



CONWAY PLANNING COMMISSION

PLANNING COMMISSION MEETING

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

May 15, 2017, 7:00 pm

The regular meeting of the Conway Planning Commission was held Monday, May 15, 2017 in the Russell L. "Jack" Roberts District Court Building. The following members being a quorum were present and acting: Chairman Anne Tucker, Vice-Chairman Jerry Rye, Brooks Freeman, Dalencia Hervey, Marilyn Armstrong, Bryan Quinn, Wendy Shirar, Justin Brown, Brandon Ruhl, and Arthur Ingram.

Chairman Tucker called the meeting order.

Chairman Tucker informed the audience that 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 May 23, 2017. Chairman Tucker went on to explain that decisions made by the Planning Commission, acting as the Board of Zoning Adjustment, are final and may not be appealed to the City Council.

Minutes from the April meeting were approved unanimously on a motion made by Jerry Rye and seconded by Wendy Shirar.

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 public hearing will be closed and the item will be brought back into commission for discussion.

I. BOARD OF ZONING ADJUSTMENT

A. Sketoe request for zoning variance to allow reduced side building setback

Beth Sketoe, 57 Timberlane Trail, presented the request. Ms. Sketoe explained her and her husband's intent to build a small office building on the site. Due to the topography of the site and potential drainage problems, the project contractor has cautioned them to site the proposed office building towards the southern property line, where the ground is higher. There is also an existing shale ridge in this area that will help with leveling the project and with potential drainage problems that could occur. As a result, the proposed building location encroaches approximately 12 feet into the required 20 foot building setback where I-1 meets R-1. Ms. Sketoe added that she and her husband own the abutting property. Chairman Tucker closed the public hearing and brought the item back before the Planning Commission for discussion. Justin Brown commented that even if the abutting property was not also owned by the Skeote's he felt it would not be intrusive given the industrial nature of most of the rest of McNutt Road. Bryan Quinn motioned that the request be approved. Justin Brown seconded the motion. There was no discussion of the motion. The motion passed unanimously.

II. PUBLIC HEARINGS

A. Jack's Ultra Sports request to amend conditional use permit no. 1366 for property located at 655 Equity Ave

Andy Hill, 1711 Jennifer Circle, presented the request. Mr. Hill explained that by having to close at 9:00pm they were not able to serve many customers. As there are not many late evening activity options in Conway, he would like to be able to stay open later to serve more people as well as have the opportunity to host special events on holidays and possibly lock-ins. Mr. Hill also described wanting to add an additional activity (i.e. mini-golf, inflatables, go karts, etc.) outside the building. This area would be enclosed and only accessed from inside the building. Mr. Hill confirmed that there have been no problems with loitering, mischief, etc. since they opened. He explained that the majority of their clients are pre-teens and teens. Chairman Tucker closed the public hearing and brought the item back before the Planning Commission for discussion. The Commission discussed the public hearing that initially granted the conditional use permit and the reasons for the specific conditions that were created. Bryan Patrick, Director of Planning & Development, confirmed that there have been complaints against the business reported to the Planning & Development Department. Lock-in events were discussed and it was determined that if the business is not open to serve the public then it is not considered open for business and therefore they could host lock-in events, even if the business was required to close at midnight, for example. Bryan Quinn motioned that the request be forwarded to the City Council with a recommendation for approval to limit the operating hours to 12:00 am Friday and Saturday, and 10:00 pm Sunday through Thursday and remove the restriction that all activities be contained inside the building. There was discussion about the merits of removing the hours of operation restriction versus extending them. Curtis Butler, 43 Sunny Gap Road, clarified that their goal is to have the freedom to be able to serve the public better. Bryan Quinn amended his motion to extend the hours of operation to 12:00 am, 7 days a week, and remove the inside only activities restriction per the three modified conditions (listed below). Arthur Ingram seconded the motion. The motion passed unanimously.

