



PLANNING COMMISSION MEETING
District Court Building
7:00 p.m., June 16, 2008



The regular meeting of the Conway Planning Commission was held Monday, June 16, 2008. Present at the meeting were: Craig Cloud, Kimberly Gardner, Richard Kirkman, Kent Mathis, Todd Smithhart, Terry Sossong, and Junior Storie. Mary Etta Qualls and Sandra Mabry were absent. Commissioner Ron Fields has resigned.

Mr. Storie called the meeting to order at 7:10 p.m. He requested that commission members introduce themselves to the audience present.

He then made introductory remarks and 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: Covington Industrial Park, 600 South German Lane; Keller Johnson Builders, 812 North Creek Drive; and City of Colleges Park, 1025 E. Siebenmorgen Road. Lot splits, lot mergers and minor subdivisions reported: Jackson-Honea Replat and Covington Industrial Park Subdivision.

The first item of business was the minutes from the May meeting. Craig Cloud made a motion to approve the minutes as submitted. Kent Mathis seconded. Motion passed 7 – 0.

Mr. Storie called on subdivision committee chair Terry Sossong to give that committee's report.

SUBDIVISION REPORT

1. Hal Crafton/Rush-Hal Development, LLC request for preliminary plat approval of Shepherd's Creek Subdivision Phase II was approved 7 – 0 subject to the amended punch list. Terry Sossong made the motion to approve. Todd Smithhart seconded. The last sentence of punch list item 12 now reads, "*The Planning Commission determines that traffic calming be placed at the discretion of the City Engineer.*" The last sentence of Items 14 and 15 reads "*The Planning Commission approves this request.*" And the last sentence of Item 18 reads "*The Planning Commission approves the lack of crosswalk to the north.*"

PUBLIC HEARING

REZONINGS

2. Daryl Brock / Century 21 McKee & Associates request to rezone from R-1 to O-2 property at 963 Farris Road was denied 7 – 0 on a motion made by Terry Sossong and seconded by Richard Kirkman. Daryl Brock, 788 Mallard in Conway, was present to speak for this request. If successfully rezoned, Mr. Brock indicated it was his intent to remodel the present home for use as a real estate office. In response to inquiry about parking, he indicated there would be parking west of the house to the rear and four spaces in the front stating there would be ample space for that. Mr. Brock does not own the property but has a contract to purchase contingent on the rezoning. Speaking against the rezoning was Beau Wilcox, an attorney with Graddy & Adkisson at 711 Locust, representing John and Gwen Shell who

reside at 959 Farris Road on property adjacent to and south of 963 Farris Road. Their primary objection to this request is that it would disrupt the character of Farris Road that is presently between Prince and College almost exclusively residential. At this time, any commercial or office property that is on Farris has frontage to Prince Street. This is a key distinction. Subject property does not front Prince Street. The crux of their argument tonight is that it is a slippery slope. If you rezone this, you set a potential precedent to rezone further south down Farris. It is one of Conway's few remaining older established, undisturbed neighborhoods. Mr. Shell briefly presented a very personal, albeit emotional case to maintain the zoning on the property next to them.

An opinion was expressed that it is important to keep the commercial on Prince Street. Also, how far south could this keep going? You get down to the Adamsbrook entrance and it doesn't seem that would ever change. It's not like a Donaghey where the traffic's getting busier and those types of things, and you're going to see more residential turn to office and other types of activities there also—rental or otherwise.

3. David and Patti Stobaugh (dba Stoby's) request to rezone from R-2A to O-2 property at 805 Donaghey, 809 Donaghey, and 2106 Robinson was approved 7 – 0 on a motion made by Richard Kirkman and seconded by Craig Cloud. Mr. Stobaugh spoke for his request. Tim O'Brien, 1807 Robinson Avenue, came forward not so much to speak against it but to question where this might go in the future. It looks good on the front end, but what about five years down the road. He knows there is a conditional use to be heard with this that does limit it to a bakery, but sees the potential for a lot of abuse with O-2 if appropriate conditions are not placed on it. He saw nothing in the packet that spelled out in detail how this would be designed, what it would look like, and in particular mentioned problems already existing with the way it's laid out, driving into it, accessing it, the parking lot, and landscaping—and felt much of that could be addressed one way or the other if the O-2 is allowed with the conditional use even if it has to be held to get more detail. Mr. Stobaugh's chief purpose in requesting the rezoning is to be able to use the property at 2106 Robinson Avenue as a bakery with a pickup window and a location for a handicap accessible bathroom that is not possible with the limitations of the current Stoby's structure.

