

The regular meeting of the Conway Planning Commission was held, in person, Monday, May 16<sup>th</sup> at Conway City Hall. The following members, being a quorum, were present and acting: Ethan Reed, Alexander Baney, Adam Bell, Laura King, Greg West, Rebekah Fincher, Drew Spurgers, and Latisha Sanders-Jones. Rhea Williams and Larry Webb were absent. Rebekah Fincher, vice-chairman, stood in as chairman, Rhea Williams was absent.

Minutes from the April 18<sup>th</sup> meeting were approved 7-0 on a motion made Alexander Baney and seconded by Latisha Sanders-Jones without the chairman voting.

## **I. PUBLIC HEARING ITEMS**

### **A. Request for conditional use permit to allow Landscape Sales in the TJ zoning district for property located at 3450 Old Morrilton Highway/AR Hwy 64**

Ryan Robeson, Planner, relayed this request was tabled at the April 18<sup>th</sup> Planning Commission meeting. The applicant was requesting conditional use approval to operate a sand, gravel, and earth sales and storage facility in the TJ zoning district. This proposed conditional use does not include the growing or selling of any plant or tree material and is consistent with the Comprehensive Plan. Planning staff recommended approval of the conditional use and the Commission added a ninth and tenth condition, as follows:

1. No variance of any kind may be subsequently requested.
2. Conditional Use is limited to Sand, Gravel, and/or Earth Sales and Storage to include the storage of related equipment such as trucks and trailers solely in support of the landscape installation division.
3. The cultivation and sales of plant or tree materials is prohibited. Such materials may only be stored on-site temporarily when intended for use as part of a professional services landscape installation project.
4. Perimeter screening is required along all property lines which abut residential uses. Screening may consist of dense landscaping including understory trees and shrubs or fencing. If landscaping is proposed, an installation diagram and list of proposed species shall be submitted to the Planning Director for approval prior to installation; if fencing is proposed, height and material information shall be submitted to the Planning Director for approval prior to installation.
5. Hours of operation are limited to 8:00am to 6:00pm, Monday through Saturday.
6. All signage shall be permitted and installed in accordance with Article 1301 of the Conway Zoning Code.
7. No additional structures may be moved onto or constructed on the site. Any proposed expansion of or addition to existing structures shall require an amended conditional use permit.
8. This conditional use shall automatically expire if the approved use ceases for more than 18 consecutive months.
9. Any changes or alterations to the site, including to the land, existing trees, shrubs, vegetation, etc., must be presented to the Planning Commission and receive approval prior to any action by the property owner.
10. A landscaping plan is to be submitted to staff within 30 days of approval and installed within 90 days.

Daniel Derden (16 Daniel Dr) represented the conditional use request. Rick Bane (3470 Old Morrilton Hwy) spoke in favor of the use stating the applicant was a good neighbor.

There was opposition to this request present at the meeting from Kerrick Johnson (3400 Old Morrilton Hwy). Mr. Johnson expressed concerns about the surrounding residential areas, the noise from delivery trucks and smell of the product at the site, and drainage issues. Frank Shaw (1315 Main St) addressed he was the attorney for Kerrick Johnson and spoke to the drainage problems at the site created by this 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 Adam Bell and seconded by Ethan Reed; failed 4-4, with the chairman voting and Laura King, Latisha Sanders- Jones, Drew Spurgers, and Greg West all voting in opposition.

### **B. Request for zoning variance to allow reduced setback for property located at 721 Fairview Street**

Ryan described the applicant is requesting a zoning variance to allow a reduced front setback along Fairview St from 25' to 20', granting a 5' variance. The structure is existing, and a variance must be approved to comply with zoning codes and ordinances. The variance permit will only apply to the existing building. Planning staff recommended approval of the variance with the following conditions:

1. Variances shall apply to the existing structures and shall become void if the structure is voluntarily destroyed by the owner. The structure may be rebuilt if destroyed by natural disaster or fire.
2. Rear shed on property must be removed or relocated prior to plat approval.

