



## PLANNING COMMISSION MEETING District Court Building

7:00 p.m., May 19, 2008



The regular meeting of the Conway Planning Commission was held Monday, May 19, 2008. Present at the meeting were: Craig Cloud, Kimberly Gardner, Richard Kirkman, Sandy Mabry, Kent Mathis, Todd Smithhart, and Junior Storie. Ron Fields, Mary Etta Qualls, and Terry Sossong were absent.

Mr. Storie called the meeting to order at 7:00 p.m. and requested that commission members introduce themselves to the audience present.

He 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: Langford Replat, Richland Hills Replat Lot 20, and Jennifer Replat.

The first item of business was the minutes from the April meeting. Todd Smithhart made a motion to approve the minutes as submitted. Richard Kirkman seconded. The motion passed 7 – 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. Watson Family Properties request for preliminary plat approval of Replat of Lot 3 Rhodes Addition was approved 7 – 0 subject to the amended punch list. Richard Kirkman made the motion to approve. Craig Cloud seconded. The last sentence of punch list item 9 now reads, "*The Planning Commission approves this request.*"
2. Jimmy Fiddler request for preliminary plat approval of Carl E. Gentry Subdivision, Fiddler Replat No. 2 was approved 7 – 0 subject to the amended punch list. Sandy Mabry made the motion to approve. Richard Kirkman seconded. Punch list item 5 now reads as follows:

*If the Planning Commission considers this land is topographically unsuitable for residential occupancy, it shall not be platted for any use that may increase the danger to health, life, property or aggravate erosion or flood hazard and shall be set aside for such land uses as will not be affected by these problems unless adequate corrective measures are formulated by the developer and approved by the Planning Commission.*

*This property was previously platted as two lots, 1-A and 2-A. Due to lot steepness and sewer capability, the Planning Commission required the attachment of the following note to the previous replat: "Lots 1-A, 2-A, and 3-A are to be used as accessory lots only, no residences will be permitted and no building permit will be issued for any other uses requiring a sewer connection."*

*The subdivider now wishes to sell the lot to allow the construction of a single family residence. The Health Department has approved the lot for a septic sanitary system and the subdivider feels that a home could be engineered to overcome the steepness of the lot. The Planning Commission approves this request pending the Health Department report on sanitary septic system.*

3. Conway Public Schools request for preliminary plat approval of Padgett Elementary Conway School District Subdivision was approved 7 – 0 subject to the amended punch list. Sandy Mabry made the motion to approve. Kent Mathis seconded. Punch list item 3 now reads, *The Planning Commission approves this boundary street.* Item 4 reads, *The Planning Commission approves this lack of a fire turnaround to include a Type 3 barricade on Wilde Drive until such time as City Engineer deems necessary for removal.*
4. Trinity Development request for preliminary plat approval of Trinity Washington Subdivision was approved 7 – 0 subject to the amended punch list. Sandy Mabry made the motion to approve. Craig Cloud seconded. Punch list item 6 now reads, *The Planning Commission approves this non-standard right of way with sidewalk, drainage, and construction easements.* Item 9 reads, *The Planning Commission approves this public access easement.* The Planning Commission approved to strike item 10 on the punch list. Remaining items will be renumbered to maintain consecutive numbering.

## PUBLIC HEARING

Prior to start of the public hearings, Chairman Storie laid down some grounds rules. Opening statements, both for and against, were limited to a maximum of twenty minutes. Each successive speaker, both for and against, would be limited to two minutes. All were encouraged to speak, but limited to one time only for the same item.

## REZONINGS

5. Trinity Development, et al, request to amend Scherman Heights Development Plan for permitted uses on Lot 5 at 705 Club Lane to allow five (5) drive-up positions for ordering meals to be installed in the parking lot on the east side of the building as it is currently located was approved 7 – 0 with the conditions as stated below. Kent Mathis made the motion to approve the request. Craig Cloud seconded.
  - 1) Limited to drive-up ordering stations. No drive-through window.
  - 2) No more than five ordering stations are allowed.
  - 3) Ordering station locations must be as presented—on the east side of the retail structure.Jim Rankin presented this request to the Planning Commission on behalf of Tropical Smoothie business owners Darrell and Rene Hill who were also present. Mr. Hill also spoke briefly on their request. None present opposed the request.
6. Frank and Anne Mayor request to rezone property at 1500 East Dave Ward Drive from A-1 to I-1 was approved 7 – 0. Sandy Mabry made the motion. Craig Cloud seconded. Attorney Larry Graddy, 711 Locust Street, presented the request on behalf of the applicants who plan to sell the property to Fred Langford contingent on the rezoning. He is proposing to build a combined office / warehouse structure. No one else came forward to address this rezoning request.
7. Ellen Wagner and Loretta Seay request to rezone property at 2503 West Martin Street from R-2 to MF-3 was approved 6 – 0 – 1. Craig Cloud made the motion. Sandy Mabry seconded. Kent Mathis abstained from voting. Attorney Bill Adkisson, 711 Locust Street, represented the applicants on this request. The property is under contract to Roy Massey

and his son Eric Massey. Their intent is to build apartments there. Even though this is not consistent with the comprehensive growth plan, it is consistent with the neighborhood as it has developed, stated Mr. Adkisson. Up to 16 units are allowed with the requested zoning, but because of parking and requirements of development review, probably only 14 units could be built. Concern was expressed about the narrowness of the lot as well as the street fronting the property that is essentially a narrow paved dirt road without curb and gutters. No one else came forward to speak on this request.

