



PLANNING COMMISSION MEETING  
District Court Building  
7:00 p.m., October 20, 2008



The regular meeting of the Conway Planning Commission was held Monday, October 20, 2008. Present: Craig Cloud, Kimberly Gardner, Kent Mathis, Mary Etta Qualls, Todd Smithhart, Terry Sossong, and Junior Storie. Absent: Sandra Mabry and Richard Kirkman.

Mr. Storie called the meeting to order and requested that commission members introduce themselves to the audience present.

Mr. Storie explained the meeting is generally divided into two halves. First is the Subdivision Committee report and second the public hearing with other items discussed as needed. He reminded those present to follow their item through to its final consideration at City Council.

Staff reports on the agenda require no action and include site plans, lot splits, mergers, and minor subdivisions filed for record. Site plans reported: Elms-Clowers Construction, 3290 Stermer Road; Langford Warehouses, 1500 E. Dave Ward Drive. Lot splits, lot mergers and minor subdivisions reported (filed for record): Mayor's Place, Jacob Replat, Tipton & Hurst Replat, and Alexandria Place Replat.

The first item of business was the September minutes. Craig Cloud motioned to approve the minutes as submitted. Todd Smithhart seconded. The motion passed 7 – 0.

Mr. Storie called on Subdivision Committee Chair Terry Sossong to give the committee report.

### **SUBDIVISION**

1. Chestnut Meadows Subdivision IV, punch list item #16 was amended to read *The Planning Commission requires traffic calming along French Drive.* With that amendment, Mr. Sossong made a motion to approve subject to the amended punch list. Mr. Smithhart seconded. The motion passed 7 - 0.
2. Trent Family II, LLC / Campus Crest Development, LLC request for preliminary plat approval for The Grove Subdivision was approved 7 – 0 subject to the amended punch list on a motion made by Mr. Sossong and seconded by Mr. Smithhart. Punch list items 14, 15, and 16 were amended to read *The Planning Commission approves this request.* Punch list item #17 was amended to read *The Planning Commission approves this request with the front building line for Lot 1 at the north end of the 60' strip to correct this condition.*

### **PUBLIC HEARING**

After the subdivision committee report, Chairman Storie briefly outlined the ground rules for the public hearing that allow up to fifteen (15) minutes for the first speaker either for or against an item, and then two minutes for each successive speaker for or against an item. He then called for the public hearing to begin.

### **REZONING & CONDITIONAL USE**

3. Salter Acquisitions request to rezone from O-1 to MF-3 property on the northwest corner of the intersection of South Donaghey Avenue and Moix Boulevard extending west about 1,600 feet to Stone Dam Creek, crossing the sweeping northward bend of Moix Boulevard, was approved 7 – 0 on a motion made by Kent Mathis and seconded by Mary Etta Qualls. Speaking for the rezoning request were local surveyor Robert French, 1000 Front Street;

applicant Gene Salter, 2915 St. Charles Drive; property owner Felix Moix, Jr., 1830 Stanley Russ Road; and Jack Sotallaro, 2510 Frederick Drive. Mr. Sotallaro thought it would be a great idea, but he does want to see the project done right. This rezoning would supersede a previous conditional use addressing curb cuts, preservation of trees, lighting etc. He is for this but wants to see it done right with all the city's development requirements enforced. He doesn't want to see a lot of variances. If the city does its job and Gene does his job, Mr. Sotallaro said he thinks this could be great for the neighborhood.

Speaking against the rezoning were Johnny Lewis, 2555 Grummer Lane, on behalf of the Catherine Place Home Owners Association and other members of the Woodland Springs community neighborhood, and Glenn Hogue, 1115 Charlotte Circle, a resident of Woodland Springs Subdivision. Their key concern was the traffic congestion coming down South Donaghey toward Dave Ward Drive. Mr. Lewis also briefly mentioned the current state of the economy and the possible effect of this rezoning and the increase in traffic on property values in the area. To add any further multi-family zoning along that South Donaghey corridor is just going to simply exacerbate the problem, said Mr. Lewis. Chairman Storie asked Mr. Lewis, "Are any of your constituents here?" Mr. Lewis replied, "You know, I don't think so. But I got calls and emails. I'm here to represent them."