Megan Weckworth with the Tyler Group (240 Skyline Dr) represented the applicant in this variance request. There was no opposition to this request.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the variance was made by Alexander Baney and seconded by Ethan Reed; passed 7-0, without the chairman voting.

**C. Request to rezone ±21.37 acres located east and north of existing 12 Hundred Place apartments Phases 1 & 2, east of Covington Way, from I-3 to MF-3**

James Walden, Planning Director, described the applicant is requesting a rezone from I-3 to MF-3 to develop an additional phase of the existing multi-family development, 12 Hundred Place. The requested zoning is not consistent with the Comprehensive Plan, but in recent years the immediate area has transitioned away from general industry to more commercial, and office uses. Planning staff recommended approval of the rezone as it will not likely negatively impact adjacent properties.

Terry Burruss (11912 Kanis Rd, LR) represented the applicant in this rezoning request. There was no opposition 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 Ethan Reed and seconded by Latisha Sanders-Jones; passed 7-0, without the chairman voting.

**D. Request to modify Conditional Use Permit No. 1379 for property located at 2545 Prince Street**

James explained the applicant is requesting to modify their existing conditional use permit allowing Retail-General to modify a condition regarding the construction of a brick screening wall. The properties to the west and east currently require a 30' green space buffer due to current conditional use permits in place. A similar requirement for this property would provide between protection to neighboring properties and a 30' buffer would keep the existing tree line intact. Planning staff recommended approval of the modification use with the following conditions:

1. Retail – General shall be allowed.
2. Driveway curb cuts shall meet development review standards. Cross access/shared access shall be used unless outstanding conditions warrant otherwise.
3. The development shall be built in a manner that's consistent with the applicant's development review application for Shadrach's Coffee (SDR-1121-0155).
4. A 30-foot green space buffer [no parking or structures] is required along the southern property line to be properly maintained by the property owner. This buffer shall be vegetated and left in an undisturbed state.
5. Any additional structures, expansion of uses not permitted by right, or additions to those structures indicated on the applicant's development review application (SDR-1121-0155) shall be subject to review through an amended or new conditional use permit.
6. This conditional use permit expires 2 years from the date of issuance if no building permit has been issued.

7. If the site or any structure on an individual lot become vacant for a period of more than 18 consecutive months, the conditional use permit shall become void for the site or portion of the site as appropriate to the extent of the vacancy.

Tony Pavan (Greenbrier, AR) was the applicant in this request. There was no opposition to this request.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the modification was made by Latisha Sanders-Jones and seconded by Alexander Baney; passed 7-0, without the chairman voting.

**E. Request to rezone ±3.88 acres east of Bill Bell Lane at the intersection of Acuff Lane from R-1 to C-2**

James relayed this request was tabled at the April 18<sup>th</sup> Planning Commission meeting under a different zoning request of C-3. The applicant is now seeking to rezone the property from R-1 to C-2 to construct a mini-storage facility. The proposed rezoning is not consistent with the Comprehensive Plan, which calls for single-family residential in the area. Uses in the area are generally consistent with this land use pattern. Given future use of the adjacent site, a use that would allow a transition to the existing single-family neighborhood to the intense public utility use would be compatible for the surrounding area and a good alternative to multi-family development. Planning staff recommended approval of the rezoning request.

Chris Thornton (855 Ellis Ave) represented the applicant in this rezoning request. Bobby French (1021 Front St) and Frank Shaw (1315 Main St) acknowledged Mr. Thornton would build what was proposed at the site and spoke to the surrounding zonings and likelihood of the lot configuration to be developed for residential use.

