



PLANNING COMMISSION MEETING District Court Building

7:00 p.m., April 21, 2008



The regular meeting of the Conway Planning Commission was held Monday, April 21, 2008. Present at the meeting were: Ron Fields, Kimberly Gardner, Richard Kirkman, Sandy Mabry, Kent Mathis, Mary Etta Qualls, Todd Smithhart, and Junior Storie. Craig Cloud and Terry Sossong were absent.

Mr. Storie called the meeting to order at 7:19 p.m. following adjournment of the Subdivision Committee meeting and the arrival of those commissioners to the District Court Building. He requested that commission members introduce themselves to the audience present.

Mr. Storie then explained that the meeting is generally divided into two halves—the first half being the Subdivision Committee report; the second half the public hearing. Other items may be discussed as needed. He also reminded those present to follow their item of interest through to its conclusion at the applicable City Council meeting.

Staff reports on the agenda require no action and include site plans, lot splits, mergers, and minor subdivisions filed for record. Site plans reported: None. Lot splits, lot mergers and minor subdivisions reported: Replat of Lot 37 Westfield Subdivision.

The first item of business was the minutes from the March meeting. Richard Kirkman made a motion to approve the minutes as submitted. Ron Fields seconded. The motion passed 8 – 0.

Mr. Storie called on subdivision committee member Sandy Mabry to give that committee's report in the absence of the committee chair Terry Sossong.

SUBDIVISION REPORT

1. Trent Family II, LLC request for preliminary plat approval of The Grove Subdivision was granted 8 – 0 subject to the amended punch list. Sandy Mabry made the motion to approve. Todd Smithhart seconded. The last sentence of punch list items 21, 22, 23, 24, 27, 31, 32, and 34 were amended and approved by the Subdivision Committee. The last sentence of items 21, 22, 31, 32, and 34 now reads, "*The Planning Commission approves this request.*" The last sentence of item 23 now reads, "*It is proposed by the Planning Department that an access easement be granted if the Planning Director requires a stub out in conjunction with the site plan review.*" Item 24, "*The Planning Commission determines that no stub out be required.*" Item 27, "*The Planning Commission approves this request for the hammerhead turnaround as a final terminus for the cul-de-sac.*"
2. Iron Castle, Inc., request for preliminary plat approval of Ironcast Subdivision, Phase I, was granted 8 – 0 subject to the punch list. Sandy Mabry made the motion to approve. Richard Kirkman seconded. The punch list did not require any amendments.

PUBLIC HEARING

Prior to the start of the hearings, Chairman Storie laid down some grounds rules. Due to the sheer number of hearings and to be fair to all concerned parties, the following time limits are enacted for this session. Both opening statements, for and against, will have an unlimited time limit, he said. Each successive person, both for and against, will be limited to two minutes. Everyone is encouraged to speak one time. Any questions about the project need to be directed toward the commission. We'll write them down, he stated, and ask the opposition. Statements that have been submitted in letter form will be read into the record during the commission discussion. Once the public hearing is closed, no further comment will be heard except for answers to questions from the commission.

ZONING ORDINANCE AMENDMENT

3. A proposed amendment to the Zoning Ordinance to allow parties and receptions for pay at bed and breakfast facilities by conditional use permit was approved for recommendation to the City Council on a 7 – 1 vote. Mary Etta Qualls made the motion to approve. Sandy Mabry seconded. Kent Mathis voted against the motion.

SPEAKING FOR THE AMENDMENT:

Joann Stevens, 1912 Caldwell Street

Ms. Stevens is currently the owner of the city's only bed and breakfast establishment and would like to have the option of hosting special events such as weddings, receptions, photo shoots, at the Ward Mansion.

SPEAKING AGAINST THE AMENDMENT:

No one spoke against the request.

ISSUES AND CONCERNS:

Ms. Stevens stated that in visiting with six of her neighbors and the principal of the school, she had one objection out of the six. That objection had to do with alcohol being served by a caterer at wedding receptions. They were very supportive of the bed and breakfast and are good neighbors. But they simply don't like the idea of having alcohol served across the street from their house. They are opposed to alcohol.

