



CONWAY PLANNING COMMISSION

PLANNING COMMISSION MEETING

Russell L. "Jack" Roberts District Court Building • 810 Parkway Street • Conway, Arkansas 72034

August 15, 2016, 7:00 pm

The regular meeting of the Conway Planning Commission was held Monday, August 15, 2016 in the Russell L. "Jack" Roberts District Court Building. Present: Chairman Mark Lewis, Vice-Chairman Matthew Brown, Marilyn Armstrong, Justin Brown, Brooks Freeman, Bryan Quinn, Wendy Shirar, and Anne Tucker. Dalencia Hervey and Jerry Rye were absent.

Chairman 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. If an item is appealed to the City Council a public hearing sign must be placed on the property no less than 7 days prior to the City Council meeting and a public notice will be placed on the City's website at www.cityofconway.org. Items reviewed by the PC on this agenda may be considered by the City Council as early as August 23, 2016.

Minutes from the July meeting were approved unanimously on a motion made by Bryan Quinn and seconded by Anne Tucker.

The Conway Planning Commission also serves as the Board of Zoning Adjustment. Board of Zoning Adjustment items that are denied may not be appealed to the Conway City Council. Aggrieved parties may file litigation through the Faulkner County Circuit Court.

The procedure followed for public hearing portion of the meeting is to allow the first representative to speak in favor of a request for ten minutes and each subsequent favorable 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 opposed 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.

I. BOARD OF ZONING ADJUSTMENT

1. Hepner Homes' request for a zoning variance to allow reduced front and side setbacks at Lots 2, 3, 5, and 6 [1240, 1300, 1320, and 1330 Andrews Drive], Makenna Cove Subdivision was approved, including the staff recommended variance conditions, 8-0 on a motion made by Anne Tucker and seconded by Marilyn Armstrong. Robert Hepner, 1320 Andrews Drive, presented the request. Mr. Hepner explained that he built the homes on these lots beyond the approved building line. He explained that he did not use a surveyor to stake the houses, but will in the future to prevent this from happening again. Ronnie Beene, 37 Heffington Cemetery Road, Enola, spoke in opposition to the request. Mr. Beene owns Lot 1, Makenna Cove Subdivision, and he questioned why he did not received notification of Mr. Hepner's zoning variance request.

Bryan Patrick, Planning & Development Director, explained that since Mr. Beene had recently acquired his property the Faulkner County Assessor's records did not yet reflect the change in ownership and therefore the previous property owner was likely notified. Mr. Beene was also interested in a reduced building setback for his planned house on Lot 1, but did not apply for a zoning variance and has sited his house in compliance with the platted 30 foot building line. Bryan Patrick explained some additional details of this request, including that the 30 foot building line is 5 feet deeper than the typically required 25 feet and coincides with a 30 foot utility easement used by Conway Corporation for sewer access. Conway Corporation would only agree to a minimal reduction of the easement for the specified lots only and not to a reduction of the 30 foot easement by 5 feet along the length of Andrews Drive. Their reasoning being that if the sewer line along these lots requires access in the future, Conway Corporation will not be responsible for any foundation issues that result. Conway Corporation also stated that they will not agree to reducing the easement, even minimally, for any other lots along this street. The Planning Commission discussed the differences between this request and the zoning variance request presented and decided at the July 2016 Planning Commission meeting. Finding that the plot plans submitted as part of the building permits process showed the houses sited correctly, that there were no major changes to the design or placement of the structures after receiving building permits, and that the incorrect placement is the result of a measurement mistake on the builder's part and the City for mistakenly approving the footing placement, the Planning Commission approved the request.

Staff recommended variance conditions attached to this variance are:

1. The 30 foot front setback of Lots 2, 3, (1330, 1320 Andrews Drive) and 5, 6 (1300, 1240 Andrews Drive) shall be reduced to match the utility easement reduction to be approved by the Conway City Council on August 23, 2016.
2. The side setback of the residence at Lot 5, 1300 Andrews Drive, shall be allowed at 5.1 feet.