There was opposition to this request present at the meeting from David Johnson (1604 S German Ln), Peggy Bonds (1600 Highpoint Dr), Sherry Smith (1825 Daniel Ln), Buck Bing (1318 Stanley Russ Rd), Larry Fry (1215 Stanley Russ Rd), Judy Keith (1530 Pinefield Dr), Donna Johnson (1604 S German Ln), Marcus Arnold (1205 Stanley Russ Rd), and Frank Shaw (1315 Main St). Concerns expressed toward the rezoning request were the security of the storage facility, the speed and density of traffic throughout the area, a commercial island being created in a single-family zoned neighborhood, the clearcutting of trees, the large amount of storage facilities already in existence in the city, and the infringement of future commercial zoning brought on by this rezoning.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the rezoning was made by Alexander Baney and seconded by Adam Bell; failed 1-6, without the chairman voting and Laura King, Adam Bell, Latisha Sanders-Jones, Ethan Reed, Drew Spurgers, and Greg West voting in opposition.

**F. Request for conditional use permit to allow Mini-Storage for ±3.88 acres east of Bill Bell Lane at the intersection of Acuff Lane**

As the prior request for rezoning failed, this item was not heard at the meeting.

**G. Consideration to adopt a Public Art Master Plan as an appendix to the Comprehensive Plan**

The Public Art Master Plan is being considered for adoption as an appendix to the Conway Comprehensive Plan. The plan was developed to provide a road map for future investments in public art across Conway with an eye towards fostering greater quality of life, reinforcing a Conway identity, and promoting an appreciation of arts and culture among residents and visitors to the city.

The public hearing was closed and presented to the Commission for discussion to which a motion to table the consideration until the June Planning Commission meeting was made by Greg West and seconded by Adam Bell; passed 7-0, without the chairman voting.

## II. SIGN VARIANCE REQUEST

### A. Request for sign variance for use proposed at 554 Museum Road

James explained the applicant requested a variance to place a 300sf pylon sign off-premises (650 Museum Rd) of the proposed Olive Garden site (554 Museum Rd). The applicant indicated the location is necessary to prove visibility from Oak St down Museum Rd for traffic reaching the site. Staff deferred the variance request to the Commission, but if approval was granted, presented the following conditions:

1. Variance approval shall be limited to the current proposed sign support structure. If the sign support structure is removed, excluding modifications to the sign cabinet, it may not be replaced unless conforming to the Sign Code.
2. No additional free-standing signage shall be permitted at the site where the sign is proposed. (650 Museum Rd.)
3. The property to the south, intended for the future Olive Garden location shall not be permitted any on-site freestanding signage. If rights to the sign approved by this variance are assigned to the lot on which it sits (650 Museum Rd), freestanding signage may be permitted on the site intended for the future Olive Garden (554 Museum Rd).
4. Any landscaping displaced by the sign installation shall be replaced, as indicated in the applicant's proposed plans.

Eric Boen (Fayetteville, AR) and Charlie Shelly (South Bend, IN) represented the variance request as the applicant and sign representative.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the sign variance request was made by Drew Spurgers and seconded by Alexander Baney; passed 7-0, without the chairman voting.

## ITEMS NOT REQUIRING PLANNING COMMISSION ACTION

### A. Development Review Approvals

1. Shadrach's Coffee, 2545 Prince St (SDR-1121-0155)
2. Kum & Go, 508 Oak St (SDR-0322-0214)
3. Eagle Grip, 2635 Blaney Hill Rd (SDR-0322-0212)

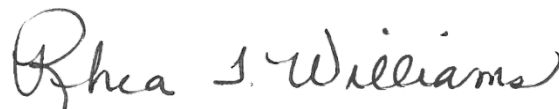
### B. Plats Filed for Record (Lot Splits, Lot Mergers, and Final Plats)

1. Happy Vallely Replat Lots 7 & 8 (P2022-00021)
2. MELB Replat (P2022-00024)
3. Fulmer Lot Merger (P2022-00025)
4. BMA Replat (P2022-00026)
5. Genesis Replat (P2022-00028)
6. Shadrach's (P2022-00029)

## Adjournment

There being no further business to conduct, the meeting was adjourned by unanimous vote on a motion made by Greg West and seconded by Latisha Sanders-Jones.

Approved:



2022 Chairman, Rhea Williams