

The regular meeting of the Conway Planning Commission was held Monday, May 17th, via Facebook Live, and in person, from City Hall due to the restrictions imposed by the Covid-19 pandemic. The following members, being a quorum, were present and acting: Rebekah Fincher, Brandon Ruhl, Laura King, Arthur Ingram, Drew Gainor, Larry Webb, Brian Townsend, Anne Tucker, Latisha Sanders-Jones, and Rhea Williams.

Minutes from the April 19th meeting were approved 9-0 on a motion made by Larry Webb and seconded by Brian Townsend. The chairman did not vote.

I. PUBLIC HEARINGS

A. Request to rezone property at 507 Bruce Street from C-3 to PUD

Levi Hill, Assistant Director of Planning, relayed that the applicant has requested to rezone to a PUD that will allow 2 commercial lots and a total of 30 townhomes. The proposed lots will be accessed by a new internal private drive. The surrounding properties are zoned for commercial and industrial uses with existing established uses to the west and south. Planning staff recommends approval of the rezoning request with the associated conditions of approval:

1. Permitted uses are limited to single-family and two-family residential uses as indicated on the approved plan with a maximum of 32 dwelling units.
2. Development shall be built in accordance with the standards outlined in the proposed development plan.
3. Uses for the commercial lots shall be those permitted in the C-3 zoning district.
4. Applicant shall plat the property in accordance with the Subdivision Regulations, at which time setbacks will be finalized.
5. Buildings shall be of the following materials:
 - Brick/stone
 - Cement fiber board (Hardie Board)
 - Wood
 - Other materials as approved by the Planning Director
6. Vinyl Siding shall be prohibited.
7. No residential accessory structures shall be permitted.
8. All roadway improvements shall be privately maintained. Property Owners' Association shall be required to be formed and operate in perpetuity to maintain all common areas and improvements such as streets, sidewalks, and drainage
9. A continuous landscape buffer shall be provide around the perimeter of the site.
10. A 6-foot-tall solid fence shall be construct along the south, east, and west property lines in the residentially developed areas.

Bobby French (1021 Front St) spoke in favor of the rezoning. He addressed an opposition letters fencing and lighting questions.

A letter in opposition from Brian Armstrong (419 Bruce) emailed to the Planning Department on 3/31/2021 James Walden, Planning Director, read the letter into the record. The letter stated our biggest concern is we purchased out lot because it was C3 and are trying to move our business's away from residential areas. If this passes the residential problems will follow us and theft will become worse because our business is expanding into mower and ATV sales and repair. The developer is planning a 6' fence. The proposal needs to be denied or, if not denied then at least modified to include an 8-foot mortar wall all the way around the development. The 8' mortar wall doesn't block out the high lights and noise so while the theft will be less the residential complaints may not.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the rezoning was made by Rebekah Fincher and seconded by Larry Web; passed 8-0-1, without the chairman voting and Laura King abstaining.

B. Request to rezone property at 39 Thousand Oaks from A-1 to R-1

Beth Sketoe, Planner, described that the applicant intends to split the existing property into two lots to accommodate the construction of an additional single-family residence. This will result in two lots which do not meet the minimum area standards for the A-1 zoning district. The planning staff recommends approval of the rezoning.

Mary Talaie (39 Thousand Oaks) spoke in favor of the rezoning and addressed this new home is to be constructed for her son and that she appreciates the quietness of the neighborhood.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the rezoning was made by Rebekah Fincher and seconded by Brian Townsend; passed 9-0, the chairman did not vote.

C. Request to rezone 29.99 acres +/- along Bill Bell Lane, south of Favre Lane from A-1 to R-1

Levi, described that the applicant is requesting a rezoning to R-1 for the purpose of single-family development. The site is primarily surrounded by other residential and rural/undeveloped. The planning staff recommends approval of the rezoning request as it would not likely negatively impact adjacent property.

Frank Shaw (1315 Main St) spoke in favor of the project and promoted future development in the area.

A letter in opposition from Jennifer Case (1650 Buckhorn Cir) as emailed to the Planning Department on 05/13/2021. James read the letter into the record. The letter stated, the subdivision you have approved on Favre and Salem are stripping the land of the trees, eliminating green spaces, and increasing vehicle traffic, which makes it unsafe for the Ellen Smith elementary students to walk to school. As a resident of this area, I am very concerned with the destruction of mature trees for the sake of housing developments that Conway does not seem to need. I firmly ask the planning commission to consider the necessity and benefit of greenspace. As a resident of the area, I would very much prefer this parcel of land remain undeveloped. If it has to be developed, I ask you to require the developer to leave as many trees standing as possible, especially along the roadway. I would like to see the City of Conway invest in safe sidewalks near the South German/Favre Intersection. Residents of this area should be able to safely get to Stone Dam Creek and Ellen Smith Elementary School.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the rezoning was made by Larry Web and seconded by Drew Gainor; passed 10-0, with the chairman voting.

