



PLANNING COMMISSION MEETING
District Court Building
7:00 p.m., July 21, 2008



The regular meeting of the Conway Planning Commission was held Monday, July 21, 2008. Present at the meeting were: Craig Cloud, Kimberly Gardner, Richard Kirkman, Sandy Mabry, Kent Mathis, Mary Etta Qualls, Todd Smithhart, Terry Sossong, and Junior Storie. Absent: None.

Mr. Storie called the meeting to order at 7:08 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: Ken Norman Cabinet Shop, 1238 McNutt Road; Salem Place Nursing Home Addition, 2401 Christina Lane; Multi-Chem, 1890 South Amity Road; Park Ridge Phase II (48 apartment units), 1550 Woodside Drive and 1985 Richsmith Lane; and The Pointe (168 apartment units), 2010 Richsmith Lane. Lot splits, lot mergers and minor subdivisions reported (filed for record): Southerland Replat and Hatcher's Replat.

The first item of business was the June minutes. Todd Smithhart made the motion to approve the minutes. Sandy Mabry seconded. The motion passed 9 - 0.

APPEAL OF SIGN VARIANCE DENIAL

1. James and John Baker appeal of a sign variance denial for their Sav-On Pharmacy at 1014 Harkrider Street was considered by the Planning Commission. The chairman reminded everyone that the Planning Commission can overturn the denial by the Sign Administrator and the sign could be erected immediately. If the Planning Commission also denies the sign variance, it may still be appealed to the City Council. Mr. Storie called on Sign Administrator, Bryan Patrick, to briefly review the circumstances surrounding this appeal. An email from David Grimes was read into the record by Planning Commission Secretary Mary Etta Qualls. Mr. Grimes is the Chief Financial Officer of American Management Corporation and a member of the City Council. *"Please pass on to the members of the Planning Commission that I strongly oppose the granting of a variance to allow for the replacement of electronic message board at Sav-On Drug. Nothing against Sav-On Drug, but a variance here would totally go against the letter and spirit of the ordinance in that these type of non-conforming signs need to be replaced with conforming signs as the old ones wear out over time."* Craig Cloud make a motion that the appeal be denied. Richard Kirkman seconded the motion. The motion to deny passed 8 – 1 with Kent Mathis voting against the denial.

HELD IN COMMITTEE

2. Public hearing on the David and Patti Stobaugh (dba Stoby's) conditional use permit request to allow an eating place with pick-up window at 805 and 809 Donaghey Avenue and 2106 Robinson Avenue was heard at the June meeting and held in committee to allow submission

of drawings showing more detail of what is proposed for their location. Mr. Stobaugh was present to present renderings of changes proposed for the property. Sandy Mabry made a motion that the request be approved with the two following conditions attached. Richard Kirkman seconded the motion. It passed 8 – 1 with Commissioner Kim Gardner voting against the motion.

1. Two pick-up windows only will be allowed—one pickup window only per building. Pick-up windows may not be full drive-through windows with drive-up ordering stations.
2. Hours of operation for the bakery will mirror Stoby's hours which are 6:00 a.m. until 11:00 p.m. on the days Tuesday through Saturday. Bakery will be closed Sunday and Monday.

COMMISSION BUSINESS

3. Agenda item 3, an amendment to the Conway Planning Commission By-Laws regarding attendance, was moved to the bottom of the agenda since it did not involve public comment.

PUBLIC HEARING

Chairman Storie briefly outlined the ground rules for the public hearing that allows up to fifteen (15) minutes for the first speaker either for or against an item, and then two minutes for each successive speaker. With that said, he called for the public hearing to begin.

REZONING

4. Robert F. Kordsmeier request to rezone from R-2A to R-2 property at 1827 Hairston Avenue was approved 6 – 2 – 1 on a motion made by Kent Mathis and seconded by Mary Etta Qualls. Craig Cloud and Sandy Mabry voted against the motion to approve and Richard Kirkman abstained. A previous vote of 5 – 3 – 1 on the same motion failed to achieve a majority. However, the same motion was made a second time and Todd Smithhart changed his position to vote for the motion and it passed. Mr. Kirkman abstained on both votes. Ed Tyler, 880 Heritage Point Drive, spoke on behalf of Bob and Lucille Kordsmeier on this rezoning request. He gave a brief overview of the surrounding area where there are a variety of property uses—manufacturing, religious, multi-family, duplex. It is the applicant's intent to build a new duplex on the property if rezoned. Currently, the size of the lot prohibits building a duplex as allowed by its R-2A zoning and it's not really a desirable location for a single family home. Mr. Storie called for others speaking for the request. There were none.

