Mr. Jeff Lynch, CEO of Eagle Bank & Trust, 436 Golf Drive, Heber Springs, answered by saying that several locations were considered, but "none of them worked out." Mr. Mike Cummings, 6 E. Post Oak Dr., spoke in opposition. Mr. Cummings reminded the PC about the 2013 decision to stop a Family Dollar retail store from going on the same site after it was approved to be rezoned O-2. He went on to cite drainage issues on his property, which is directly northwest of the proposed site, that he fears would worsen should the development of the property change. He also expressed concerns about the site lighting and noise generated by the bank. Shelbie Huff, 5 E. Post Oak Dr., spoke in opposition by citing concerns that a bank doesn't seem to fit the Quiet Office zoning. Holly Cummings, 6 E. Post Oak Dr., spoke in opposition. Mrs. Cummings expressed concern about the lighting related to the operation of the ATM, the location and schedule of emptying garbage dumpsters, construction hours that begin early in the morning, i.e. 6:00 am, the loudness of the speakers used by the tellers communicating with the customers in the drive-thru, and bank operating hours. She went on to request that if the conditional use permit was to be approved to please require 8 foot fencing with landscaping. Discussion followed in commission. Commissioner Hobbs, cited the 'compromise' that was struck with the nearby residents at the time the property was rezoned to O-2 in 2013. Commissioner Tucker quoted from the April Staff Report that O-2 zoning could expect to generate approximately 200 vehicle trips per day and a bank with a drive-thru approximately 246 vehicle trips per day, which is not much different than Quiet Office. Commissioner Armstrong focused on retaining the integrity of the residential feel of the area and of the traffic at that intersection. She hopes to see the existing residences used for law or physicians' offices that might generate less traffic than a bank. Further discussion about how ingress and egress to the site will be problematic in relation to the very-busy traffic circle at the intersection of Prince St. and Salem Rd. It was ultimately decided that, should the permit be granted, the City Engineer would have ultimate control during the development review process regarding traffic flow requirements to and from the site. Bryan Patrick clarified the Staff Report Comment regarding future commercial activity along that area to be understand that lots on the north side of Prince St. with access directly onto Prince St. would naturally fit the commercial feel of the area, but once the access to lots shifts to the west, from Shady Lane Dr., commercial activity should cease. Commissioner Rye inquired about a redesigned site plan, but Barry Williams stated that the reason for the building and drive-thru lane orientation on the site was to allow for ample 'stacking' room meaning, vehicles could enter the site and wait in line and not have to wait out on the street. The PC asked one other nearby resident (owner of 2 and 4 Shady Lane Dr.) to speak once they realized she was in attendance. She inquired about possible future rezoning possibilities for her properties as well as those facing Prince St. between her properties and the proposed bank site. Bryan Patrick explained that she would be welcome to apply and go before the PC for

rezoning, but that she would likely have greater success if all the property, hers plus the lots facing Prince St. were rezoned together, at one time. Conditions were discussed and modified as well as added to.

Final conditions attached to the motion are:

1. Lobby hours of operation are limited to 8:00 am to 5:00 pm, Monday-Friday and 8:00 am to 12:00 pm on Saturday. Drive-thru hours of operation are limited to 8:00 to 5:30 pm, Monday-Thursday, 8:00 am to 6:00 pm on Friday, and 8:00 am to 12:00 pm on Saturday. Drive-thru ATM may be operational 24 hours per day/7 days a week.
2. A reduction in the required 20 foot residential landscape buffer on the west side adjacent to the drive through lanes is allowed.
3. Double the amount of development review required landscaping along the residential boundaries. One half of the required trees are to be evergreen species to provide additional buffering to neighboring residences. An eight (8) foot wooden privacy fence shall be constructed on the west and north property lines adjacent to the residential lots. The privacy fence shall stop at an appropriate distance from the street rights of way to not cause traffic sight line problems.
4. Hours of construction are limited to 8:00 am to 6:00 pm, Monday-Friday.
5. All site and building lighting must be downward directed and shrouded.

II. ITEMS NOT REQUIRING PLANNING COMMISSION ACTION

A. Development Reviews

1. Central Arkansas Medical Park, 650 United Dr
2. Cambridge Village Apartments, 1950 Meadowlake Rd
3. Jones Garage Expansion, 1090 Jims Ln

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

1. Overland Heights Replat, Lots 7-10
2. Oslica Replat
3. Watson Family Subdivision
4. Orchard at Round Mountain Correction

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