Modified Conditions attached to this motion are:

1. Conditional Use Permit is limited to applicant, Curtis Butler/Jack's Ultra Sports.
2. Regular business hours must conclude by ~~9:00 pm~~ **12:00 am** each day of operation.
3. ~~All activities must be contained inside the facility.~~ **Outside activities allowed no closer to the street than the front building facade, must be enclosed, and only accessed from inside the building.**

B. Andrea Riemer request to amend conditional use permit no. 1223 for property located at 523 Locust Ave

George Riemer, 523 Locust Ave, presented the request. Mr. Riemer explained that he and his wife, Andrea, are planning to relocate to Florida and would like to expand their options to rent or sell the building to another salon or other business suitable in an O-3 zone. Andrea Riemer, 523 Locust Ave, added that she is the proprietor and to whom the conditional use permit is limited. If the conditional use permit remains limited to Ms. Riemer it will make it difficult to lease the space to other tenants if a new conditional use permit is required for each new tenant. Chairman Tucker closed the public hearing and brought the item back before the Planning Commission for discussion. There was some question about how the property could be used. Bryan Patrick clarified that with current O-3 zoning, any by-right use in an O-3 zone plus a salon as allowed by the conditional use permit would be allowed at the property. Bryan Quinn motioned that the request be forwarded to the City Council with a recommendation for approval including the five conditions, as modified below. Dalencia Hervey seconded the motion. There was no discussion of the motion. The motion passed unanimously.

Modified Conditions attached to this motion are:

1. No external sound system allowed.
2. Any outside lighting is to be inward, downward, and shrouded.
3. Hours of operation are limited to 8:00 am to 8:00 pm, Monday through Saturday, closed on Sundays.
4. One monument sign*, similar in construction to the brick monument sign located near Stroud otolaryngology clinic, may be erected. **completed*
5. Conditional use is only applicable to this ~~applicant, business, and~~ structure.

C. Rush-Hal request to rezone property located west of Campbell Cove PUD and south of Central Baptist Church from A-1 to R-1

Hal Crafton, 5460 Lost Canyon, presented the request. Mr. Crafton, explained his plan to rezone the property immediately to the west of Campbell Cove PUD from A-1 to R-1. He referenced the promise made to the nearby residents who expressed concern about multi-family dwellings at the January Planning Commission meeting to rezone the remaining property to R-1 instead of expanding Campbell Cove as a PUD. Anne Mattison Howard, 1134 Dave Ward Drive, asked what would happen to the small strip of property [that is part of the rezoning request] that stretches to Dave Ward Drive between Ms. Mattison's property and Central Baptist Church. Mr. Crafton clarified that the property would become a [required] road to serve the R-1 property. Ms. Mattison expressed concern for increased traffic and noise near her property. Chairman Tucker closed the public hearing and brought the item back before the Planning Commission for discussion. Jerry Rye motioned that the request be forwarded to the City Council with a recommendation for approval. Wendy Shirar seconded the motion. There was no discussion of the motion. The motion passed unanimously.

D. Salter Acquisitions, LLC request to rezone property located at 2902 Pheasant Road, 2955 Dave Ward Drive, and 905 and 945 South Salem from R-1, RU-1, and MF-1 to MF-3