CONDITIONAL USE

4. David and Patti Stobaugh conditional use request to allow an eating place with pick-up window and retail bakery with pick-up window for property at 805 Donaghey, 809 Donaghey, and 2106 Robinson was held in committee until the July meeting on a 7 – 0 vote. Terry Sossong made the motion to hold the request in committee until the next meeting when the applicant can submit a more detailed drawing of what he is actually proposing for the property. Craig Cloud seconded.

Mr. O'Brien again came forward and said that he would like everybody to step back and think of all the possibilities. You are being asked to know exactly what is there and what needs to be corrected. This is a conditional use; you have the power to go and change things that are not right there now, stated Mr. O'Brien. You're talking about having a bathroom facility in a building that is probably going to be 30 feet away around the back, and if you know of anybody that's handicapped, I can tell you that if they're in a wheelchair or if they're having a hard time walking, getting there is an issue. If you're in the parking lot on the side to the north, getting into the building is an issue. There is no sidewalk for people that are handicapped. Mr. O'Brien went on to say his niece is handicapped and he has had to walk her over cobblestones, over the little stepping stones. Things like that need to be addressed and can be addressed by you. The landscaping—it's not there outside of having a barrel with some flowers in it. You guys have a chance to make that place look nice.

Whether it be bushes, build it up, do whatever, put planters in there—you don't have to approve this tonight, he said. You can take it into committee and make them come back with an actual site drawing showing where their parking spaces are going to be, how the traffic flows; have they thought about it in such a degree that makes it a better use than right now. People are basically pulling into the turn lane meant for those travelling south on Donaghey to turn and go east on Robinson. There is no turn lane at that light for those travelling north. However, northbound drivers are illegally using that lane as a means to turn into the Stoby's parking lot. Again, this is a conditional use thing. You can ask is this the best way to do it. But you don't know until you see the actual drawings of how it is proposed to be done. Mr. O'Brien stated his feeling that the commission would achieve a better product if they would take the time to have the applicant come back with some drawings of what is actually proposed. Whether it be a wheelchair ramp to get from the parking lots or not have it so cluttered up front. When Mr. O'Brien was on the Planning Commission and this original parking lot on the north was built, that was one of the issues—you're going to tear down a house in the neighborhood; what's the benefit of that. Well, we're going add more parking; we're going take them off the street, we're going to eliminate some of the parking that is pull-in off of Donaghey. It helped a little bit and I was thinking some of the asphalt was going to get taken up, but they ended up putting some planters out there. And while that's nice, was it the desired effect that I really wanted? Well, no, probably not. He would like to have seen grass, some concrete edging; made it look a little bit nicer. Now they are bringing this idea to you and it's your now turn to bring it up a little bit more. If you've gone into Stoby's and you like what you see as you walk from the parking lot to the entrance, I guess that's okay; but I'd like to see a little bit more landscaping, a little bit more accessibility for the handicapped—if you've walked in there and had to step over the water puddles and mud puddles—elevate a little bit of the sidewalks, put some drainage in there, make it a little bit wider in the front where the car parking is. And even if there are some extra spaces, maybe eliminate some of those places out front so you can actually walk in and get some covered access. Right now, that drive-through and access to the parking, somehow that seems like it ought to be able to be combined. Also, the conditional use doesn't address the bakery; it just says eat-in. So potentially they could change it from a bakery to Stoby's Two.

OTHER

There was general discussion of absences and how they are addressed in the by-laws. Deputy City Attorney Kurt Meredith provided input and guidance on this issue as well as input on how absences are addressed for council members in the city ordinance. Chairman Storie asked that the committee looking at the by-laws move this issue to the forefront and submit a recommendation to the full commission for action at the July meeting.

Also, on the issue of Mr. Fields' resignation, Mr. Meredith said that once the resignation is received, someone will need to tell the Mayor's office, and then Felicia will basically publicize for the opening a certain amount of days that she will accept nominations, and the nominations would then be forwarded to this body for review and interviews, and a person nominated to the city council for confirmation. Roughly half of a full term is remaining to be served out. It takes roughly three months to fill a vacancy. September would be the soonest guesstimate on filling this vacancy.

The meeting adjourned at 8:55 p.m. Kent Mathis made the motion to adjourn that was seconded by Richard Kirkman. Vote on the motion was 7 – 0.