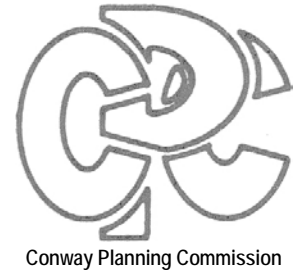




PLANNING COMMISSION MEETING
District Court Building
7:00 p.m., March 16, 2009



The regular meeting of the Conway Planning Commission was held Monday, March 16, 2009. Present: Craig Cloud, Kimberly Gardner, Richard Kirkman, Sandy Mabry, Kent Mathis, Terry Sossong, Chris Steplock, and Jeff Sturdivant. Absent: Mary Etta Qualls, Todd Smithhart.

Chairman Terry Sossong called the meeting to order and requested that commission members introduce themselves to the audience present.

Before getting started on the agenda, Mr. Sossong gave a quick background of the Planning Commission stating that it is a board of ten volunteers charged with providing the city council objective recommendations about land use items presented to the city. The council has the option to use or reject the planning commission's recommendations. It is important that if you are here in support of, or against, an item heard tonight, that you follow the item to the council's final approval or denial. All land use decisions reached here tonight may be appealed to the city council without further public notification. The meeting is divided into three categories, typically, or three sections—review of the minutes, the committee reports, and then a public hearing. He went on to say that for tonight's public hearing on any of the topics, a lead speaker for each group will be allowed ten (10) minutes to speak and then each additional speaker will have two (2) minutes per speaker so that time doesn't become a huge issue, and urged speakers to choose their words appropriately and use their time wisely.

Staff reports on the agenda require no action and include site plans, lot splits, mergers, and minor subdivisions filed for record. Site plans reported: The Greens @ Nutters Chapel, south of Eggman Lane and east of Nutters Chapel Road; Campus Crest, 2730 Dave Ward Drive; St. Matthew Lutheran Church, 1075 East German Lane; Plaza Pointe Apartments, 2400 Market Plaza Drive; Massey Apartments, 2503 West Martin Street. Lot splits, lot mergers and minor subdivisions reported (filed for record): none.

The first item of business was the February minutes. Kent Mathis made a motion to approve the minutes as amended to accurately reflect membership of each subcommittee; Sandy Mabry seconded. Motion passed 8 – 0 to approve the February minutes as amended.

The chairman called on Subdivision Committee chair Sandy Mabry to give that committee's report.

REPORT OF STANDING COMMITTEES

SUBDIVISION

1. A request by The Greens at Nutter's Chapel, LP for a variance (*see below*) to the completed preliminary plat for The Greens @ Nutter's Chapel subdivision was approved 8 – 0 subject to the amended punch list on a motion made by Sandy Mabry and seconded by Kent Mathis.

The property owner/developer may request a waiver from the required sidewalk construction. The Planning Commission may also grant a waiver to construct an internal pedestrian trail system in lieu of the required sidewalks. The pedestrian trail right-of-way shall be clearly noted on the final plat. Specifications for the right-of-way width, trail pavement, and other specifications shall be determined by the City Engineer and Director of Planning and Development. *A request for variance has been received to build an internal pedestrian pathway from just south of Nutter's Chapel Road to Hilton Drive instead of building the sidewalk on the north side of Pebble Beach Drive between South Salem Road and Hilton Drive. The Planning Commission approves this request.*

2. A request by Three A Enterprises, LLC for preliminary plat approval of The Cottages at Ash Street PUD replat was approved 8 – 0 subject to the amended punch list on a motion made by Sandy Mabry and seconded by Kent Mathis. Punch List item 14 now reads as shown below.

STREET DESIGN REQUIREMENTS

State Fire Code 503.0.5 states that dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Anything other than the following cul-de-sac requirement must be approved by the Conway Fire Marshall. *A request for variance has been received to allow the internal private street in place of the formal cul-de-sac at the north end of Ash Street. The Conway Fire Marshall approves of this plan. The Planning Commission approves this request.*

Prior to the start of the public hearing, the chairman announced that the Christian Adult Day Care Conditional Use and the Third Avenue rezoning issues would not be heard although letters and legal notices went out on both.

PUBLIC HEARING

REZONING

3. Three A Enterprises request to rezone from R-2A to PUD property located at 1220 and 1221 Ash Street at the terminus of North Ash Street north of Mill Street was approved 7 – 1 on a motion to approve subject to five (5) attached conditions made by Craig Cloud and seconded by Kent Mathis. Richard Kirkman opposed the motion.
 1. That no certificate of occupancy be granted until the street is completed.
 2. That there be an eight-foot (8') fence constructed on the north side of the property as a boundary between the Group Homes, Independent Living Services, and the property; and that an eight-foot (8') fence be constructed on the southwest property line and the southeast property line.
 3. That rolling curbs be established throughout the project.
 4. Alley is to be closed.
 5. Hours of work will be 7:00 a.m. to 7:00 p.m., Monday through Friday.

