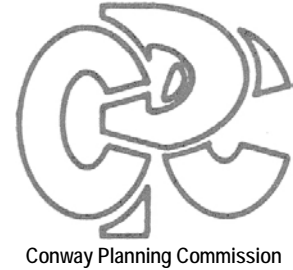




PLANNING COMMISSION MEETING
District Court Building
7:00 p.m., August 17, 2009



The regular meeting of the Conway Planning Commission was held Monday, August 17, 2009. Present: Craig Cloud, Kimberly Gardner, Richard Kirkman, Sandra Mabry, Kent Mathis, Todd Smithhart, Terry Sossong, Chris Steplock. Absent: Mary Etta Qualls and Jeff Sturdivant.

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, any 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.

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 (filed for record): Replat of Lot 68 Cresthaven Phase III and Guy Murphy Industrial Park, Phase 2.

The first item of business was the July minutes. Todd Smithhart motioned to approve the minutes. Sandy Mabry seconded. The motion passed 7 – 0. (*Commissioner Gardner arrived after the vote on this item.*)

There were no items submitted for Subdivision Committee consideration at this meeting.

PUBLIC HEARING

ANNEXATION

1. Michael Joslin request for annexation of 12.85 acres at 1624 Old Military Road was approved 8 – 0 on a motion made by Sandy Mabry and seconded by Kent Mathis. Mr. Joslin was present to speak for his request. There were no other speakers on this item.
2. Four C's Properties request for annexation of 11.48 acres at 20 Bronnie Lane was approved 8 – 0 on a motion made by Richard Kirkman and seconded by Craig Cloud. The applicant or a representative for applicant failed to appear to speak for this request. Planning Director Bryan Patrick spoke briefly for the request.

CONDITIONAL USE

3. Rich Browning conditional use permit request for religious activity on behalf of Summit Church of North Little Rock at 221 Baridon Street was approved 8 – 0 on a motion made by

Craig Cloud and seconded by Richard Kirkman subject to the conditions stated in the motion (*listed below*).

1. That Summit Church of North Little Rock register and be recognized as a valid student organization by the University of Central Arkansas before any conditional use permit is granted.
2. That UCA's Campus Security be allowed to visit the facility at any time.
3. That the conditional use as it is granted be specific to the Summit Church of North Little Rock only and that the conditional use be withdrawn (become null and void) should the Summit Church of North Little Rock no longer lease, lease to own, nor own the property at 221 Baridon.
4. That onsite residents be limited to four unrelated individuals.

Speaking for the request were Scott Taylor, college singles pastor for Summit Church in North Little Rock, and Tony Davis. Mr. Taylor said they had been strategizing for awhile to try to find a way to serve UCA students with focus on freshmen and to provide service for them in such a way as to provide free tutoring for them and create kind of a place of refuge where students can come, can open up their laptops, and can just engage in conversation. And so they found this property which is almost completely surrounded by UCA on three sides. They wanted to get within walking distance or as close as they could, so they worked with the home's owner Brian Trent of Trent Management and told him the house was in bad need of repair and that they would fix the house up if he would allow them to have religious activity there and so he agreed to that and they have been working to renovate the home. What we're wanting to do is really just service students at UCA and focus on freshmen and helping them through their freshman year, he continued.

Speaking against the request were Anita Reddig, Carl Reddig, Stacia McGarrell, and Scott McGarrell. Mrs. Reddig and others had also previously written to the planning commissioners about this conditional use request. Mrs. Reddig briefly touched on her prior history with the house and the negative impact it has had on the neighborhood. She said religious activities would be a welcome change at this location that has commonly become known as "the party house." She did have a couple of things to address about the conditional use application. The application states they want to use the house as a residence for six young men. City code says four unrelated people in a residence. To have six young men—especially freshmen—over there would not be a good thing, she said. And she also thinks it would set precedent. That if they do it, somebody else is going to do it. The next part states "to be used as a ministry outreach to UCA students." She doesn't have a problem with that but did request that if a conditional use permit is issued, that it be issued to Summit Church, to that organization, and not to the property. The density and the increased vehicle traffic from an additional four or six folks, the narrowness of the street, the noise—were additional concerns.

