

PLANNING COMMISSION MEETING

January 17, 2006

The regular meeting of the Conway Planning Commission was called to order at 7:00 p.m., Tuesday, January 17, 2006, by Chairman Velton Daves who introduced new planning commissioner Ronald Fields before requesting that individual commissioners introduce themselves to the audience. Present at the meeting were Velton Daves, Ronald Fields, William Graff, Mary Etta Qualls, Chris Riggins, Terry Sossong, Junior Storie, and Adam Thomas. Bert Alexander and Tina Sherwood were absent.

Mr. Daves briefly outlined the meeting format that can basically be broken down into three sections. First are staff reports, then agenda items, and thirdly discussion items. Staff reports require no action and include site plans, lot splits, mergers, and minor subdivisions filed for record. Five site plans were approved as stipulated in the applicable Zoning or Subdivision Ordinance. Those plans were for Centennial Plaza, 4150 Tyler Street; Walgreens, 2910 College Avenue; College Avenue Pharmacy Complex, 2125 College Avenue; B & B Construction, 605 South German Lane; and Candlewood Suites, 2370 Sanders Street. Lot splits, mergers and minor subdivisions filed for record included McGowen Replat. Minutes from the December meeting were approved 8 – 0 as submitted on a motion made by Bill Graff and seconded by Junior Storie. There were no committee reports to present.

PUBLIC HEARINGS

REZONING

1. Verena Moix request for rezoning from A-1 to I-3 for property located at 103 Amity Road was approved 8 – 0 on a motion for approval made by Terry Sossong and seconded by Bill Graff. Bill Adkisson, 711 Locust, was present representing the property owner/seller Verena Moix and the potential buyer Don Havens, 3 James Lane. He stated that the requested zoning is consistent with the remaining property to the north, south, and east and that it seems an appropriate zoning given the history of the rest of the property and the uses currently in place. In response to Commissioner Adam Thomas' inquiry about any immediate plans driving the rezoning request, Mr. Adkisson deferred to Mr. Havens who stated he has a contract with a group out of Texas to put in a production chemical facility on the site. Basically, it will be a gravel yard, chain link fence, and some bulk storage tanks. The purpose of the chemical is to treat the natural gas wells being drilled all around this area. He went on to state it would bring more new jobs to Conway. After calling for others wishing to speak in support of this rezoning and receiving no response, the chairman called for those who wished to speak in opposition. Mr. Rick Readnour, 116 Canterbury Gap Road, who owns a house just west of this property came forward to express concern about how this proposed rezoning and use would affect homeowners in the area. Kristy Backy, 107 Amity Road, lives next to the property and questioned if the chemicals would be underground and was told

they would not be stored underground. Mr. Havens shared with those present some plans of the proposed site including surveys. He also indicated that this would not be a 24/7 operation and that the process does not produce offensive odors so far as he is aware. In response to Commissioner Thomas' query as to whether this particular zoning is being sought because it is the only one that allows chemical processing, Bill Adkisson responded that I-3 zoning is being sought because it is consistent with other land use in the area and not necessarily because of the proposed use. Mr. Thomas went on to say he asked because even in I-3 that is only permitted with a conditional use and he wondered if there is a plan to come back with a conditional use request later. This would let the Planning Commission address possible concerns such as hours of operation, setbacks, and other issues as well. Without a conditional use, there is nothing that the commission can do to address concerns and set requirements to be met. Mr. Adkisson indicated he would get with the Planning Director to determine if a conditional use is indeed required for what Mr. Havens proposes and if it is, they will be back with a conditional use request. He did ask, however, that the commission act on the rezoning request at this meeting.

