

The regular meeting of the Conway Board of Zoning Adjustment was held, in person, Tuesday, June 20<sup>th</sup> at Conway City Hall. The following members, being a quorum, were present and acting: Alexander Baney, Latisha Sanders-Jones, Rebekah Fincher, Mark Ferguson, Lori Quinn, Adam Bell, Ethan Reed, Drew Spurgers, and Jensen Thielke. Laura King was absent.

Minutes from the May 15<sup>th</sup> meeting were approved 8-0 on a motion made by Alexander Baney and seconded by Drew Spurgers. Passed 8-0, without the chairman voting.

## **I. VARIANCE REVIEW**

### **A. Request for variance to allow reduced lot depth for property located at 1709 Robins Street**

Ryan Robeson, Planner, described the applicant is requesting a variance to reduce lot depth from 100' to 85' and reduce the front setback from 25' to 20' for a newly created lot that will front along Torreyson St, which is a dead-end street. The existing home to the west sits roughly in the same location as the existing structure on the proposed new lot, making it an appropriate location for infill development without disrupting the overall pattern of development in the area and still meet the minimum lot area of 6,000-sf. Planning staff recommended approval, as granting the variance would not likely harm adjacent property, with the following conditions:

1. The applicant shall be required to replat the property for the variance to become effective.
2. Variance shall only apply a new lot created fronting Torreyson St. The existing and remaining lot, fronting Robins St, shall meet all required minimum standards for the zoning district in accordance with the Conway Zoning Code and Subdivision Ordinance.

Megan Weckwerth, with the Tyler Group, (240 Skyline Dr) spoke on behalf of the applicant as the authorized agent. There was no opposition present.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the variance request was made by Alexander Baney and seconded by Latisha Sander-Jones; passed 8-0, without the chairman voting.

Motion to adjourn the Board of Zoning Adjustment meeting was made by Drew Spurgers and seconded by Latisha Sander-Jones; passed 8-0, without the chairman voting. **The Planning Commission meeting commenced.**

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Minutes from the May 15<sup>th</sup> meeting were approved 8-0 on a motion made by Alexander Baney and seconded by Latisha Sanders-Jones. Passed 8-0, without the chairman voting.

## **I. PUBLIC HEARINGS**

### **A. Request to rezone property located at 1700 South Boulevard from R-2A to R-2**

Ryan explained this item was heard at the May 15<sup>th</sup> Planning Commission meeting, at which time, after public comment and discussion with staff, the applicant requested to change their zoning request designation from S-1 (Institutional) to R-2 (Low Density Residential) and table until this meeting. They have since concurrently applied for a Conditional Use permit that would allow for the current use. The site has been used for institutional use for decades, first as a church and then as a school, and is adjacent to properties zoned R-2A. As this rezoning appears consistent with uses in the area, Planning Staff recommended approval of the rezoning.

Rik Sowell (1315 North St) spoke on behalf of the applicant as the authorized agent.

Opposition to the rezone was present from Lisa Mabry Williams (1717 Bruce St), explaining that existing exterior lighting at the center is always on and trespassing onto her property and she has tried to get it resolved many times over the years, with little change. Russ Williams (1717 Bruce St) indicated a zoning change shouldn't be needed if the same use is operating at the site.

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 Jensen Thielke; passed 9-0, with the chairman voting.

### **B. Request for conditional use permit to allow a *Childcare Facility* in the R-2 zoning district for property located at 1700 South Boulevard**

Ryan relayed the applicant is requesting concurrent conditional use approval to operate a childcare facility. Milestones Services, Inc has operated its children's early intervention and childcare programs at 1700 South Blvd location since 1996 (until 2017 it operated as Faulkner County Day School). This request appears to create no change of use but will move the established use of the site toward compliance with the Zoning Code. Planning staff recommended approval of the conditional use with the following conditions:

1. Operating hours are limited to Monday – Friday, 7:00am – 5:00pm.
2. Approved uses are limited to childcare facility and accompanying early intervention children's therapy programs which are currently offered.
3. Any changes to or expansion of the approved use shall require an amended or new conditional use permit.
4. Any expansions or additions to the site, existing structures, or outdoor play area may be subject to site development review [in accordance with Article 10 of the Conway Zoning Code] prior to the issuance of building permits.
5. Any expansions or additions to the site, existing structures, or outdoor play area shall be subject to approval by the Historic District Commission and issuance of a certificate of appropriateness prior to the issuance of building permits.
6. All existing and new exterior 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. 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.

8. The property shall be replatted, in accordance with the Conway Subdivision Ordinance, prior to the issuance of any future building permits.
9. No zoning variance, required as a result of the commencement of the conditional use, may be requested.
10. The conditional use permit shall expire if the use ceases for a consecutive period of greater than eighteen (18) months.
11. Any new signage shall be permitted and installed in accordance with Article 12 of the Conway Zoning Code and the Old Conway Design Overlay District Guidelines.

Rik Sowell left the meeting before this item was heard. The Planning Commission voted 8-0 on a motion made by Drew Spurgers and seconded by Lori Quinn, without the chairman voting, to suspend the applicant present rule to allow Andy Hawkins (405 Louise Ln) to represent this project.

