



CONWAY PLANNING COMMISSION

PLANNING COMMISSION MEETING

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

November 21, 2016, 7:00 pm

The regular meeting of the Conway Planning Commission was held Monday, November 21, 2016 in the Russell L. "Jack" Roberts District Court Building. Present: Chairman Mark Lewis, Vice-Chairman Matthew Brown, Marilyn Armstrong, Justin Brown, Brooks Freeman, Wendy Shirar, Bryan Quinn, Dalencia Hervey, and Anne Tucker. Jerry Rye was absent.

Chairman Lewis called the meeting order.

The Conway Planning Commission makes recommendations to the City Council on public hearing items. The City Council will make a final decision on these items using the Planning Commission's recommendation as a guide. Items not approved by the Planning Commission may be appealed to the City Council within 30 days after the Planning Commission'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 Planning Commission on this agenda may be considered by the City Council as early as December 13, 2016.

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

The procedure followed for the 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. PUBLIC HEARINGS

- A. FTS International Services, LLC request for conditional use permit to allow nonresidential uses for property located at 294 Hwy 65 N with conditions listed below was approved 9-0 on a motion made by Anne Tucker and seconded by Brooks Freeman. Doug Meyer, 1 Sunset Lake Drive, Little Rock, AR, presented the request. Mr. Meyer represents the investment group, Terraforma, that is purchasing and subsequently leasing the property. He explained the planned tenants they have secured for the property through 5 and 10 year leases are a church; Altec, a bucket truck assembly company; and Momar, an environmental consultant. Mr. Meyer shared with the Planning Commission what he knows about each tenant's operation and that he feels all of them will be good neighbors to the nearby residences. Mr. Meyer was aware of the issues with the previous property owners, FracTech. Sharon Ferguson, 20 Rolling Hills, asked a question regarding the lighting on the property which is addressed by condition 2 below. The Planning Commission asked if equipment or materials would be staged on the property and the applicant

stated that while that is not the primary use by Altec or Momar there could be some trucks parked on the property awaiting assembly.

Conditions attached to the permit:

1. Hours of operation for commercial uses are limited to 6:00 am to 6:00 pm, Monday through Friday, and 8:00 am to 6:00 pm on Saturday except in cases of emergencies. Church operating hours are not limited.
2. Lighting must be inward, downward, and shrouded with cut off fixtures meeting development review standards. No lights shall intrude on abutting residential property.
3. Uses are limited to those requested, church, bucket truck assembly, and environmental services, incorporating attached Exhibit C.
4. Allowed uses shall be in specified areas as shown on submitted lease area map.
5. Church entity may change. Commercial business entities may not change without amending conditional use permit.

B. Leah Colclasure's request to rezone property located at 260 Hwy 65 N from A-1 to C-2 was approved 9-0 on a motion made by Bryan Quinn and seconded by Wendy Shirar. Leah Colclasure, 88 Castleberry Road, Greenbrier, presented the request explaining the need to build a new building to house her family's retail store and improve the parking layout. As the current retail store is a 'grandfathered' use any addition to the building or new buildings negate the grandfathered status and require a zoning change.

C. Jason Covington's request for a conditional use permit for property located at 655 Dave Ward Drive, Suite 2 to allow restricted retail in an I-3 zone was approved as allowing only a retail jewelry store and jewelry fabrication, 9-0 on a motion made by Bryan Quinn and seconded by Dalencia Hervey. Jason Covington, 4630 Bay Hill Drive, presented the request. Mr. Covington explained that one of his tenants is operating a retail jewelry store in an I-3 zone and that it had been brought to his attention that this was not an allowed use by right and would require a conditional use permit. Mr. Covington explained that he was not aware of this requirement as the other office uses in the same building are allowed by right in an I-3 zone.

Conditions attached to the permit:

1. Use is limited to a jewelry store and jewelry fabrication (business expansion is allowed).
2. Conditional Use Permit only applies to Suite 102, 655 Dave Ward Drive.

D. Mitch Hart's request to rezone property located at 1401 Hogan Lane from R-1 to O-1 was denied unanimously on a motion made by Matthew Brown and seconded by Anne Tucker. A secondary, follow-up motion made by Bryan Quinn and seconded by Matthew Brown, to approve a rezoning to O-3 was defeated 1-8, with Bryan Quinn being the sole favorable vote. Mitch Hart, 1401 Hogan Lane, presented the request explaining that he would like to operate his real estate (Century 21 Dunaway and Hart) and development (Hartland Development) businesses from an existing 600 sf accessory building at the rear of the residential property where he currently resides. Mr. Hart explained and demonstrated that as the real estate industry has become more technology focused, agents rarely require an office space to conduct business. Mr. Hart described the agents contracted to Century 21 as virtual agents who work from their homes with most business is conducted via telephone and email. He described the need for a small 'touchdown space' to meet clients and a place to install a sign, which is a state requirement to operate a real estate company. Mr. Hart explained that the property meets certain criteria which make it suitable for an office, including being in a 'Transition Zone' per the 2014 Comprehensive Plan, the proposed use seems to be congruent with the surrounding area, the property is located on a major arterial street, the office use will be to the rear of the adjacent residences and is not visible from Hogan Lane, and there is ample parking on the property. Mr. Hart is aware of the