2. Richard and Brenda Graff request for rezoning from R-2A to MF-2 for property located at 406 Sixth Street was held in committee on a 8 – 0 vote following the public hearing. Bill Graff made the motion and Adam Thomas seconded it. At the public hearing Robert French spoke for the rezoning that would allow a density of 18 units per acre on the property. He stated that use would be consistent with much of the property in the area that is already multi-family. Two rental houses currently on the property that face Sixth Street would be demolished and an entrance to the development placed there. Mr. Graff was also present to speak for his request. He stated it was their hope to get the multi-family rezoning before spending the money to do the plot plan and the site plan—the layout of buildings and structures. Mike Hagan, 1640 Ivy Cove, came forward to ask for more information on the rezoning. Mr. Hagan doesn't know if he is for or against the rezoning. He owns property at 406 Ingram. Northeast of his lot is a big field sitting in the middle of the block and the only access to it is an easement on the back of Mr. Hagan's Ingram Street property. He wants to know if the development will take in that half or three-quarters of an acre of land. No one else came forward to speak in favor of the rezoning and the meeting moved on to those wishing to speak against the rezoning. B. J. Marcotte, 10 Kahli Court, owns property adjacent to this property and expressed concern about drainage and flooding in that area. Steve Simon, 41 Bud Chuck Lane, stated his son Adam bought the property next to this property in October and they would like to see a plat showing exactly how this property lays in relation to his home. Their concern is density of the development and privacy for the single family homes in the area. Mr. French stated that the proposal is to have a main drive with apartments to either side facing inward. The item was brought back into commission where Mr. Daves asked if anyone else questioned the MF-2 zoning in an area where the natural progression would seem to call for MF-1. Information was volunteered that although the zoning was MF-1 for the Chapel Ridge Apartments, there was a conditional use in place to allow MF-2 density that allowed the Planning Commission to place some restriction on the property. In response to

Mr. French's question, he was informed the applicant could request the lesser MF-1 density and come back later with a request for conditional use for MF-2 density. At this time there is no need for the zoning committee to meet on this item.

3. PH LLC request for rezoning from R-1 to O-3 for property located at 306 Salem Road was approved 7 – 1 on a motion for approval made by Junior Storie and seconded by Bill Graff. Mary Etta Qualls voted against the motion to approve this rezoning. John Pennington, 935 Sherman Oaks Circle, was present to speak for this request. He presented a site plan and architectural renderings showing their proposed use of the property. Forty feet of the property bordering Salem is street right-of-way dedicated to the city. Much of this property is in the floodway and cannot be used for building structures. The parking lot is in the floodway as allowed. There is one curb cut for ingress/egress to the property from Salem and the intent is to direct incoming traffic toward the interior of the property. Hence the building faces away from Salem toward the floodway buffer. The building is 9700sf as drawn. Of the 9700sf, about 850sf is the covered drive through, leaving around 9000sf for lease. A church is interested in leasing 3000sf of the building. The O-3 zoning will allow the remaining space to be leased as office space. Among those coming forward to speak against this rezoning were Rick Readnour, Judy Acord, and Ms. Acord's finance Carl Olds. Concerns included hours of operation, lighting, and increased traffic. Commissioner Bill Graff commented that this was poor property for R-2 development because of the flood plain and the proposal as presented would seem to be a good use of the property. Terry Sossong agreed with Mr. Graff that options for the property are very limited and went on to state that Salem Road is a minor arterial street destined to become a four-lane street probably with a center turn lane at a future date. City Engineer Ronnie Hall confirmed that statement. When asked how they are going to make Salem a four-lane with houses butting up to it now, Mr. Hall responded that he was sure it would be a challenge, but that there would be funding to meet the challenge somewhere down the road. The initial motion by Adam Thomas to deny this request was seconded by Chris Riggins. It failed on a 4 – 4 vote. Voting against denial were Bill Graff, Terry Sossong, Junior Storie, and Velton Daves. In order to build on a flood plain you must elevate and reduce so as not to impede the flow of water in the floodway. Mr. Pennington could fill all the property outside the floodway which would be a small triangle of the property in the northwest corner. The entire parking lot for the project is in the floodway.
4. Trinity Development Co., Inc., request for rezoning from MF-2 to C-2 for property located north of Donaghey Avenue extended, between Washington Park Shopping Center and June Beene Apartments, at 1815 Old Morrilton Highway was approved 8 - 0 on a motion made by Terry Sossong and seconded by Bill Graff. Jim Rankin, 1307 Main Street, was present to speak for Trinity Development's request and stated that Trinity owns all the surrounding property except for property to the north owned by the VFW. The VFW property is well buffered by trees and the hill. Between this property and June Beene Apartments is a 40-foot drop-off that would have required about 15 feet of fill in order to continue the apartments. Mr. Rankin said they plan to improve the road that comes in by Catfish and More. If the city

does not accept the street, it will still be improved to city standards. It was not done before because of the continuing construction that would have only destroyed it. But with construction complete, the road can be upgraded. There were no other speakers either for or against this rezoning request.