SUBDIVISION ORDINANCE AMENDMENT

4. A proposed amendment to the Subdivision Ordinance to require six-inch stand-up curbs in new subdivisions was approved for recommendation to the City Council on an 8 – 0 vote. Todd Smithhart made the motion. Sandy Mabry seconded.

SPEAKING FOR THE AMENDMENT:

Ronnie Hall, City Engineer

Mr. Hall stated the current Subdivision Ordinance requires a four-inch rolled curb that is a carryover from past practices in the city of Conway. The stand-up curb has a much greater water carrying capacity and it controls access to the street much better. The only downside, he stated, is every house must remove a section of curb and build a driveway that is mountable whereas now people just match the top of curbs. The main downside is the additional cost for driveway. Added cost would be about \$500 to a \$1,000 per residence. The driveway notch is not built until a structure is built.

SPEAKING AGAINST THE AMENDMENT: None

ISSUES AND CONCERNS:

No specific issues or concerns were raised.

REZONINGS AND CONDITIONAL USES

5. Central Baptist College request to **rezone from R-2A to S-1** property located at 319 Conway Boulevard was approved 7 – 0 – 1. Richard Kirkman made the motion. Todd Smithhart seconded. Commissioner Kent Mathis abstained from voting.

SPEAKING FOR THE REZONING:

CBC Vice President for Finance Don Jones.

Mr. Jones spoke for this rezoning request and the college's intent to remodel the current structure on the property to serve as temporary housing for upper classmen to alleviate CBC's housing strain caused by increased enrollment.

SPEAKING AGAINST THE REZONING:

Tamera Hoelzeman, 320 Conway Boulevard.

Ms. Hoelzeman stated she is not opposed to the rezoning, but would like to know how the college plans to handle parking. Cars currently line the streets when the college hosts events. Mr. Jones stated they plan to use a large area behind the house for parking. The plan is to have 10 or 12 students live in the house.

ISSUES AND CONCERNS:

- Parking

6. John Coffey, *et al* request to **rezone from R-1 to O-1** property located at 2515, 2525, 2545, and 2555 Prince Street was forwarded to the city council without recommendation. Sandy Mabry made the motion that the request be forwarded without recommendation. Richard Kirkman seconded. It passed 8 – 0. An initial motion to deny the request failed to achieve the necessary six votes. Commissioner Junior Storie opposed the motion to deny the request. Commissioners Mary Etta Qualls and Todd Smithhart abstained from voting. Ron Fields made the motion that the request be denied. Sandy Mabry seconded. The vote was 5 – 1 – 2.

SPEAKING FOR THE REZONING:

Todd Rice, Hathaway Group, representing the collective property owners.

Letters supporting the rezoning and read into the record were submitted from John Coffey, 2525 Prince Street; Brenda McClain, 915 Farris; David L. Baker, 2550 Adamsbrooke Drive; Marion J. Baker, 2560 Adamsbrooke Drive; Gretchen Taylor, 910 Palladian Point; Georg Andersen, 2590 Adamsbrooke Drive; Brad Bannister, 2600 Adamsbrooke Drive; David Doyle, 18 Lexington Drive; and Perilee Croft, 2503 Short Drive.

SPEAKING AGAINST THE REZONING:

John Shell, 959 Farris Road; Randy Romeo, 1 Sherwood Drive; and Tommy Taylor, 910 Palladian Point. A letter from the Southwick Family, 921 Farris Road, opposing the rezoning, was read into the record.

ISSUES AND CONCERNS:

- Traffic on Prince Street and Farris Road
- Environmental impact of any property that's along Tucker Creek—runoff issues, etc.

7. John Coffey, *et al* request for a **conditional use permit to allow retail – restricted in O1 zoning** for the same property was also forwarded to the city council without recommendation. Sandy Mabry made the motion. Mary Etta Qualls seconded. Motion passed 8 – 0.

