

The regular meeting of the Conway Planning Commission was held, in person, Monday, November 15th at Conway City Hall. The following members, being a quorum, were present and acting: Brandon Ruhl, Laura King, Arthur Ingram, Adam Bell, Latisha Sanders-Jones, Rhea Williams, and Rebekah Fincher. Drew Gainor and Larry Webb were absent.

Minutes from the October 18th meeting were approved 6-0 on a motion made Arthur Ingram and seconded by Rhea Williams, without the chairman voting.

I. SUBDIVISION REVIEW

A. Request for preliminary plat approval of South Sterling Subdivision Phase 2

James Walden, Planning Director, discussed the applicant is requesting preliminary approval of a 16-lot subdivision south of the intersection of Sterling Dr and Moody Gardens. The development represents Phase 2 of South Sterling PUD Subdivision. Proposed lots range from 0.11 acres to 0.15 acres, consistent with the requirements for the PUD development with access gained via Moody Gardens from Phase 1 of the development. All lots will front Moody Gardens with lots 27, 28, and 36 being unbuildable due to drainage improvements and a hammerhead turnaround. Planning Staff recommends approval of the preliminary plat contingent upon the completion of the amended punch list and associated conditions of approval:

1. Wheelchair ramps shall be provided by the developer in accordance with the City of Conway's Standard Details.
2. Lots 27 and 28 shall be unbuildable until Moody Gardens can be extended to allow removal of the hammerhead turnaround.
3. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the submitted plat. This shall provide a mechanism for the maintenance and upkeep of Lots 27, 28, and 36.
4. Fire hydrants must be placed so that the furthest point of a lot in a residential subdivision is not more than 600 feet from the hydrant located on the same street. Variances must be approved by the Planning Commission and Fire Chief.
5. All other applicable provisions of the City of Conway Subdivision Ordinance (O-00-03) shall be satisfied and accounted for prior to Preliminary Plat approval.
6. Receipt of an approved copy of the Preliminary Plat along with approved Street and Drainage Plans shall constitute authorization of the Planning Commission for the developer to proceed with the preparation of the Final Plat.

Richie Hambuchen (86 Richland Hills Dr) again spoke in favor of the subdivision and was aware of the conditions and corrections proposed.

The subdivision review was closed and presented to the Commission for discussion to which they concluded to approve the preliminary plat. A motion to approve was made by Rebekah Fincher and seconded by Arthur Ingram passed 7-0, with the chairman voting.

B. Request for preliminary plat approval of Bell Valley Subdivision Phase 3

James explained applicant is requesting preliminary approval of a 21-lot subdivision located southeast of the intersection of Bill Bell Ln and S German Ln. The development represents Phase 3 of Bell Valley Subdivision. Proposed lots range from 0.15 acres to 0.28 acres with access gained via Bill Bell Ln. Lots will front two internal streets with lots 1 and 21 fronting Bill Bell with access off the internal streets. Planning Staff recommends approval of the preliminary plat contingent upon the completion of the amended punch list and associated conditions of approval:

1. Wheelchair ramps shall be provided by the developer in accordance with the City of Conway's Standard Details.
2. The Street and Drainage Plans/Drainage Report shall be modified to meet the requirements necessary for approval by the City Engineer.

3. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the submitted plat.
4. Fire hydrants must be placed so that the furthest point of a lot in a residential subdivision is not more than 600 feet from the hydrant located on the same street. Variances must be approved by the Planning Commission and Fire Chief.
5. All other applicable provisions of the City of Conway Subdivision Ordinance (O-00-03) shall be satisfied and accounted for prior to Preliminary Plat approval.
6. Receipt of an approved copy of the Preliminary Plat along with approved Street and Drainage Plans shall constitute authorization of the Planning Commission for the developer to proceed with the preparation of the Final Plat.

Frank Shaw (1315 Main St) spoke in favor of the subdivision and was aware of the conditions and corrections proposed.

The subdivision review was closed and presented to the Commission for discussion to which they concluded to approve the preliminary plat. A motion to approve was made by Rhea Williams and seconded by Adam Bell; passed 7-0, with the chairman voting.

II. PUBLIC HEARING ITEMS

A. Request to modify conditional use permit no. 1398 for ± 7.61 acres located at 1301 Sunset Drive

James relayed the applicant is requesting to modify a previously approved conditional use permit from May of 2020 authorizing a religious facility within the R-1 zone. That permit was predicated on access being obtained from the south via the Walmart Neighborhood Market, which now has declined to provide access to this site. The applicant is applying with a proposed change of access only via Sunset Dr, which will place all traffic entering and leaving the site onto Sunset Dr or Meadow Dr. Planning staff recommended denial of this request as these impacts make the proposed use incompatible to the surrounding area in a manner that would harm the general welfare of the area.

Prior to the meeting there were 9 public comments submitted both via phone and email to the Planning Department regarding this item.