In expressing his opinion, one commissioner said he had seen this problem first hand in Houston where he grew up and in any neighborhood with multiple people living in a house, it does a lot to a neighborhood as it relates to the traffic. He agrees with what the applicant wants to do and thinks it's a great cause, but six adults—young men—in one house of that size and in that neighborhood with how the streets are set up has to be a problem. Commissioner Gardner then asked if the church could address its prior knowledge of the city's ordinance regarding four non-related adults per residential dwelling. Is there a reason you are asking for six? Is there something you want to address so we can be clear about why you are making that request. The reply was that the house is a six-bedroom, four-bath home, 3100 square feet, so we just feel like that having six young men, our church would

commission them as missionaries to the UCA campus—these are some of the finest young men we have, ranging in ages from 21 to 28 years old that are there. They have a reputation—I didn't know the problems they have had on the street prior to this meeting, but we are not going to be—there'll be no parties there. The front yard is very small and we would like to play volley ball in the back yard—there would be no reason for us to be in the front yard. And if parking on the street is a problem—and it appears that from what I've heard it could be, then we would not park there. Parking at the house includes six covered spaces and the concrete driveway would provide additional parking. We just want to have the guys there because we really feel like that is the best use for the home and we have guys that are willing to do so. Commissioner Mabry asked if they had approached UCA about using its parking lot should they require additional parking. Commissioner Cloud then asked if UCA recognizes their organization as a student organization. We have not even gotten that far yet. We've been renovating the house and then when we—we did not know about the ordinance about six and then we had made plans and then we were told about the ordinance. This is all new to me and to us—so then we realized the steps we needed to go through. No, we have not talked to another organization on the UCA campus. Only three of the six are students at UCA, two have graduated, and one is taking online classes through Pulaski Tech. In talking with Rich Browning of Summit Church, one speaker said she was told the people who would be living at the house would be students and they would be freshmen up through seniors. Mr. Browning also indicated to the speaker he was aware of the city code relating to four adults per dwelling and when asked why six people responded there are six bedrooms—and that's sort of been the mentality for the last ten or twelve years with this house, she continued. There's six bedrooms so we can have twelve people here which has been the history of it.

On the four allowed by ordinance versus the six desired by the applicant, a commissioner asked if this is even something the Planning Commission can do which led to the Planning Director discussing the definition of religious activities that does allow for a monastery, a convent, or parsonage. Then followed how do we enforce the four to a dwelling. Also, what kind of organized activities will be available to the students, or will it primarily be a residence. They want to go to relationships with students, not do the big show. We want the guys to live in the house upstairs and downstairs we want it to be—the only reason we are saying religious activities is because we understood that is the lingo that is used—the verbiage that is used when it comes before you guys for a conditional use permit for a said religious activity. That's where we get that. I don't really prefer that terminology, but we're wanting the guys to be living upstairs and downstairs we want there to be small group meetings so that the students have a place to meet in small groups. We have no plans and the house is not conducive for a church service. But we want to sit down over a cup of coffee and learn the students' majors; we want to be able to help them in their coursework, so that will be going on. Tutoring will be going on downstairs. We have different people within our church that are expert acoustic guitar players, so we want to offer free guitar lessons there, and in whatever else we can do to help students get along. There won't be a big church service going on and there won't be any parties. There is going to be six young men living there because we think that is the best use for the space and it affords them a place they can walk back and forth—those that are attending classes on campus—and the location allows for students to walk to where we're at. It was also stated the church will be leasing this property and the six young men will be paying rent.

The question was posed what can we put conditions on with this when they are really not asking for anything. They just want to live there—six young men versus four. Is this a place of business or is this a home? If we stick to the code of four, are they still going to practice their missionary at the location? The church will still do its work at this location if granted a