Present to speak for the rezoning were attorney Stephen Giles, property owners Mitch Fry and Dr. Carol Jackson, project architect Barry Williams, and Civil Design engineer James Dreher. Mr. Giles presented background and details of the proposed development should the property be rezoned to PUD. He also mentioned that a letter of support from Ron and Jim Hope, the property owners at 1305 Clifton, was included in the planning commissioners

packets. Also speaking for the rezoning was new neighborhood property owner Christy Sutherland.

Eric Bryan stated his complaints about this development as it's written are actually fairly small. He had a couple of concerns. They would prefer a rolling curb be used for the street. For their property bordering this development, they would like to see it fenced. One item that needs to be clarified is exactly how far the street is made public going back into that property since at some point it becomes private and the Bryan property borders on that street. He also mentioned they are concerned about the elevation of the property and that they would like the alley closed.

The chairman read letters received from Anita Reddig and from Marianne Welch opposing the rezoning.

Richard Kirkman moved that it be a PUD with four duplexes, onsite manager, and a date for the completion. However, that motion was not valid for the request under consideration and died for lack of a second. Applicant can by right of zoning build four duplexes on his property now without commission or council blessing, but he wants to construct five; hence his request for a PUD.

4. Jacob Longing request to rezone from R-2A to R-2 property located at 406 Sixth Street was approved 7 – 0 on a motion made by Richard Kirkman and seconded by Kent Mathis. Craig Cloud was not present for the vote on this item. James Ross spoke on behalf of the applicant for this rezoning. There were no other speakers either for or against this request.
5. Steve and Debbie Armstrong request to rezone from R-2A to O-3 property located at 919 Donaghey Avenue was forwarded to the City Council without recommendation after separate motions to deny and to approve failed to achieve the necessary number of votes for passage either way. The planning commission also agreed to ask that the City Council investigate the possibility of allowing existing homes to be used for office by conditional use.

Motion to deny this rezoning request made by Sandy Mabry, seconded by Richard Kirkman, failed on a 3 - 5 vote. Commissioners Mabry, Kirkman, and Sturdivant formed the minority on this vote. A second motion to recommend approval of this rezoning to the council failed at 5 - 3 to achieve the necessary majority. Mabry, Kirkman, and Sturdivant were the minority vote on this motion. When asked, each was firm in their opposition to this rezoning request. It will be forwarded to council without recommendation but with the suggestion that the council investigate allowing office in R-2A by conditional use.

Eric Armstrong, son of applicants Steve and Debbie Armstrong, spoke for this request and read to the Planning Commission a letter of support from the current property owner Sherry Ratliff who inherited the family home on the death of her parents. Mr. Armstrong spoke of updating the flower beds, perhaps adding handicap ramps, and a sign. They just want to blend into the neighborhood. To support their case, he pointed to the property's current R-2A zoning that opens it to the possibility of being rented to college students rather than being rented or sold to serve as a single family home. He also pointed to properties farther south on Donaghey and west on Prince that have been already been rezoned.

Heber McKissick who lives at 2021 Cross Street said her parents home is at 954 Donaghey and they would love to have this happen to their parents home. She asked what would happen to the east side of the street where their property is located and said they do not

want the property at 919 to be rental property and tear up the neighborhood. They want to see it used as proposed. They think it is a great thing for their area.

Speaking against the request was Brian Strandlund who owns property at 915 Donaghey and the vacant property at 909 Donaghey just south of that. Present also was his father Richard who owns the three houses at the corner of Caldwell and Donaghey—2100, 2106 and 2112 Caldwell. Those houses are rental properties and they have never had a problem with those properties—with other properties, but not with those. Their concerns are that he wants to put a small sign out front and they are concerned about the sign with the light given off; traffic coming in and out; will there be more parking out there as well as additional light; runoff if additional parking is added. That is a low area that catches a lot of water whenever it does rain.

Worst case scenario if rezoned, a banner could be installed as well as window signs and an 8-foot, 64-square foot monument sign by virtue of the O-3 zoning. Once rezoned, the house could be razed and a multi- or two-story structure erected as allowed with O-3 zoning.

In commission discussion, the issue of residence to office by conditional use was raised. There was also mention of a possible study for the future of Donaghey. Mr. Hall shared that the master street plan calls for Donaghey to be a four lane with a center turn lane. The current comprehensive plan classifies Donaghey as a major arterial with residential zoning except for the hospital.

Meeting adjourned at 9:00 p.m. on a motion made by Craig Cloud and seconded by Jeff Sturdivant. Vote to adjourn was unanimous.