8. Felix Balmaz and Elizabeth Guiltner request to **rezone from R-2A to S-1** property located at 2300 Robinson Avenue was recommended for approval to the City Council on an 8 – 0 vote. Sandy Mabry motioned to approve the request. Kent Mathis seconded.

SPEAKING FOR THE REZONING:

Bill Adkisson, local attorney, representing the applicants for this request.

The house is no longer desirable as a single family residence and would be useful for institutional purposes. Obviously, his clients believe it would be an attractive addition to the hospital and an appropriate use. The requested zoning is in keeping with the surrounding properties.

SPEAKING AGAINST THE REZONING: None

ISSUES AND CONCERNS: None

9. Elms-Clowers Construction, Inc., request to **rezone from A-1 to RU-1** property at 3290 Stermer Road was recommended for approval to the City Council on a motion made by Mary Etta Qualls and seconded by Sandy Mabry. The motion passed 8 – 0.

SPEAKING FOR THE REZONING:

Bill Adkisson, 711 Locust, again representing the applicants for this request. Also present, David Elms and Terry Clowers, owners of Elms-Clowers Construction.

This property was annexed into the city as A-1 and the current shop and use automatically became a pre-existing, non-conforming use. The property is used for an office, cabinet shop, and some storage facility. This application is triggered by applicants' need to expand their facility to allow some additional inside storage as they grow their business. In order to do that, the property needs to be appropriately zoned and a conditional use permit obtained that will allow this use for the property.

SPEAKING AGAINST THE REZONING: None

ISSUES AND CONCERNS: None

10. Elms-Clowers request for a **conditional use permit to allow contractor facilities and warehousing in RU1 zoning** for the same property was recommended for approval to the City Council on a motion made by Mary Etta Qualls that the request be approved with the conditions as stated. Ms. Mabry seconded. The motion passed 8 – 0.

- 1) All shop activities are to be indoors.
- 2) Conditional use is applicable to Elms-Clowers Construction only.
- 3) Hours of operation are 7:00 a.m. to 6:00 p.m., Monday through Friday, and 7:00 a.m. to 12:00 p.m. on Saturday.

SPEAKING FOR THE CONDITIONAL USE: Mr. Adkisson again represented the applicants for this attendant conditional use permit request.

SPEAKING AGAINST THE CONDITIONAL USE: None

ISSUES AND CONCERNS: Some concern on commissioners part about the private drive and fire department access. The development review process and permitting will address these issues among others.

11. JLC Medallion request to **rezone from R-1 to MF-2** property at 1905 Favre Lane was recommended for denial to the City Council on a motion made by Ron Fields. Sandy Mabry seconded. The motion to deny passed 8 – 0.

SPEAKING FOR THE REZONING:

Stephen Klee, president of the Medallion Group, and David Tracht, development manager, JLC Medallion Group out of Atlanta, Georgia; and Bill Adkisson, representing the applicant.

This property is one of three parcels that would be integrated into this 12-acre multifamily, student housing development of 180 units in a highly amenitized community that will be serving the growing UCA student population. The development would include six three-story buildings, and amenities that include a coffee bar, a state-of-the-art fitness center, a car care facility, a club room that will include billiards and flat screen TVs, a state-of-the-art computer center, and a private movie theater. It would be a gated community and would employ courtesy officers and use criminal background checks. Shuttle service would be provided between the complex and the university campus that should reduce the traffic volume by about 30%. They attempted to address the four recurring themes raised by those commenting on the project—traffic, watershed in neighboring Milestone community, security and crime, and that this might be "another Germantown."

SPEAKING AGAINST THE REZONING: Theodore Jones, 1990 Favre Lane; Harvey Melton, 1785 Arden Lane; Michael Garlington, 1790 Wysteria; Harvey Ham, 1655 Nuthatch Circle; Susan Hickey, 1603 Greenwood Circle; David Hellerich, 1623 Greenwood Circle; Tom Lane, 1530 Pyramid Drive; Mike Payton, 1640 Ivy Cove; Roger Anderson, 1635 Ivy Cove; Vida Morgan, 1516 Sagegrass Road; David Giorgi, 1680 Hosta; Chris Johnson, 1570 Hathaway; Phyllis Wilson, 1630 South Donaghey; Jeff Craig, 1575 Hathaway; Mark Strahan, 1615 Arden Lane; Linus Azumara, 1560 Hathaway Drive; Brandon Willis, 1570 Arden Lane; Christopher Rister, 1600 Arden Lane; Keegan Wright, 1775 Milestone; Steve A. Snyder, 1637 Greenwood Circle; Robert Rappold, 1604 Greenwood Circle; and Pamela Moran, 1800 Arden Lane.