conditional use permit for religious activities even if they are limited to four adults in the single dwelling as required by city code. There is going to be religious activities. There actually will be religion taught during a lot of these small group things. There'll be religious things taking place during those coffee breaks. So, basically, we're going for religious activities because we didn't want to have all these in a residential area and the city or someone come and say you really need a conditional use to do that in a residential area. We will be doing outreach, stated Mr. Davis, and we will be doing religious things there. Another way to kind of look at it is, even though we are not Catholic, I mean monasteries are allowed in this conditional use and technically it is sort of like a monastery. A monastery doesn't have to have church services or anything. It's just people living there under a religious vow. These six individuals would be living there under a religious vow, a promise, in order to take care and to minister to that community in that area—campus ministry—but also the community-at-large. They want to do some stuff with the community. They want to tutor the people at UCA. They want to do garbage pick-up and stuff like that. Another thing, with this conditional use is that actually, if you think about it, it may actually kind of preserve a lot of the residential integrity of that place. If it was to sell to UCA, they could put a parking lot or an institutional building there or something like that. But by us being there and doing this, really in old town Conway, we still are able to preserve a little bit of that residential mentality of that area because everything around us has become parking lots and stuff like that. So really if the conditional use was granted, it would kinda allow us to have a little bit more preservation there. But really, I still think that religious activities is the way to go even though we kinda hadn't pigeonholed, because that's what your conditional use says it has to go under for this zoning for R-2A, it has to be a conditional use for religious activities because we are holding religious activities there. There just happens to be six individuals living there much like a monastery would be allowed in Conway as well.

Regarding monastery, Mrs. Reddig said that actually if you look that word up in the dictionary a monastery is some place where people live that have withdrawn from the world for quiet meditation and spiritual uplifting and I don't know that this is going to be similar to a monastery. This keeps being compared to a monastery and she doesn't believe it is going to be a monastery.

ZONING ORDINANCE AMENDMENT

4. A proposed amendment to the Conway Zoning Ordinance to create a Specific Plan (SP) zoning category that would allow individualized zoning standards, specific land uses, and/or design standards for each particular district was presented to the Planning Commission by City Planner Donald Anthony. Following the presentation, public hearing and discussion, the Planning Commission voted 7 – 0 – 1 to approve the proposed amendment to the Zoning Ordinance and that it be forwarded to the City Council with a recommendation for approval. Commissioner Kent Mathis abstained from voting. Motion was made by Craig Cloud and seconded by Sandy Mabry. The Old Conway Design Overlay District regulates design while the Specific Plan zoning category regulates use.

NORTHEAST OLD CONWAY AREA REZONING

5. On behalf of the City of Conway, Donald Anthony presented a rezoning request for an area that encompasses some 184 acres that were previously identified to the Planning Commission as Northeast Old Conway Area and discussed the Specific Plan designed for the area. A range of zoning is currently in place in the area—R-2, MF-3, O-1, O-2, O-3, C-1, C-3, and S-1—with much of it zoned MF-3 but actual use being single family homes such as in the Pine Street neighborhood. Mr. Anthony pointed out that the entire study started

because of the residents of this traditionally single family neighborhood being afraid of what was going to happen as all these lots become vacant and with that underlying MF-3 zoning. It was their concern that prompted this entire thing.

Also speaking for the rezoning was Linda Paxton, a resident of the Pine Street neighborhood. She is also president of the Pine Street area CDC. Ms. Paxton spoke of the series of public meetings with the people in the neighborhood and one without outside representatives so that residents could express themselves more openly with whatever they wanted to voice. For the most part, the neighborhood is supporting the SP zoning. They did want something done with the neighborhood because it does have a lot of vacant lots. They have never wanted the MF-3 zoning and, in fact, some of the households did not even know their property was zoned MF-3. And the residents were concerned that duplexes and apartments would start popping up as property is being bought and that is not what the neighborhood wants. They want to maintain a residential neighborhood; they want families and family activities back in the community. So they support the SP zoning.

Two individuals at the meeting came forward with questions. The first was Ruby McFadden who wanted to know if her property at 1253 Spencer would be affected in any way by this rezoning. It would not since it is outside the proposed SP zone. Next Ed Beard who owns properties on Ingram was concerned about what will happen with the rezoning, but he felt his concern had already been addressed in earlier discussion.

Sandy Mabry made a motion to recommend approval of this rezoning request to the City Council. Kim Gardner seconded the motion. It also passed 7 – 0 – 1 with Kent Mathis again abstaining from the vote.

Meeting adjourned around 9:00 p.m. on a motion made by Kent Mathis and seconded by Sandy Mabry. Vote to adjourn was unanimous.