D. Request to rezone property located at 20 Bronnie Lane from A-1 to C-2

Beth, described that the applicant is requesting a rezoning for the purpose of developing a self-storage facility. This rezoning would likely be appropriate due to the close proximity to an interstate and major arterial. Much of the property south of Bronnie Ln is located in a flood hazard zone or is already developed for industrial/office use. Additionally, surrounding properties have seen increased development for institutional, office, and automotive uses. Planning staff recommends approval of the rezoning, as the use would accommodate the area and not negatively impact adjacent properties.

Bobby French spoke in favor of rezoning stating that Coney's own the property next door at 20 Bronnie Ln and will use the self-storage for business. Chairman Ruhl questioned flood plain percentages. Bobby stated much work would need to be done to the lot, but the applicant is aware.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the rezoning was made by Rhea Williams and seconded by Brian Townsend; passed to 8-0-1, without the chairman voting and Laura King abstaining.

E. Request for conditional use permit to allow mini-storage in C-2 for property located at 20 Bronnie Lane

Described that the applicant is requesting to develop the property as a self-storage facility. The site is in close proximity to an interstate and a portion fronts a major arterial/State highway. There are no residential uses in the immediate area. The surrounding area is developed with institutional, office, and automotive uses and is more suitable to industrial/office use. The development will be subject to the commercial development standards in accordance with Section 1101 of the Zoning Code and a large portion of the remaining undeveloped property will require extensive site work prior to development. Planning staff recommends approval of the conditional use permit with the following conditions:

1. Uses shall be subject to Development Review, in accordance with Article 1101 of the Zoning Code, prior to issuance of building permits.
2. Platting of the property, in accordance with the Subdivision Regulations, shall be required.
3. Any proposed fencing shall be masonry or ornamental metal. The Planning Director may approve alternative materials.
4. Landscaping shall be provided in excess of that required by Article 1101 of the Zoning Code. At a minimum, this shall include one canopy tree planted every 15 feet along the Bronnie Ln and S Harkrider St frontages.
5. The storage of hazardous chemical, petroleum products, or explosives is prohibited.
6. The operation of spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, and other similar equipment is prohibited.
7. No storage unit may be used for the purposes of operating a business except for the purpose of providing storage for a business which is located off-site.
8. Any outside storage, including vehicles, recreational vehicles, trailers, etc. or vehicles/equipment for rental use shall be screened and shielded from view of adjacent property or public right-of-way.
9. All lighting shall not exceed twenty (20) feet in height and be full cut-off, shielded lighting as defined by the IESNA. Such lighting shall be directed to prevent the trespass of light onto the adjacent properties.
10. 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.
11. Conditional Use Permit expires 2 years from the date of issue if no building permit has been issued.

Bobby French spoke in favor of the conditional use request and acknowledged all 11 conditions. No opposition to recommendations.

There were no additional callers nor Facebook Live or YouTube questions or comments on this topic.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the conditional use was made by Larry Webb and seconded by Rhea Williams; passed to 9-0-1, without the chairman voting and Laura King abstaining.

F. Request to rezone property located at 1230 Lewis Ranch from C-3 to MF-3

Levi, described that the applicant is requesting to rezone from C-3 to MF-3 for the purpose of developing a multi-family residential development. The surrounding area is predominantly undeveloped commercially zoned property with existing commercial uses in the general area. The property has adequate access for the proposed use. Planning staff recommends approval of the rezoning request as it would not likely negatively impact adjacent property.

Adam Harrison (1307 Main St) stated that 106 units were proposed and that they are working on an easement road and are reworking.

There no additional callers nor Facebook Live or YouTube questions or comments on this topic.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the rezoning was made by Rebekah Fincher and seconded by Larry Webb; passed 9-0, without the chairman voting.

G. Request to modify conditional use permit no. 1382REV issued for property located at 1717 South Donaghey Avenue

Levi explained the applicant is seeking to modify an existing conditional use permit for the property which allows religious activities in the given zoning district. The applicant was found to be in violation of provisions of the existing Conditional Use Permit, as well as City Ordinance, as it relates to proper permitting. They had placed 5 35'x42' metal canopy structures on the lot without permits and expanded the parking lot without Development Review approval. They applicant additionally requested approval for the changes made, as well as new modifications for residential uses, instillation of structures and an expanded parking area not meeting Zoning Code regulations, and fencing surpassing what is allowed by the existing conditional use permit. Staff recommended denial of the requested expansion of uses outside of those currently allowed by the existing conditional use permit. The Fire Department also determined that access to the site is severely limited and that any expansion of uses would be unsafe and inappropriate at this time. Staff requested to remove the existing condition # 4 limiting the permit to just Soul Food Café Mission. Staff recommended approval of the accessory structures and parking lot expansion subject to the current conditions/*proposed new or modified conditions:*