ISSUES AND CONCERNS:

- Traffic in an already overly congested area
- Drainage in the Milestone / South Donaghey area
- Partying, speeding, and trash
- Geostructure of the property and current condition of the soil because of past use
- Inappropriateness of location for a development of this type that is not in keeping with what is currently in the area—multistory amid single story, single family dwellings is simply not right
- Proximity to the elementary school

12. JLC Medallion request for a ***conditional use permit to allow MF-2 in C-2 zoning*** at 1600 South Donaghey was withdrawn by JLC Medallion's president Stephen Klee.
13. Trent Family II, LLC request to ***rezone from RMH to MF-2*** property at 2730 Dave Ward Drive was sent to the Zoning Committee for further consideration at a meeting held on Wednesday, April 23. This followed the vote on a motion made by Mary Etta Qualls to deny the request. Ron Fields seconded her motion. Vote was deadlocked at 4 – 4. Kim Gardner, Mary Etta Qualls, Ron Fields, and Kent Mathis voted for the motion to deny; Junior Storie, Sandy Mabry, Todd Smithhart, and Richard Kirkman voted against the motion to deny the rezoning request. Commissioners were standing firmly by their vote with no hope for achieving a majority vote at this meeting. Hence the item was referred to the Zoning Committee for further discussion at a meeting scheduled for 6:30 p.m., Wednesday, April 23, at City Hall's first floor conference room with a special meeting of the Planning Commission scheduled for Monday, April 28, 2008, for final action on the item. The vote in committee was 3 – 2 to recommend the item for denial to the full commission. However, at a

special meeting of the Planning Commission on Monday, April 28, the commission voted 7 – 2 to forward the request to council with a recommendation for approval. Planning Commissioners Kent Mathis and Ron Fields voted against the motion to recommend approval.

SPEAKING FOR THE REZONING: A representative from Campus Crest presented a brief PowerPoint presentation of their proposed project for the site if it is rezoned. Also speaking for the rezoning was Brian Trent, representative for the current owner Trent Family II, LLC, who addressed the situation as regards the property's current use.

SPEAKING AGAINST THE REZONING: 2730 Dave Ward Drive—Teresa Darling, # 52; William Vass, #87; Sharon Kirtley, #27; Fisher Lee, #246; David Moya, #25; Becky Shrum, #8; H. D. Darling, #52; Chris Veazar, #56; Timothy Jones, #245; Diane Baker, #59; Denise Esparza, #4; Evelyn Lear, #8; Sean Wright, #65; Jennifer Hall, #205; Alan Gottsponer, #19; Earl Manly, #24; Jason Potts, #235; Wade Jackson, #220; Felicia Collins, #203; and Bryan Dearsaugh, 18 Manchester; Brian Russell, 420 Louise Lane; Harvey Melton, 1785 Arden Lane; and David Stearns, 3560 James Court appearing for his daughter Cinnamon King, 480 Whitney Woods Road.

ISSUES AND CONCERNS:

- Traffic being funneled to Salem Road or employing "U" turns on Dave Ward Drive
- Safety of these student drivers and of the elementary school children
- An apartment complex clientele characterized as drinking, drugging, and disorderly
- Proximity to an elementary school

Lessees of the property spoke to the need for more time if they have to move, more help to make the move, perhaps even financial assistance, but mainly expressed not wanting to leave the property their homes occupy and for many not being able to afford to move at all.

John Gaithright, #4 Cypress Road, administrator and project manager for Second Baptist Church, owner of 50 acres on the east side of this property, came before the commission to ask that, if this rezoning is approved, you would never consider a right of way or any ingress/egress access onto or along our property of Second Baptist Church.