4. Salter Acquisitions request for a conditional use permit to allow *General Retail and Hotel in O-1* for property at the southeast and southwest corners of the intersection of Dave Ward Drive and Moix Boulevard passed 7 – 0 on a motion made by Terry Sossong and seconded by Kent Mathis with a single condition attached to it (*stated below*).

***Tree Preservation*** – *Removal of any tree(s) eight (8) inches or greater in diameter must have approval of the city's Director of Planning & Development.*

Gene Salter also spoke for this request as did Felix Moix, Jr. Most of the traffic from development of the property in this location would be turning in and out from Dave Ward Drive and would be internal to the development. With the Planning Commission's permission, Andy Hawkins, 405 Louise Lane, came forward to ask City Engineer Ronnie Hall what is the State Highway Department's appetite for curb cuts on Dave Ward Drive. Mr. Hall stated there is an access management plan in place that requires the city and highway department and Metroplan to agree on future curb cuts and there is at least a 300-foot spacing between new curb cuts. The property has sufficient frontage along Dave Ward to allow for a curb cut to the east that would give additional access to Dave Ward Drive and help keep traffic away from South Donaghey. That was Mr. Hawkins' concern.

When the chairman asked for those against the conditional use to come forward, Glen Hogue, 1115 Charlotte Circle, came forward to state that he was still trying to understand the curb cut issue—that what is there looks like the combination of two different processes. It looks as though one is a turnaround if you're coming west and want to turn back around and one looks as if it is for future use. Mr. Hall stated it was designed for a full median break possibly at some point in the future if the traffic volume warrants it. It was anticipated that would not only be a median break for Moix Boulevard, but also a primary entrance into UCA. However, no timeframe is known for when that might occur.

## **REZONING**

5. Michella Gillum request to rezone from A-1 to O-2 property at 2100 Spring Valley Drive just east of Kidz University and south of Ellen Smith Elementary School at the northwest corner of the intersection of Spring Valley Drive and South Donaghey was approved 7 – 0 on a motion made by Terry Sossong and seconded by Kim Gardner. Mrs. Gillum, 3060 Eggman Lane, was the only speaker on this rezoning request that will allow her to expand her school.

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**REZONING & CONDITIONAL USE**

6. Trent Family II, LLC / Campus Crest Development request to rezone from RMH to MF-1 property at 2730 Dave Ward Drive was approved 7 – 0 on a motion made by Craig Cloud and seconded by Todd Smithhart.

Local attorney Frank Shaw, 1327 Main Street, represented Campus Crest in speaking for this rezoning which was presented at a previous meeting. The city council voted to allow Campus Crest to come before the Planning Commission again with the same request in less than a year after their showing material change in their proposed development which has added green space and park area of about 1.7 acres. That saves the complete stand of all the mature trees on this property. The trees will serve as a buffer between this project and Whitney Woods—that puts the nearest homes in Whitney Woods 75 to 100 yards from the closest building and leaves a large canopy of trees that the developer will maintain.

Speaking against the proposed project and the rezoning was Jim Loony, 440 Whitney Woods, who said the project will back up to his property. Mr. Loony stated he was present when this was previously heard and there was a lot of discussion about the parking, about how many apartments there would be—over five hundred apartments allowing over 500 parking—which has not changed. There was also a lot of talk about the impact of traffic that was going to be involved. And the only thing that's changed is that they have moved the driveway farther east from Salem—and this buffer zone. It's only approximately 100 feet from the houses to the parking lot and the parking lot into the apartments. The buffer could be nice, but it's a possible concern about who's going to keep it up. But there's some safety issues that Mr. Loony does not feel have been addressed at all. One, there is not enough parking. Number two, he said, the planning commission try to make things uniform in the city—this is a three story building; there ain't nothing three story in that area. This will be far taller than anything that's in that area. More importantly there are some safety issues. One driveway for upwards of 500 apartments that are going to be rented, over 500 parking spaces—what if there's an emergency? what if there's a big fire? an explosion? a big storm? How is hundreds of cars going to go out of one driveway when emergency vehicles are coming in the same way? The apartments right next to it have two driveways—one onto Salem and one onto Dave Ward Drive—and they don't have near that amount of parking. That is a safety issue. Number two is that all the cars are heading in the wrong direction. Another safety issue, he said, is that what has been proposed is a three story building overlooking a school yard, and recited a string of school shootings—the Colorado shootings, Virginia Tech, the Dallas tower, Jonesboro. You wouldn't build a tower for someone to get in and overlook it, he said, so why would you want to build a three story apartment building with I don't know how many apartments facing that direction. He thinks it is very much an issue that needs to be considered.