Paul Hudson (2440 Little Creek Dr) and Jean Chambliss (476 Acklin Gap Rd) with oneChurch spoke in favor of the modified access. They stated the fire department found the single access off Sunset Dr sufficient for this site, the benefits the church has to this location with its relation to Gatlin Park, and the churches operating schedule. Adam Treece (2 Ellzey Ln), Larry White (3110 Baxter Dr), Diane Henson (13 Blue Jay Wy), Scott Miller (809 Factory), Ken Baker (2625 Adamsbrooke Dr), Cory Imboden (1048 Cadron Settlement Ln), and Frank Shaw (1315 Main St) also spoke in favor regarding the church's dedication to ministry at Gatlin Park, the benefits of having a church here rather than other developments, and the asset it would bring to this area.

Marie Fisher (2423 Meadow Dr) spoke in opposition to the property being developed with just this singular access, the poor state of the existing roads in the neighborhood and expressed concern for the second access via Farris Rd for safety reasons. Blake Organ (1317 Sunset Dr) spoke to moving to this area for the quiet neighborhood and explained the already overly parked streets will be harder to traverse with more traffic from the church. Sean Pessarar (1318 Sunset Dr) addressed the overparked streets, lack of sidewalks, and the quiet neighborhood being changed with this new use. Phillip Parish (7 Ironwood Dr) and Marsha Lacy (20 Ironwood) thought the best use of the property would be for the City to purchase it as greenspace next to Pompe Park. Suzanne Crowson (5 Ironwood Dr) spoke to the beauty of the area and would hate to see the loss of the existing greenspace. A letter from Gladys Hilliard (2410 Meadow Dr) was read into the record stating her concern with a large amount of traffic generated by the church and only one entry/exit point.

The public hearing was closed and presented to the Commission for discussion to which a motion to modify the conditional use permit was made by Arthur Ingram and seconded by Latisha Sanders-Jones; passed 4-3, with the chairman voting and Laura King, Rhea Williams, and Rebekah Fincher voting in opposition. Conditions are approved as follows, removing #11 from the 2020 conditional use permit:

1. Any significant modifications, as determined by the Planning Director, to the approved site plan or use shall require an amended or new conditional use permit.
2. Parking area and dumpster enclosure shall be relocated to the interior of the site and screened from the existing trail.
3. Efforts shall be made to retain as much existing vegetation as possible.
4. The portions of the Tucker Creek Trail that exist on the property shall be placed in a public access easement. Applicant shall have the option of dedicating right of way in lieu of an easement.
5. A public access easement shall be provided for the new trail extension across the property to the adjacent high school property. This trail extension shall be constructed at the same time as the church and is required prior to issuance of final certificate of occupancy. Applicant shall have the option of dedicating right of way in lieu of an easement.
6. A minimum 20-foot evergreen screen shall be provided along the northern property line abutting the residential property.
7. Trees planted 30 feet on center shall be provided in the landscape buffer on southern property line.
8. Lighting shall be shielded and directed away from the residential properties.
9. Development shall be subject to the Development Review process in accordance with Section 1101 of the Zoning Code.
10. All signage shall be permitted by the Planning Department prior to installation.

B. Request to annex ± 30.27 acres south of Lower Ridge Road, east of E German Lane to be zoned R-1

James described the applicant is proposing to annex vacant land along Lower Ridge Road and zone it to R-1 for single family development. Planning staff and all other reviewing bodies recommend the annexation of this property.

Jacob Longing (2740 Harbelle Dr) spoke in favor of the annexation. There was no public opposition to the annexation request.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the annexation was made by Rebekah Fincher and seconded by Arthur Ingram; passed 7-0, with the chairman voting.

C. Request to rezone ± 0.14 acres located west of 449 Reedy Road from R-1 to O-2

James relayed the applicant was notified of zoning violations on-site including unpermitted establishment of a parking lot among other items. The applicant was notified that establishment of the parking in R-1 is not allowed, which led to the applicant submitting this application to begin the process of bringing the site into compliance. As the rezoning would not likely result in harm to adjacent properties and would create a cohesive zoning for the property, Planning staff recommended approval of the rezoning request.

Joey Fulgham (449 Reedy Rd) with Integrity Insurance spoke in favor of the rezoning. There was no public opposition to the rezoning request.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the rezoning was made by Arthur Ingram and seconded by Rhea Williams; passed 7-0, with the chairman voting.

D. Request for conditional use permit to allow a kennel in an I-3 zoning district for property located at 1890 S Amity Road

James described the applicant plans to operate a pet lodging and grooming business at this property, which is not permitted by right in the current zoning district but is allowed as a conditional use. The site is predominantly surrounded by commercial and industrial uses, with some single-family residences abutting the property to the east, across Mayor Ln. Planning staff recommended approval of the conditional use request as conditioned, the use would not likely negatively impact adjacent property.