Deputy City Attorney Kurt Meredith cautioned the commission to attempt to separate the people from any personal, from any contractual abilities the property owner may have with any potential lessees. The complaints you have heard this evening are something the property owners could do separate from the rezoning. There has been pertinent opposition but the opposition heard tonight is something that the property owner could do even if the rezoning request is denied.

Prior to input from the opposition on this item, the chairman recognized City Councilman Andy Hawkins, 405 Louise Lane, Ward 1, Position 1. Mr. Hawkins stated he has a very vested interest in this property. Some 12 years ago, someone else wanted to rezone this piece of property. Mr. Hawkins was very outspoken in his opposition to the rezoning at that particular time. It cost him a job that he loved dearly. So he is very, very interested in this piece of property. He was not present to speak in favor of it or to speak against it. There are people here that I represent that live in these houses. So from that standpoint, this rezoning is totally different from the one you listened to for an hour and a half earlier this evening, he said. He has done research on the company that is proposing this work and they apparently, in the information that he was able to obtain, do very good work. We are going to be look to this Commission to forward to us a good recommendation on this piece of property, he said. I don't have a dog in this hunt, but I do want you to keep in mind that there are people's lives that you are going to affect here one way or the other. I have been contacted by people in

the subdivision that I live in, the Whitney Woods Subdivision, which is adjacent to this property, he continued. There are seven lots that immediately are adjacent this property. And I have talked to people who have been in favor of this rezoning; I have talked to people who have been opposed to this rezoning. To my knowledge, he stated, we've never had one minute of problem from anybody in the mobile home park. So I just wanted to stand before you today and tell you that the City Council is looking to you to give to us a good recommendation on this piece of property.

14. Conway Corporation request for a **conditional use permit for a transmission tower** that will replace a failing transmission tower that also provides the city's cable television service at property at 1308 Deer Street behind the Conway Corporation main offices was approved on an 8 – 0 vote. Richard Kirkman made the motion that the request be approved with the conditions stated below. Sandy Mabry seconded.

- 1) The existing tower must be removed upon completion of the new tower.
- 2) The proposed tower will not exceed 150 feet in height.
- 3) All wiring must be internal.

There was no opposition to this request. Laura McAneer, 2 Broadmoor Drive, presented the request to the Commission. Bill Bethea, 908 Heather Circle, with Conway Corporation was also present to speak to their request.

15. Shannon Properties, LLC request for a **conditional use permit to allow retail – restricted in O-2 zoning** for property at 4540 Prince Street was approved 8 – 0 with one condition. Sandy Mabry made the motion that the request be approved with the single condition as stated. Richard Kirkman seconded.

- 1) Buildable square footages are limited to 45% restricted retail and 55% O-2 uses.

There was no opposition to this request. Bill Adkisson presented the applicant's request to the commission. Applicant Steve Shannon, 21 Western Drive, was also present.

16. Christel Weaver request for a **conditional use permit for in-home child care** for property at 1218 Jersey Street was approved 8 – 0 with the conditions stated below. Richard Kirkman made the motion. Kim Gardner seconded.

- 1) The maximum number of children allowed is 16 which is also in accordance with state licensing requirements.
- 2) Play space shall be fenced with an opaque or ornamental fence not less than 6 feet in height.
- 3) Signage shall be limited to one non-illuminated wall sign no more than 4 square feet in area.
- 4) Hours of operation are 5:00 a.m. to 6:00 p.m., Monday through Friday.
- 5) This conditional use is applicable to Christel Weaver only.

Christel Weaver, 709 South Baridon, presented her conditional use request to the commission. Sandra Freeman, 417 Durham Street came forward to express her concern for the safety of the children that would be staying at this house because of drug activity in the neighborhood, shootings, and gang activity in the neighborhood.

The meeting adjourned at 11:53 p.m. Sandy Mabry made the motion to adjourn. Ron Fields seconded. Vote on the motion was 8 – 0.