1. *Hours of operation are limited to 6:00 am to 10:00 pm.*
2. *No overnight stays by those seeking assistance from the ministry; property not to be used as a homeless shelter.*
3. *No ingress/egress from Violet Street; only ingress/egress from S. Donaghey Avenue.*
4. *Permit is limited to applicant, Soul Food Café Mission.*
5. *8-foot fence along North property boundary.*
6. *All accessory structures shall be permitted through the City's Permits and Inspections Department within three months of the effective approval date.*
7. *A minimum of 10-feet shall separate all structures on site.*
8. *All structures shall be installed on a permanent foundation with a continuous footing.*
9. *Parking lot shall be surfaced with asphalt or concrete in accordance with Section 1101 of the Zoning Code.*
10. *No additional fencing shall be installed on site.*
11. *A landscape screen shall be provided along the north and west property boundaries.*
12. *The access drive shall be improved to a minimum width of 20 feet and surfaced with asphalt or concrete.*
13. *Any improvements to the site shall be reviewed following the City's Development Review procedure outlined in Section 1101 of the Zoning Code and shall be compliant with the development standards within that section.*
14. *Existing violations shall be abated, and applicable permits shall be sought.*

David Hogue (575 B Harkrider St) represented Soul Food Café Mission as their attorney. He outlined each condition proposed by staff voicing the applicant's feedback to each condition. Soul Food Café Mission disputed the allegations of parking lot expansion. Levi addressed each of his comments to the conditions referencing the Conway Zoning and Building Codes and Site Development Standards that were not met.

There were numerous Facebook and YouTube Live questions submitted during the meeting by the public. Most questions addressed opposition to the residential use, parking lot expansion, draining issues, traffic at the site, tree removal, and the non-permitting of the structures and non-adherence to City codes. These comments were all read into the record.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the conditional use permit modification, with new and updated conditions, was made by Anne Tucker and seconded by Brian Townsend; passed to 7-0-3, with the chairman voting and Latisha Sanders-Jones, Laura King, and Rhea Williams abstaining.

II. SUBDIVISION REVIEW

A. Request for preliminary plat approval of Bell Valley Subdivision

Levi, relayed that the applicant is requesting preliminary approval of a 43-lot subdivision located immediately south of the intersection of Bill Bell Lane and South German Lane. The property is currently zoned A-1 but the applicant has submitted an application to rezone the property to R-1. The proposed lots range from 6,000 square feet to 25,800 square feet. The subdivision proposes two new internal streets that will provide access to the proposed lots. A shared access easement is proposed for lots 37-39 to avoid potential conflicts with the proposed intersection. Planning staff recommends approval of the preliminary plat contingent upon the completion of the amended punch list and associated conditions of approval below:

1. Preliminary Plat approval from all reviewing agencies shall be obtained.
2. A 10-foot planting easement shall be required along S. German Lane and Bill Bell Lane.
3. Lots shall not be accessed by S. German Lane or Bill Bell Lane.
4. Lot 44 shall be designated as unbuildable. Sidewalks around Lot 44 shall be constructed by the developer.
5. Wheelchair ramps shall be provided by the developer/subdivided in accordance with the City of Conway's Standard Details.
6. 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.
7. Fire hydrants must be placed so that the furthest point of a lot in a residential subdivision is no more than 600 feet from the hydrant located on the same street. Variances must be approved by the Planning Commission and Fire Chief.
8. Utility easements as required Conway Corporation are needed.
9. Drainage easements as required by the City Engineer are needed.
10. 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.
11. 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 spoke in favor for the subdivision.

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 Larry Webb and seconded by Drew Gainor; passed 9-0, without the chairman voting.

ITEMS NOT REQUIRING PLANNING COMMISSION ACTION

A. Development Review Approvals

1. Cantrell Field Hanger Expansion (SIT2021APR02)
2. Conway Emergency Shelter (SIT2021MAR03)

B. Lot Splits, Lot Mergers, Minor Subdivisions, and Major Finals (submitted for review)

1. Replat of Lots 3 & 4, The village at Hendrix Phase III (SUB2021APR01)
2. Replat of Lots 2A, Conway Marketplace East Phase II (SUB2021APR02)
3. White Subdivision (SUB2021APR03)

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

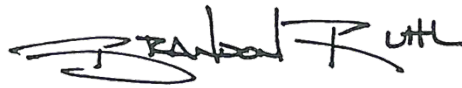
1. Replat Lots 3-5, Spencer Mountain at the Lake Phase II (P2021-00020)
2. ASI Replat (P2021-00021)
3. Sylvia Springs Subdivision (P2021-00023)
4. Replat of Lots 3 & 4, The village at Hendrix Phase III (P2021-00025)
5. Orchard Hills Phase II (P2021-00026)

Adjournment

There being no further business to conduct, the meeting was adjourned by unanimous vote on a motion made by Larry

Webb and seconded by Rhea Williams.

Approved:



2021 Chairman, Brandon Ruhl