Brent Salter, representing Salter Acquisitions, 201 Lee Andrew Lane, presented the request. Mr. Salter provided the Commission with a graphic [submitted to the Planning & Development Department via email Friday, May 12, 2017] indicating the planned use of each part of the property. He explained Salter Properties' plan to expand the existing Brentwood Apartments development [79 units], located at 3085 Dave Ward Drive, and add an area of amenities such as a club house, pool, etc. on the Pheasant Road property with access oriented toward South Salem Road. Mr. Salter shared that he felt this would be a good transition between the highly commercial intersection of Dave Ward Drive and Salem Road and the single family homes further down South Salem Road. He also noted some similar areas in the immediate vicinity where MF-3 properties abut R-1 properties. A maximum of 333 units would be allowable given the total acreage of 13.90 acres. Gene Salter, 2915 St. Charles Drive, spoke in favor of the request. Mr. Salter described the existing Brentwood Apartments in greater as well as the surrounding buildings. He explained that Brentwood is a gated community and the new phase will be gated as well. He also clarified that, due to the 120' power line easement that cuts through the properties, fewer than 333 units will actually be feasible and that the increase in the community will allow Salter Properties to have on-site management and maintenance personnel. Jordan Broadstreet, Property Manager for Salter Properties, 201 Lee Andrew Lane, spoke in favor of the request. Mr. Broadstreet described how the Brentwood Property differs from other Salter Properties, namely the Centerstone Apartments. While Centerstone Apartments are geared more towards college students, Brentwood Apartments and the planned expansion are marketed more towards families. Henry Zimmerebner, 2990 Pheasant Road, spoke in opposition. Mr. Zimmerebner described some of the history of the area and previous attempts to rezone nearby properties. He noted that he feels the rezoning to MF-3 is inappropriate and will negatively impact area property values; will increase traffic, noise, and light pollution; will diminish his privacy; and possibly increase crime. He drew attention to the fact that Homestead Acres was developed as a single-family residential development and that the Comprehensive Plan designates some of the subject property as appropriate for single-family residential use. Casper Zimmerebner, 2950 Pheasant Lane, spoke in opposition. Mr. Zimmerebner stated that he felt the property at 2902 Pheasant Lane should remain single-family residential or become MF-1. Bill Matchett, 2988 Antelope, spoke in opposition. Mr. Matchett's family owns property between Antelope Rd and Pheasant Road. His primary objection was to the rezoning of the property at 2902 Pheasant Road. He stated that it was developed as part of Homestead Acres, a single-family residential development and portrayed to the rest of the property owners in Homestead Acres as such, and therefore should remain so. He is opposed to the amenities area that is proposed for the 2902 Pheasant Road property as it seems commercial in nature, not residential. Chairman Tucker closed the public hearing and brought the item back before the Planning Commission for discussion. Bryan Patrick, explained the required fire access drives as described in the staff report and stated that the additional information provided by Brent Salter resolved some of those issues. The Commission discussed the effects of traffic increase onto/off of Dave Ward Drive with a multi-family development expansion of this size. Bryan Patrick also explained some

action options to the Commission. A rezoning approval is a straight forward action which does not allow conditions. However, the Commission can approve or deny the request as presented or they can modify the request to exclude certain properties from the request and/or reduce the density level of multi-family housing that is requested. Bryan Quinn motioned that the request be modified to exclude the 2902 Pheasant Road property and forward the remaining properties as requested to the City Council with a recommendation for approval. He then amended his motion to rezone the 2902 Pheasant Road to MF-1. After discussion Bryan Quinn further amended his motion to recommend for approval rezoning all 3 properties to MF-3, as submitted. Brandon Ruhl seconded the motion. There was no further discussion of the motion. The motion passed 6-4. Dalencia Hervey, Marilyn Armstrong, Jerry Rye, and Arthur Ingram voted in opposition.

III. ITEMS NOT REQUIRING PLANNING COMMISSION ACTION

A. The following Development Reviews were completed since the previous meeting.

1. T-Mobile, 935 E Oak Street
2. Village Commons Duplexes, Phase 2, 1835 Village Commons Drive
3. Fason Plaza, 405 E Dave Ward Drive
4. Davitas Dialysis, 2630 Donaghey Avenue

B. The following Lot Splits, Lot Mergers, and Minor Subdivisions were filed for record since the previous meeting.

1. Fidar's Survey Replat, Lot 226C (L-323)
2. Robinsons Plan Replat, Lot 1 & 2, Block 47 (L-324)

C. The following Lot Splits, Lot Mergers, and Minor Subdivisions were submitted for review since the previous meeting.

1. Harp's Lot Merger

Adjournment

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

Approved:



Chairman, Anne Tucker