Mr. Storie then called for those who would like to speak in opposition. Sarah Bryan, 1704 Mill Street, opposed the rezoning that would make it possible to replace the current rundown, vacant single-family structure with a two-family duplex. Mr. Storie called for others speaking against request. There were none. He then closed the public hearing and brought the item back into commission for discussion.

CONDITIONAL USE

5. Birch Tree Communities request for a conditional use permit to allow an adult day care facility providing professional services to the mentally ill for property located at 132 Lower Ridge Road was approved 9 – 0 on a motion by Kent Mathis that was seconded by Craig Cloud. The motion to approve included the five (5) conditions stated below.
 1. Septic system must be brought up to commercial standards as allowed by the Faulkner County Health Department.
 2. The property must be platted in accordance with the Conway Subdivision Ordinance.
 3. The number of clients allowed is sixty (60).
 4. Hours of operation allowed are 7:00 a.m. to 6:00 p.m., seven days a week.
 5. Business is limited to Birch Tree Communities only.

Realtor Chris Osborne, 7 Briarwood in Greenbrier, and representatives from Birch Tree Communities spoke for the conditional use permit request. Planning Commissioner Craig Cloud's professional expertise allowed him to provide valuable information to fellow commissioners on the type of service proposed for the property. Also present and supporting the request was the property owner and seller Ron Nichols, 263 Carroll Road, whose HVAC business was formerly housed on the subject property. Mr. Storie called for others wishing to speak in support of the request. There were none. Mr. Storie then called for those who would like to speak in opposition. Marsha Chase, 8 Azalea Loop, came forward to speak against the request stating she did not believe this was a suitable location for this type of program, citing inadequate facilities to support an operation of this magnitude.

6. Shannon Goff request for a conditional use permit to allow MF-1 density (up to 12 living units per acre) in R-2 zoning for property located at 526 Third Avenue was denied 9 – 0 on a motion made by Terry Sossong and seconded by Todd Smithhart. April Goff, 8 West Kingsbridge, was present to speak for this request. She stated the property sits on eight city lots and it is their intent to add six townhomes in addition to the home that already exists there. She said MF-1 zoning already exists to two sides of the property. Mr. Storie called for others who wished to speak in support of this request. There were none. He then called for those who would like to speak in opposition. Ronnie Brewer came forward and stated that his aunt Alice Helton lives at 520 Third Avenue and owns the adjacent lot. He questioned how these townhouses could be accessed with Second Street unbuilt to the north and Fourth Avenue closed to the east of this property. He also stated the property is prone to serious flooding. He is not necessarily against what they want to do, but he does have questions. Kim Gevan, 604 Third Avenue, lives on property adjacent to this and opposes this request because of the increased traffic and disruption it would bring to the quietness of the neighborhood. Mr. Storie called for others wishing to speak against the request. There were none. He then closed the public hearing and brought the item back into commission for discussion. Commissioners generally agreed that applicant provided insufficient information on which to base a decision and set conditions. There are no drawings addressing the proposed development, nothing showing the proposed structures, how they would be accessed, etc. Commissioners are being asked to judge a six-unit, two-story building going up, the road infrastructure, how to get people in and out—landscaping, lighting, all those things—and none of that is addressed. The only submission was an aerial photo with an almost indiscernible box drawn on it. Terry Sossong made a motion that the request be denied. Todd Smithhart seconded. The motion to deny passed 9 - 0.

OTHER

At the close of the public hearing at 9:00 p.m., the chairman called a five-minute break before commencing consideration of the proposed amendment to the Conway Planning Commission By-Laws regarding attendance. After much discussion, Craig Cloud made a motion to deny the absence amendment to the By-Laws as submitted. Kent Mathis seconded. Motion passed 8 – 1. Richard Kirkman voted against the motion to deny the amendment.

The meeting adjourned around 9:56 p.m. Motion to adjourn was made and seconded. Vote was 9 – 0.