opposition by some of the Sunderlin Park residents and plans to do all he can to limit his business' impact. He explained that his development business consists of him and one other full-time employee and his real estate business consists of himself and 6 full-time agents who work from their homes. Joe Pruett, 1410 Sunderlin Park Drive, spoke in opposition. While Mr. Pruett stated that Mr. Hart is a good neighbor, he was most concerned with the many uses, beyond an office, a rezoning to O-1, the least restrictive of office zones, would allow by right on the property. As one of the adjacent property owners, he was also worried about the possible decrease in property value and enjoyment and what he considered a use that would change the character of the neighborhood. Mr. Pruett presented a petition, signed by 83 Sunderlin Park homeowners, opposing Mr. Hart's rezoning request. Bart Trickey, 4200 Pergola Place, spoke in opposition. Mr. Trickey was concerned with drainage that could be worsened by future uses of the property in which the property level might be altered. Mr. Trickey Deana Johnson [no address given] spoke in opposition. Ms. Johnson accused Mr. Hart of seeking the most intrusive office zoning when the his needs could be met by the most restrictive of the office zones [O-3]. She was concerned about a decrease in her property's value and the safety of her children. The Planning Commission asked those opposed if they would be satisfied with a rezoning to the more restrictive O-3 zoning. Ms. Johnson replied that if Mr. Hart had asked for the lesser office zoning from the beginning it would have "softened the blow", but as it is now, she believes that Mr. Hart is trying to "sneak" the rezoning to O-1 past the residents of Sunderlin Park. Mark Hendrixson, 1400 Sunderlin Park Drive, spoke in opposition. Mr. Hendrixson remarked that Mr. Hart is a good neighbor. He did state that when Mr. Hart has large gatherings he can see all the cars and lights. Mr. Hendrixson went on to say that it is his belief that the highest traffic times for Mr. Hart's business will be during the off-peak hours of most other businesses, the same time that most residents are trying to "enjoy" their homes. Following the public input portion of the hearing, Bryan Patrick explained that Mr. Hart was having to request a rezoning to O-1 with a subsequent conditional use permit request for a single-family residence as R-1 does not allow an office by conditional use permit.

- E. Mitch Hart's request for a conditional use permit to allow a single-family residence in an O-1 zone for property located at 1401 Hogan Lane was not reviewed by the Planning Commission as the rezoning request that would make this conditional use permit necessary was defeated.
- F. Mitch Hart's request to amend the final development plan of the Hart Place PUD to allow restricted retail was approved as allowing only paddlesports retail and related trailer sales as an allowed use. Mr. Hart, 1401 Hogan Lane, presented the request. He described the original use of a portion of the property as a dance studio, Ms. Toby's Dance Ranch, and horesback riding facility. It has been determined that the property is no longer suitable for these uses and the property is for sale. A canoe and kayak retailer, Ozark Mountain Trading Company, has agreed to purchase a portion of the property if their retail use is approved. The PUD final development plan includes a list of approved uses, but carries an underlying zoning restriction of A-1, Agricultural. In order to make the remainder of the property more marketable Mr. Hart would like to add Restricted Retail as an allowed use across the PUD. Larry and Bruce Jenkins, owners of Ozark Mountain Trading Company, were present at the meeting. Mark Elsinger, 2905 Antelope, spoke for his sister who is an adjacent property owner. Mr. Elsinger and his sister are not in opposition. They were simply interested in Mr. Hart's plans for the property and to confirm that he was not planning to build any structures or alter. Robert Schichtl [no address given] spoke in opposition stating his concern for an increase in traffic on East German Lane and safety given the property's proximity to two schools, should restricted retail be an allowed use across the PUD. Bruce Jenkins, 14464 Hwy 62, Garfield, AR, explained their business which would operate 10:00pm - 6:00pm Monday through Saturday and 12:00 pm - 5:00 pm on Sunday,

as canoe and kayak retail and plus the sale of related trailers. The Planning Commission was reluctant to add restricted retail as an open ended allowed use to the Final Development Plan so they approved a limited addition of paddlesports retail and related trailer sales as an approved use.

II. DISCUSSION

- A. Dalencia Hervey reported that both committees had conducted interviews of the selected Planning Commission nominees and that the four finalists had been interviewed a second time by the combined group of commissioners. She then presented Arthur Ingram and Brandon Ruhl as the nominees selected for recommendation to the City Council for approval. These two selections will be forwarded to the City Council for approval at one of the scheduled December meetings.

III. ITEMS NOT REQUIRING PLANNING COMMISSION ACTION

- A. Development Reviews
 - 1. First Service Bank, 540 United Drive
 - 2. All Secure Mini-Storage, Phase 3, 4025 McDowell Drive
 - 3. Acadia Behavioral Health Center, 2255 Sturgis Road
 - 4. DeBoard Electronics/C2 Powersports, 650 Dave Ward Drive
 - 5. Outback Steakhouse, 955 E Oak Street, BK Dean PUD
 - 6. Seiter Dental Clinic, 2157 Prince Street

- B. Lot Splits, Lot Mergers, and Minor Subdivisions (filed for record)
 - 1. None

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

EXHIBIT C

Use

1. Service, repair and maintenance of hydraulic, electrical and mechanical systems of specialized access equipment and cranes and related bodies, components, parts and accessories. Specialized access equipment includes aerial devices, digger derricks, and wood chippers. Service, repair and maintenance includes hydraulic, electrical and mechanical systems and bodies. Service ranges from minor repairs to rebuilding and remounting specialized access equipment. Maintenance includes annual preventive maintenance inspections and outdoor dielectric testing.
2. Minor service, repair and maintenance of motor vehicles associated with Altec specialized access equipment. Service, repair and maintenance includes electrical and mechanical systems. Service is limited to minor repair replacement of consumable wear items. Maintenance includes motor vehicle inspection and fluid replacement.
3. Rental of specialized access equipment and cranes and related motor vehicles, bodies, components, parts, accessories and services.
4. Offices.