

The regular meeting of the Conway Planning Commission was held, in person, Monday, December 19th at Conway City Hall. The following members, being a quorum, were present and acting: Ethan Reed, Alexander Baney, Adam Bell, Laura King, Drew Spurgers, Latisha Sanders-Jones, and Rebekah Fincher. Greg West and Rhea Williams were absent. Rebekah Fincher stood in as Chairman.

Minutes from the November 21st meeting were approved 6-0 on a motion made Drew Spurgers and seconded by Alexander Baney, without the chairman voting.

I. SUBDIVISION REVIEW

A. Request for waiver to allow reduced setbacks for minor subdivision E-Leet Subdivision

Ryan Robeson, Planner, explained the applicant is requesting a waiver to the Subdivision Regulations to allow for a front building setback of less than 25'. This setback will apply to the building located on the newly created Lot 2. The front building setback at this location is 9.5'. Staff recommended approval of the waiver given the building already exists and is not detrimental to the area.

The applicant was present but did not present at the meeting.

The subdivision review was closed and presented to the Commission for discussion to which they concluded to approve the requested waiver. A motion to approve was made by Ethan Reed and seconded by Drew Spurgers passed 6-0, without the chairman voting.

II. PUBLIC HEARING ITEMS

A. Request to rezone the eastern ±10.02 acres of property located at 1150 Dave Ward Drive from I-3 to C-3

Beth Sketoe, Planner, relayed the applicant is proposing to rezone this portion of the total ±17.53 acre property to C-3 as the remainder of the property is already zoned C-3. With the improvement of Dave Ward Dr, making the corridor a major thoroughfare for east-west traffic, the development pattern of the area has shifted away from industrial in recent years. The immediate area has developed/redeveloped primarily with commercial, and office uses including multiple restaurants and multi-tenant retail and office buildings. Planning staff recommended approval of the rezoning as it will not likely negatively impact adjacent properties.

Brad Peterson with Crafton Tull (Little Rock, AR) spoke in favor of this use request as the authorized agent. There was no opposition present to this request.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the rezoning was made by Drew Spurgers and seconded by Latisha Sanders-Jones; passed 6-0, without the chairman voting.

B. Request for conditional use permit to allow an Automobile Service Station in a C-2 zoning district for property located 3200 Dave Ward Drive

Ryan discussed the applicant is desiring to develop a food store with a fueling station in a C-2 zoning district. While this intersection does not fall within a commercial node in the Land Use Plan, the area is in the Transitional Zone, which allows for more intense land uses (multi family, professional offices, limited commercial) when deemed appropriate only when sensitivity to adjoining residential areas is taken into account. Planning staff recommended approval of the use request with the following conditions:

1. Platting of the property in accordance with the Subdivision Regulations shall be required prior to the issuance of building permits.
2. Conditional Use is limited to an Automobile Service Station as part of a food store development.
3. Private drive access off Dave Ward Dr will be subject to an agreement between adjoining property owners.
4. All proposed site improvements shall be subject to development standards in accordance with Article 10 of the Conway Zoning Code, unless otherwise noted in permit conditions.

5. Any new fencing shall comply with Article 10, Development Review Standards, of the Zoning Code. Fencing type and placement shall be approved by Planning Staff prior to installation.
6. Any new lighting shall be inward, downcast, and shrouded to prevent light trespass onto adjacent property and shall comply with Article 10, Development Review Standards, of the Zoning Code.
7. Development of the use shall be arranged in a manner to provide adequate buffering and screening to adjacent uses. The Planning Director shall be empowered to determine, in consultation with the applicant, appropriate screening and buffering requirements.
8. No variance of any kind may be subsequently requested.
9. Upon development review approval, any expansions or additions to the fueling structure as well as any changes to the use shall require an amended or new conditional use permit.
10. The conditional use shall automatically expire if the approved use ceases for more than 18 consecutive months.
11. The conditional use shall become null and void if construction for the site is not commenced within 18 months of approval.
12. With the approval of this Conditional Use request, Permit No. 1154 shall be revoked for 3200 Dave Ward Dr and replaced by this new permit.
13. Development of the use shall be arranged in a manner to provide adequate buffering and screening to adjacent uses. The Planning Director shall be empowered to determine, in consultation with the applicant, appropriate screening and buffering requirements.

Sarah Hopper (Springdale, AR) spoke in favor of this use request as the representative for Harps Food Store. There was no opposition present to this request.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the conditional use was made by Alexander Baney and seconded by Ethan Reed; passed 6-0, without the chairman voting.