8. Larry Spradlin request to rezone property at 2001 Washington from O-2 to O-3 was approved 7 – 0. Richard Kirkman made a motion that the request be approved. Craig Cloud seconded. Mr. Spradlin of 168 Slaty Ford Road in the "thriving metropolis of Greenbrier" presented his request to the commission. This is a small lot and house that is not really suitable as a single family dwelling, but rezoning it to O-3 would allow it to be used as either a house or office. Mr. Spradlin would like to sell it as an office, but it is being used at least temporarily as a rental dwelling and he is seeking this rezoning in order to be in compliance with city ordinances. The current O-2 zoning does not allow it to be used as a residence; O-3 zoning allows office as well as residential use. No one else came forward to speak on this request.

### **CONDITIONAL USE**

9. William and Rhonda Sting conditional use request to allow religious activity for property at 1950 South Boulevard was approved 7 – 0 subject to the stated conditions. Sandy Mabry made the motion that the request be approved with the two conditions as stated:
  - 1) Campus security will be permitted to visit the facility at any time.
  - 2) Conditional use is valid for Missionary Baptist Student Fellowship (MBSF) only operating under the auspices of property owner Meadowlake Baptist Church.

Craig Cloud seconded the motion.

Property owner William Sting, 48 Wilhimena Cove, spoke in favor of this request. He and his wife Rhonda own this 2700 square foot, five-bedroom house at 1950 South Boulevard. They have entered into an agreement with the MBSF (Missionary Baptist Student Fellowship), a Christian student ministry organization to sell the property to them subject to this conditional use being approved. Kelvin Richardson, director of the Missionary Baptist Student Fellowship campus ministry, also spoke in favor of this conditional use request. The MBSF is a recognized student organization with UCA. It is an outreach of Meadowlake Baptist Church. Mr. Richardson presented a letter to the commission from UCA President Lou Hardin endorsing this from the University standpoint. They rent their current location from UCA and will simply move their activities to this new location if approved. The MBSF has permission to use UCA parking facilities. No one else came forward to speak on this request.

10. Frank and Jo Anne Mayor conditional use request to allow church activities for property at 1550 East Dave Ward Drive was approved 7 – 0 on a motion made by Richard Kirkman and seconded by Todd Smithhart. No conditions were stipulated. Larry Graddy, 711 Locust, presented this to the commission. This 13 plus acres next to Mr. Langford's 2.75 acres is the proposed future location of his church. No one else came forward to speak on this request.
11. Rush-Hal Development, LLC conditional use request to allow 18 dwelling units in C-3 zoning as part of a proposed mixed-use development for property at 810 Hogan Lane was approved 6 – 0 – 1 subject to the stated conditions. Sandy Mabry made a motion that the request be approved with the two conditions as stated:

- 1) Eighteen (18) apartment units maximum allowed.
- 2) Structure must be constructed generally as presented.

Kim Gardner seconded the motion. Junior Storie abstained from voting.

Hal Crafton presented this request on behalf of Rush-Hal Development. They want to construct 18 dwelling units as part of a proposed mixed-use plan. The first floor would be retail or office space and the two upper floors would be apartments. This development would share access with Metropolitan National Bank. The bank would close its temporary access on Hogan and a permanent shared access would be installed further north as part of this new development. Much of their parking would be to the east.

Anita Merrill, vice president of Metropolitan National Bank at 425 Capitol in Little Rock, stated the bank has no objection to Mr. Crafton's proposal and that the bank was aware when they signed for a variance in '05 that when the property to north of them developed, the bank's curb cut would go away.

12. Joanne Stevens conditional use request to allow special events at a bed and breakfast for property at 1912 Caldwell Street was approved 6 – 1 subject to the stated conditions. Craig Cloud made a motion that the request be approved with the two conditions as stated:

- 1) Conditional Use Permit No. 1265, condition number 2, is amended to allow an external sound system.
- 2) This conditional use is valid for the current applicant Joanne Stevens only.

Richard Kirkman seconded the motion. Kim Gardner voted against the motion.

Joanne Stevens was present to speak for her request. Speaking against the request was John S. Workman, a neighbor living at 920 Mitchell. Mr. Workman's concern was about the serving of alcohol at these special events that would be near a school and a church.

The initial vote on Mr. Cloud's motion was 5 – 1 – 1, with Sandy Mabry voting against and Kim Gardner abstaining. Following additional discussion, Ms. Mabry changed her vote and the motion passed 6 – 1.

## OTHER

The chairman appointed a committee to look at the Planning Commission by-laws and their relevancy. Richard Kirkman was appointed chair. Members are Kim Gardner, Terry Sossong, Sandy Mabry, and Todd Smithhart. The committee will present its findings at the October meeting of the Planning Commission.

Sandy Mabry reminded subdivision committee members of the importance of making notification as early as possible if they will be absent from a committee meeting. If there isn't a quorum, then each item must be voted on in the full commission meeting and that really slows things down.

Commissioners also asked if there were any way to get the staff report packets any sooner. They arrive so late that it is really a scramble to check out all the sites. Bryan Patrick agreed the Planning Department could go ahead and send a list of the agenda items to commissioners by email so that they would at least have more time to check out the sites.

The meeting adjourned at 9:00 p.m. Kent Mathis made the motion to adjourn. Sandy Mabry seconded. Vote on the motion was 7 – 0.