Lisa Mabry Williams spoke in opposition again discussing the noncompliance of lighting at the site for years and stated lights should be shut off outside of operating business hours.

The public hearing was closed and presented to the Commission for discussion to which a motion to approve the conditional use, with an exception to condition #6 to add, "All existing and new exterior lighting", was made by Alexander Baney and seconded by Jensen Thielke passed 9-0, with the chairman voting.

**C. Request to rezone ±11.60 acres located east of Padgett Road, at the intersection of Spencer Lake Drive from A-1 to PUD**

Kris Paxton, Director, explained the applicant intends to rezone the property from A-1 to PUD for the creation of a 63 lot single-family subdivision. The applicant indicated a PUD rezoning was necessary due to topographic constraints. There were two public information meetings held on April 27<sup>th</sup> and May 25<sup>th</sup> with much opposition to the original, and revised plans. Many of the complaints pertaining to the rezone were concerning drainage, compatibility with surrounding uses, and traffic increases. Planning staff recommended approval of the PUD rezone with the following conditions:

1. The PUD should be used for single-family residential only.
2. All standards and uses other than those defined by the development plan shall be governed by restrictions of the R-1 zoning district.
3. The distance between the back of the sidewalk and the garage shall be no less than 20 feet.
4. The detention pond shall include a safety bench or alternate method agreed upon by the City Engineer and the Applicant to improve safety considerations at the detention pond.
5. Buildings shall be of the following materials:
  - Brick/stone
  - Cement fiber board (Hardie® siding)
  - Wood
  - Other materials as approved by the Planning Director
6. Vinyl siding shall be prohibited.
7. Roofs shall have a pitch of 8/12 or greater; porches may have lesser pitch.
8. Roofs shall be only of architectural shingles.
9. No residential accessory structures shall be permitted on lots 1-62.
10. No fences in excess of 4 feet high shall be permitted in front yards. Any proposed fencing shall be approved by the Planning Director.
11. 5' sidewalks shall be required along both sides of the internal streets and link to the existing sidewalk along Padgett Rd as shown on the site plan.
12. A paved side path must be installed connecting the development to the adjacent school to the north.
13. The PUD shall be generally developed per the density and intent indicated on the site plan. Minor variations from the approved plan may be allowed by approval from the Planning Director.

14. Platting shall be required. Any additional rights of way, sidewalks, etc. as required by the Subdivision Ordinance shall be dedicated and constructed.
15. Lot 63 shall be labeled unbuildable.
16. Setbacks shall be as follows: Front – 15'; Interior – 5'; Exterior – 15'; Rear – 17.5'. Additional details, such as utility/pedestrian easements, public right of way, etc. shall be defined in the final development plan, plat, and PUD documents.

Landon Sanders (306 Salem Rd) spoke on behalf of the applicant as the authorized agent. He indicated that the owner had made concessions to the original plan after the first public input meeting to address density, neighborhood safety concerns, traffic issues, and drainage. After the opposition spoke, John Pennington (306 Salem Rd), the property developer, was given 3 minutes of rebuttal from the chairman to which he addressed setback concerns, the market of use at the site, and the feasibility of smaller lots to make more affordable homes.

Opposition to the rezone was present from Kevin Leach (1505 Warwick Hills Ln), Brandon Ruhl (5720 Brush Creek Lp), Stewart McConnell (5725 Brush Creek Lp), and a room full of other citizens. Concerns expressed were for the developer maintaining ownership and renting all homes in the neighborhood, the size and lack of green spaces on all lots, the lack of cohesiveness with adjacent properties, small driveways that would push parking to the street, runoff from the development to Spencer Lake, the increased traffic, the appropriateness of the development, the PUD rezoning being sought to gain more units rather than a R-1 development, and the drainage from the PUD will further impact the state of Spencer Lake and will be on Spencer Mountain residents to maintain.

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 Drew Spurgers; motion failed 1-7-1, with Ethan Reed voting in favor, Jensen Thielke, Lori Quinn, Adam Bell, Alexander Baney, Mark Ferguson, Drew Spurgers, and chairman Rebekah Fincher all voting in opposition, and Latisha Sanders-Jones abstaining.

#### **ITEMS NOT REQUIRING PLANNING COMMISSION ACTION**

##### **A. Development Review Approvals**

1. Conway Corporation Operation Center, 1320 S German Ln (SDR-0223-0024)
2. Westrock Coffee Dock Addition, 480 Exchange Ave (SDR-0323-0050)
3. WestRock Co Addition, 198 Commerce Rd (SDR-0323-0054)
4. Goddard School post approval review, 300 Hogan Ln (SDR-0323-0052)

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

1. Harps Food Stores, Inc (P2023-00028)
2. Replat Lot 2, 4555 Prince St LLC Subdivision (P2023-00029)
3. Central Landing, Phase 2(P2023-00032)
4. Replat Lot 2, Linn's Subdivision (P2023-00035)

#### **Adjournment**

There being no further business to conduct, the meeting was adjourned by unanimous vote on a motion made by Alexander Baney and seconded by Jensen Thielke.

Approved:



2023 Chairman, Rebekah Fincher