C. Request to annex ±6.05 acres located north of Hwy 319 and immediately west of 5580 Hwy 319, to be zoned A-1

James Walden, Planning Director, discussed the applicant is requesting the annexation to accommodate utility development needs for Conway Corporation to extend electrical service to the property within 3 years. The application for annexation as A-1, while not consistent with the Comprehensive Plan, will preserve the future capacity of the property for industrial use in the future. While the annexation does not result in the entirety of the existing parcel, the parent and child parcels will both be over 5 acres in area. Planning staff recommend approval of the annexation.

Luke Ferguson (1201 Front St) spoke in favor of this annexation request as the attorney of the property owners. Mark Ferguson (800 S Harkrider) spoke in favor of the use on behalf of Conway Corporation. There was no opposition present to this request.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the annexation was made by Ethan Reed and seconded by Drew Spurgers; passed 6-0, without the chairman voting.

D. Request to rezone ±1.43 acres located at 2505 Prince Street and 963 Farris Road from O-3 and R-1 to O-1

Ryan relayed the applicant is seeking the rezoning for the purpose of developing an eating place with drive-through service via conditional use permit. These properties are surrounded by a mix of office, commercial, institutional, and residential developments with preliminary plans for future commercial growth along Prince St. A rezoning to O-1 is less intensive than rezoning to commercial and provides greater protection for neighboring properties. Though the zoning change is not consistent with the land use plan, due to street

improvements along Prince St over the past 10 years which have allowed development to shift to more of an office and commercial focus, Planning staff recommended approval of the rezoning request.

Landon Sanders (306 Salem Rd) spoke in favor of this use request as the authorized agent to the applicant.

There was opposition present to this request from Rodger McDougal (905 Robynmar Cir). He owns the property south of the proposed rezone at 959 Farris Rd. His concerns consisted of existing drainage issues on site, ingress and egress with the drive through component onto Farris Rd abutting his property line, noise, and light pollution.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the rezoning was made by Adam Bell and seconded by Alexander Baney; passed 6-0, without the chairman voting.

E. Request for conditional use permit to allow an Eating Place with Drive-through Service in an O-1 zoning district for property located 2505 and 2515 Prince Street and 963 Farris Road

Ryan explained the applicant intends to develop an eating place with drive-through service, which is only allowed in the O-1 zoning district as a conditional use. The applicant has proposed the lobby will close at 11:00 pm daily, but the drive-through will operate 24 hours/day. As conditioned, the negative impact to adjacent properties will be mitigated through the use of screening and landscaping and the site will be subject to the commercial development standards in accordance with Article 10 of the Zoning Code. Planning staff recommended approval of the use request with the following conditions:

1. Platting of the property in accordance with the Subdivision Regulations shall be required, prior to the issuance of building permits.
2. Conditional Use is limited to an eating place with drive-through service.
3. Lobby hours of operation shall be 6 am.-11 pm.; drive-through hours of operation shall be 6 am-1 am.
4. A perimeter landscape strip of at least 20' in width shall be provided along all property lines adjoining any residential area. Landscaping abutting residential areas should consist of trees, bushes, etc. of evergreen species to provide additional buffering/screening to the neighboring residence. An installation diagram and list of proposed species shall be submitted for approval by the Planning staff prior to installation.
5. An 8' wooden privacy fence shall be constructed on the south residential property line. All fencing shall comply with Article 10, Development Review Standards, of the Zoning Code. Fencing placement shall be approved by Planning Staff prior to installation.
6. Any new lighting shall be inward, downcast, and shrouded to prevent light trespass onto adjacent property and shall comply with Article 10, Development Review Standards, of the Zoning Code.
7. All signage shall be permitted and installed in accordance with Article 1301 of the Conway Zoning Code.
8. No variance of any kind may be subsequently requested.
9. Upon development review approval, any expansions or additions to the drive-through structure as well as any changes to the use shall require an amended or new conditional use permit.
10. The conditional use shall automatically expire if the approved use ceases for more than 18 consecutive months.
11. The conditional use shall become null and void if construction for the site is not commenced within 18 months of approval.
12. With the approval of this Conditional Use request, Permit No. 1364 and any additional prior conditional use permits shall be revoked for 2505 Prince St, 2515 Prince St, and 963 Farris Rd and replaced by this new permit.

Landon Sanders spoke again as the authorized agent. He stated the perspective developer expressed concerns with two of the conditions proposed by staff, #3 and #4. They mentioned other businesses in the vicinity with similar uses and hours of operation and how the landscaping wasn't conducive to their proposed site plan.