Andy Hawkins came forward with a request to clarify the number of apartments in this facility. Mr. Loony twice referenced 500 apartments and that is not the case. Mr. Hawkins stated there are less than 240 apartments in this facility.

In commission discussion, Mr. Mathis stated he likes this proposal better than the first one. I like the buffer zone, the park area, the walkway—the walking path that they created. I know those trees are 75, 100 foot tall—they're huge in that area. So that does help create a buffer zone between a three building and the residents that live there in the neighborhood. The distance from the north property line to the school is about 600 feet and from the north property line to the building is about 120, 130 feet. There will be a fence between this facility and the school's property line. The school has not objected to this project and has said they are for it. Second Baptist Church has spoken for it. And UCA has spoken for it at City Council meeting. Mr. Cloud mentioned that what is being recommended is actually in line with the comprehensive plan. Todd Smithhart raised the issue of a stub out to the east, but

Second Baptist Church has remained adamant about not allowing access to Farris Road from this development to cross their property.

7. Trent Family II, LLC / Campus Crest Development request for a conditional use permit to allow *MF-2 Density in an MF-1 Zoning District* for property at 2730 Dave Ward Drive passed 7 – 0 on a motion made by Kent Mathis and seconded by Craig Cloud. The motion by Mr. Mathis included the seven (7) conditions stated below.
  1. Site to be developed basically in accordance with submitted site plan.
  2. Maximum number of units not to exceed 180.
  3. Maximum number of bedrooms not to exceed 504.
  4. Total parking spaces may exceed parking maximums.
  5. Maximum number of parking spaces not to exceed 539.
  6. Tree Preservation Plan – Removal of any tree(s) that are eight (8) inches or more in diameter and the required addition of trees in the Dave Ward Drive Median require approval from the city's Director of Planning & Development.
  7. Walking trail / pedestrian path along Dave Ward Drive must be as presented.

The same individuals who spoke on the rezoning also spoke on the conditional use permit request. No new issues were raised. However, in response to a question from the chairman, Rick Simmons with Peters & Associates, traffic consultants for Campus Crest, spoke about their recently completed traffic study at the intersections of Salem, Farris, and Donaghey, all with Dave Ward Drive. The study was conducted in September after the schools and colleges were in session.

#### **PROPOSED ZONING ORDINANCE AMENDMENT**

8. This proposed amendment to the Zoning Ordinance addresses location of any indoor firing range within the Conway's city limits. Currently, this is not addressed in the Zoning Ordinance. It is proposed to follow the example of other Arkansas cities and allow this use by conditional use only in I-3 zoning. No one came forward to speak on this proposed amendment. A motion made by Kent Mathis, seconded by Terry Sossong, to approve sending the amendment to the City Council with a recommendation for approval passed on a 7 – 0 vote.

#### **OTHER**

9. Mr. Storie appointed a committee to interview candidates for the two planning commission positions that come open after December 31, 2008. Terry Sossong will chair the committee that will include Kent Mathis, Craig Cloud, and Sandy Mabry.

There was general discussion about individual contact from the public on particular items as well as what becomes part of the record. Deputy City Attorney Kurt Meredith said that in a perfect world we sort of train our city council members to say this at times:

People are always going to call you and tell them thank you for your comments. It is my understanding that this is set for public hearing. I would greatly encourage you to come share those comments with all the other people who are given the power and authority to vote on that particular issue. I'm sure that they would like to listen to your concerns as well.

Mr. Storie reminded everyone about the Christmas party on December 11.

The meeting adjourned at 9:30 p.m. on a motion made by Kent Mathis and seconded by Terry Sossong.