II. PUBLIC HEARINGS

- A. Abby Development's request for a conditional use permit to allow a nursing facility in an O-2 zoning district at property located at 4550 Prince Street was approved 8-0 on a motion made by Brooks Freeman and seconded by Wendy Shirar. Joe White, White-Daters, 24 Rahling Circle, Little Rock, presented the request on behalf of Abby Development. Mr. White presented some color renderings of the proposed project to the Planning Commission for review. He described the project as a "high-end, 100% private-paid" step care facility for seniors. The concept of the development is for seniors to move there when they are still capable of independent living, then as their health declines they can transition to more and more care as needed without having to move. He explained that Abby Development has successfully completed this same project in Texas and other surrounding states. Chris Barnes, 340 Esplanade Avenue, spoke in opposition to the request questioning if the zoning ordinance allowed the planned cottage-style buildings which he interprets as duplexes. While duplexes are not an allowable dwelling unit type in an O-2 zone, the Planning Department considered the cottages as part of the overall nursing facility/senior living community. Mr. Barnes also expressed concerns about increased traffic generated by the facility and the planned emergency exit located at the southwest corner of the development. Mr. White explained that, as residents of the facility will be older, there will not be as much traffic generated as would be if a commercial/retail or office development were to be on property instead. Todd Johnson, 4630 Wescon Lane, was not opposed to the request, but as members of his family own property adjacent to the south of the planned development, wanted to see the renderings to better understand the proposed project. The Planning Commission asked for a better understanding of the memory care and step care concepts. Mr. White explained that the goal is to allow independent seniors to move into a senior community and remain there for the duration of their lives, receiving more and more care as needed

without the hassle of moving from facility to facility as their needs increase. The Planning Commission felt the planned design was very nice, that the facility would meet a need in the Conway community, and would be an appropriate use of the property.

- B. Trinity Development 's request to rezone property located at 2820 College Avenue from R-1 and O-1 to MF-3 was approved 7-1 on a motion made by Bryan Quinn and seconded by Matthew Brown with Justin Brown voting in opposition. Jim Rankin, 1307 Main Street, presented the request. He explained that for many years the property has been marketed as 'office', but that the area seems to be saturated with office developments. Also, with the current configuration of the property, primarily lack of street frontage, it is no longer desirable for office use and is better suited to multi-family use. He described the gated multi-family development consisting of 72, high-end units, some with garages, across 4 buildings that would provide walkable access to many area amenities, including a fitness center, the walking/bicycle trail, retail, restaurants, banks, etc. Another benefit Mr. Rankin is working towards with the city is developing direct fire department access to the property from the existing station 4, adjacent at the northwest corner. Mr. Rankin did qualify that the garages could be eliminated in favor of more dwelling units if needed to make the project financially feasible. The value of the development's placement, in close proximity to many amenities, was well understood, however, there was some concern and a lengthy discussion regarding the planned secondary access to the property being the access easement through the south of the Slim Chickens' property to Salem Road. Ultimately, the Planning Commission deferred to the Planning & Development and Street & Engineering departments to work with Mr. Rankin/Trinity Development to design and develop the property to meet all city requirements and blend well with the existing businesses.

III. ITEMS NOT REQUIRING PLANNING COMMISSION ACTION

- A. Development Reviews
1. Central Tube & Bar Office Expansion, 25 Middle Road
- B. Lot Splits, Lot Mergers, and Minor Subdivisions (filed for record)
1. Round Mountain Subdivision Lot Merger, Lots 27 & 28, minor
 2. DeBoard Subdivision, minor
 3. Sherwood Estates Replat Lots B & C, minor
 4. R.L. Hayes Addition, Replat Block 2, Lots 8-17, minor
 5. Covington Commercial, minor

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.