Rodger McDougal spoke again stating he too had concerns about a 24 hour drive through abutting his property line and had that trees and fencing may not be enough of a buffer for such a high impact use.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the conditional use was made by Alexander Baney and seconded by Latisha Sanders-Jones; passed 6-0, without the chairman voting.

F. Consideration to amend §530 of the Conway Zoning Code relevant to Accessory Dwelling Units (ADUs)

James presented these code revisions to the Commission, as a reform to current treatment of accessory dwelling units. Current code allows for manager or caretaker residences. This allowance has served as a loophole to allow accessory dwelling units (ADUs) with few restrictions. These provisions would close the current loophole while providing reasonable restrictions on the allowances of ADUs.

There was no opposition present to this request. Laura King expressed concerns with the cost effectiveness for the general public to develop the structure to building standards and maximum occupancy to the dwelling. James clarified the historic use of manager/caretaker usage and how an individual accessory dwelling differs and is not tied to that original use.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the amendment to the Zoning Code was made by Alexander Baney and seconded by Ethan Reed; passed 6-1, with the chairman voting and Laura King voting in opposition.

G. Consideration to amend §515A [Hospital Services] of the Conway Zoning Code

James explained this potential removal from the existing Zoning Code to the Commission, as the language does not appear to have been utilized and would stand as a major impediment to Conway Regional, if enforced. Additionally, the enforcement of the Old Conway Design Overlay District provides protection of neighboring property for much the eastern side of the hospital property.

There was no opposition present to this request.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the amendment to the Zoning Code was made by Drew Spurgers and seconded by Alexander Baney; passed 6-0-1, with the chairman abstaining.

H. Consideration to amend Article VII [Board of Zoning Adjustment] of the Conway Zoning Code

James presented these amendments to the Zoning Code, as #O-11-97 replaced the Board of Zoning Adjustment with the Planning Commission. Previously, the Board of Zoning Adjustment was separately appointed from the Planning Commission with an independent membership. The amendments are provided to correct that issue as well allow for small special exceptions and provide enhanced review criteria for variances.

There was no opposition present to this request.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the amendment to the Zoning Code was made by Alexander Baney and seconded by Ethan Reed; passed 6-0, without the chairman voting.

I. Consideration to amend the Master Street and Tail Plan

James presented the proposed Master Transportation Plan as an amendment to the existing Master Street Plan. Included in the amendment is an alternative alignment for the future Baker-Wills Parkway, which has been indicated on the Master Street Plan since at least 1991 with various alternatives. Since that time, it has been the City's intent to see the project federally funded. However, this uncertainty has caused difficulty for landowners along the route. The included alternative provides a routing location for the parkway if the project is not federally funded, and construction occurs as result of a development. This plan also adopts the Master Bike Plan and Master Pedestrian Plan as part of the Master Transportation Plan and places existing complete streets policies into the plan and provides additional policies. Currently, no narrative portion of the plan exists. This narrative will provide a framework for future updates to the Master Transportation Plan.

There was no opposition present to this request.

The public hearing was closed and presented to the Commission for discussion to which a motion to table the amendment to the Master Street and Trail Plan was made by Drew Spurgers and seconded by Adam Bell; passed 6-1, without the chairman voting and Alexander Baney voting in opposition.

III. ANNOUNCEMENTS/ADDITIONAL BUSINESS

A. Planning Commissioner Training for 2023

The Commission voted to hold their annual training for the Planning Commission on Thursday, January 12th at 6:30pm.

B. New Planning Commissioners

Mark Ferguson and Jensen Thielke were appointed by City Council on December 13, 2022, to be added as members of the Planning Commission with terms starting January 1, 2023-December 31, 2027.

C. Leaving Planning Commissioners

Rhea Williams and Greg West have both completed their terms and will be ending their time on the Planning Commission.

ITEMS NOT REQUIRING PLANNING COMMISSION ACTION

A. Development Review Approvals

1. Goddard School, 300 S Hogan Ln (SDR-1022-0375)

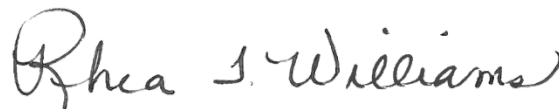
B. Plats Filed for Record (Lot Splits, Lot Mergers, and Final Plats)

1. Replat Lot 12A Club Villas PUD (P2022-00082)
2. Gainor Lot Merger (P2022-00084)

Adjournment

There being no further business to conduct, the meeting was adjourned by unanimous vote on a motion made by Drew Spurgers and seconded by Ethan Reed.

Approved:



2022 Chairman, Rhea Williams