CONDITIONAL USE

5. First United Methodist Church request for a conditional use permit to allow religious activities for the remainder of the church's property located at the intersection of Prince and Clifton Streets was approved 7 – 0 – 1 on a motion made by Bill Graff and seconded by Adam Thomas. Terry Sossong abstained from voting. Conditions attached to the motion to approve were 1) that lighting is to be inward, downward, and shrouded with no more than one foot candle at the lot line; 2) that no outdoor sound system be allowed, 3) that fencing and/or screening of parking areas from residences to the west and northeast be designed so as to provide a noise buffer for nearby property owners and allow them continued access from their private driveways that open onto the church's property; and 4) that deliveries by commercial vehicles be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday. Sam Teague, 125 Grapevine, spoke for this conditional use request. There were no others speaking either for or against.
6. PH LLC request for a conditional use permit to allow religious activity for the property at 306 Salem Road was approved 7 – 0 – 1 on a motion made by Bill Graff and seconded by Adam Thomas. Mary Etta Qualls abstained from voting. Conditions attached to the motion to approve were 1) that hours of operation be 8:00 a.m. to 6:00 p.m., Monday through Saturday, for the offices within the complex and 7:00 a.m. to 9:00 p.m. for the church and its religious activities; 2) that lighting be inward, downward, and shrouded with no more than one foot candle at the lot line; 3) that no external sound system be allowed, 4) that parking areas within the floodway be approved by the City Engineer, 5) that a public 20-foot pedestrian/bike trail easement along Tucker Creek be required, 6) that signage conform to overlay district requirements (64 square feet, 8 feet tall, monument), and 7) that parking lot hours be 6:00 a.m. to 9:00 p.m., and also apply to those who only want to use the public pedestrian/bike trail. Mr. Pennington spoke in favor of this conditional use request. Mr. Olds raised the question of limiting the public's access to the parking lot only for those wanting to use the walking trail only. Mr. Readnour again stated his concern for lighting and hours of operation and that if these two issues are addressed he has nothing against the rezoning or proposed use.
7. Trinity Development Co., Inc., request for a conditional use permit to allow a heating/air conditioning business and an auto detailing service for the property located north of Donaghey Avenue extended between Washington Park Strip Center and June Beene Apartments at 1815 Old Morrilton Highway was approved 8 – 0 on a motion made by Adam Thomas and seconded by Terry Sossong. Conditions attached to the motion were 1) that hours of operation be 7:00 a.m. to 6:00 p.m., Monday through Saturday; 2) that lighting be inward, downward, and shrouded with no more than one foot candle at the lot line; 3) that no external sound system be

allowed, 4) that signage conform to overlay district requirements (64 square feet, 8 feet tall, monument); and 5) that any outdoor storage of autos and/or heating and air equipment must be behind (north of) the proposed building. Mr. Rankin spoke for this request. There were no other speakers either for or against this conditional use request.

8. Trinity Development Co., Inc., request for a conditional use permit to allow warehousing and mini-storage for the property located north of Donaghey Avenue extended behind Old Town Place and Townsend Centers 1 and 2 was approved 8 - 0 on a motion made by Adam Thomas and seconded by Bill Graff. Conditions attached to the motion were 1) that hours of operation be 7:00 a.m. to 7:00 p.m., Sunday through Saturday; 2) that lighting be inward, downward, and shrouded with no more than one foot candle at the lot line; 3) that no external sound system be allowed, 4) that no exterior storage be allowed, and 5) that any signage conform to overlay district requirements (64 square feet, 8 feet tall, monument).

OLD BUSINESS

PLANNED UNIT DEVELOPMENT

9. Stewart McConnell request for rezoning from R-1 to PUD for property on Padgett Road. *Although the City Council passed an ordinance on December 27, 2005, to rezone this property from R-1 to Planned Unit Development (PUD), it cannot be finalized until the applicant files a plat of the PUD. The plat was not submitted for review prior to this meeting. Therefore the Planning Commission could not hear this item and review it for final compliance to complete the PUD process.*

Commissioner Bill Graff asked for clarification concerning planning commissioners attending meetings of Planning Commission committees. A planning commissioner may attend any committee meeting just as any member of the public may attend. But these committee meetings are not public hearings and those attending need to understand they may not actively participate unless called upon by the committee. A commissioner may express himself/herself on committee items when they come before the full Planning Commission for vote at public hearing.

The meeting adjourned at 8:55 p.m. on a motion made by Terry Sossong and seconded by Adam Thomas. Vote to adjourn was 8 to 0.