1. Approved uses are limited to: boarding, grooming, training, breeding, and buying/selling of dogs or cats. Incineration of animal refuse on the premises is prohibited.
2. The use shall be operated in a manner to not impede the continued quiet enjoyment of adjacent properties such that the use shall not constitute a nuisance with excess noise, odor, or similar negative impacts.
3. Hours of operation [when open to the public] are limited to 6:00am – 6:30pm, Monday - Friday; 8:00am – 5:00pm, Saturday –Sunday.
4. Staff shall be present whenever animals are on site.
5. Staff shall supervise all animals in all outside play areas at all times.
6. No animals shall be outside before 6:00am or after 10:00pm.
7. Animals shall be restricted to the boundaries of the property at all times.
8. Noise abatement curtains shall be installed on all exterior play area fencing.
9. The use of an outside public address or speaker system is prohibited.
10. The use shall be subject to Development Review, in accordance with Article 1101 of the Conway Zoning Code, prior to issuance of building permits.
11. Perimeter landscaping along street frontages in excess of that required per §1101.7.1.5.a, equivalent to that required by Section 1101.7.1.6.f.iii of the Conway Zoning Code shall be required outside any installed fencing to enhance the buffer between adjacent uses and soften the appearance of the fencing from the ROW. Additional landscaping shall include evergreen shrubs, *"...at least inches tall at the time of planting, spaced closely enough together so as to create a seamless row of hedging."*
12. All signage shall be permitted and installed in accordance with §1301 of the Conway Zoning Code (Sign Ordinance).
13. Any expansions or additions to the structure(s) as well as any changes to the use shall require an amended or new conditional use permit.
14. Conditional Use Permit expires 2 years from the date of issue if required site development review approval and/or building permit have not been issued.

Kevin Miller (11740 Maumelle Blvd) the owner of Pawsh Park spoke in favor of the conditional use. Anne Tucker (14 Walnut Dr) spoke in favor of the use stating how busy and full a lot of the existing kennels in town are.

Don Havens (1900 S Amity Rd) proposed questions regarding the number of animals kept at the site, what types of animals would be allowed, staff on premises, and services offered at the site. He feared the use would be a detriment to his property values. Kay Havens (1900 S Amity Rd) spoke in opposition to the use as she does not want to hear dogs barking all the time, thinks her property value will go down, and didn't think the matter was being taken seriously enough. Marvin Backy (1910 S Amity Rd) proposed this use best suited out of city limits, the already high number of abandoned animals in this area and hopes of a new location to be found. Shane Dixon (1870 S Amity Rd) was concerned about the barking and noise generated at this site for his business next door.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the conditional use was made by Arthur Ingram and seconded by Rhea Williams; passed 6-1-0, with the chairman voting and Laura King voting in opposition.

III. ADDITIONAL BUSINESS

A. Adoption of 2022 Planning Commission Calendar

Commissioners reviewed the proposed calendar for Planning Commission review deadlines and dates for 2022. A motion to approve the 2022 calendar made by Rhea Williams and seconded by Rebekah Fincher; passed 7-0, with the chairman voting.

B. Election of 2022 Officers

Commissioners reviewed the By-Laws which address that at each November meeting, the Commission is to select from its membership a Chair, Vice-Chair, and Secretary for the next calendar year. Commissioner Jones nominated Rhea Williams for Chair and Rebekah Fincher seconded the motion; passed unanimously. Commissioner Williams nominated Rebekah Fincher for Vice-Chair and Brandon Ruhl seconded the motion; passed unanimously. Commissioner Williams nominated Laura King for Secretary and Rebekah Fincher seconded the motion; passed unanimously.

C. Selection of Planning Commissioners

9 eligible nominations were received by the November 1st deadline. Interviews were conducted November 4th-8th. There were two eligible nominees selected by the nominating committee to send to City Council. Motion to approve Alexander Baney passed 7-0 and the motion to approve Ethan Reed passed 5-1-1, with Laura King voting in opposition and Rhea Williams abstaining. An additional appointment will be made for the remainder of Anne Tucker's term ending December 31, 2022.

ITEMS NOT REQUIRING PLANNING COMMISSION ACTION

A. Development Review Approvals

1. Triple C Sales & Service Expansion, 3847 Dave Ward Dr (SDR-0821-0093)
2. Rogers Group Expansion, 1223 Front St (SDR-0921-0104)

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

1. Princeton Village, Replat of Lot 28
2. Princeton Village, Replat of Lot 29
3. Fulmer Replat
4. Esmeralda Replat
5. Schichtl Addition
6. Cimarron Park, Replat of Lots 12 and 13

Adjournment

There being no further business to conduct, the meeting was adjourned by unanimous vote on a motion made by Arthur Ingram and seconded by Rebekah Fincher.

Approved:



2021 Chairman, Brandon Ruhl