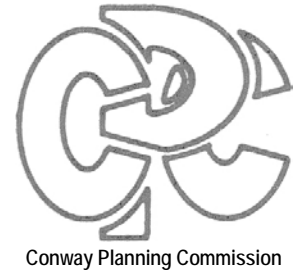




**PLANNING COMMISSION MEETING**  
**District Court Building**  
7:00 p.m., September 21, 2009



The regular meeting of the Conway Planning Commission was held Monday, September 21, 2009. Present: Craig Cloud, Kimberly Gardner, Richard Kirkman, Sandy Mabry, Kent Mathis, Mary Etta Qualls, Terry Sossong, Chris Steplock, and Jeff Sturdivant. Absent: 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, 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: Kidz University expansion project, 2130 Spring Valley Drive; Ozark Express Care, 2060 Ott Memorial Boulevard; Cinemark, 201 Skyline Drive (Conway Towne Centre). Lot splits, lot mergers and minor subdivisions reported (filed for record): Second Baptist Subdivision, June Beene Replat, Parkway Replat, Replat Lot 1 Ozark North Commercial Subdivision.

The first item of business was the August minutes. Kent Mathis made a motion to approve the minutes; Sandy Mabry seconded. Motion passed 8 – 0.

Mr. Sossong called on committee chair Sandy Mabry to give the Subdivision Committee report.

#### **SUBDIVISION COMMITTEE REPORT**

1. Southwestern Energy and 64/65 Partnership request for preliminary plat approval of SWN Park Subdivision was approved 8 – 0 as presented on a motion made by Kent Mathis and seconded by Mary Etta Qualls.
2. Watson-Rankin Associates request for a variance on the preliminary plat for Turnberry Estates PUD (subdivision) to eliminate the eastern entrance to the Turnberry Estates Subdivision P.U.D. if all buildings have a sprinkler system was approved 8 – 0 on a motion made by Kent Mathis and seconded by Jeff Sturdivant. Punch list item #37 now reads as shown below.

#### **ADDITIONAL VARIANCES**

*37. A request for variance has been received to eliminate the eastern entrance to the PUD which was originally proposed as a right-in, right-out only. The City Fire Marshall has*

*approved the single entrance if all buildings have a sprinkler system. The Planning Commission approves this request to eliminate the eastern entrance to the PUD and have sprinkler systems installed in all buildings, or a second entrance must be provided.*

## PUBLIC HEARING

### REZONING

3. Harps Food Stores, Inc., request to rezone from R-1 and C-2 to C-3 property located at 1920 East Oak Street (US Hwy 64) was approved 9 – 0 on a motion made by Sandy Mabry and seconded by Richard Kirkman. Bo Wilkins, Engineering Services, Inc., and Jay Max Van Hoose, vice president of store planning for Harps Food, spoke for this rezoning request and their intent to locate a Harps store at the East German location with a fuel center and some out parcels. The commission then moved from consideration of appropriate land use into development review wanting to discuss specifics of building location, ingress/egress, tenants, parking, etc.—all issues mandated by ordinance as part of the development review process. They wanted to evaluate specifics of a site plan. *(Craig Cloud arrived during discussion of this agenda item.)*
4. Gunter, Robertson, *et al* request to rezone from A-1 to C-3 property located along the west side of East German Lane north of Wills Drive was denied 9 – 0 on a motion made by Kent Mathis and seconded by Craig Cloud. Ronnie Robertson, one of the property owners, spoke for this request that would let him relocate his general construction business including office and shop to this location since he lives in the Conway/Greenbrier area. Speaking against the request were Carole Linn, 1750 Wills Drive, and Bob Scidmore, 1850 Wills Drive. Wills Drive is in the county but backs up to this property and Mr. Scidmore stated they would like to see it be residential. Ms. Linn expressed concern about the traffic on East German and its being a cut through around downtown Conway making it more heavily travelled than would otherwise be the case.
5. Mitch Hart request to rezone from A-1 to MF-2 property located at 3805 Donnell Ridge Road was approved 9 – 0 on a motion made by Richard Kirkman and seconded by Mary Etta Qualls. Local surveyor Bobby French represented the applicant Mitch Hart in speaking for this rezoning request. Speaking against the request were Greg Esser, 1449 Old Military Road; David Moore, 3605 Deerbrook Drive; Leonard Dyer, 3208 Nutter Chapel; Terry and Tammy Brewer, 3555 London Road; and James Davis. Mr. Esser spoke of his property being in a flood zone and his concern about the affect of any development on drainage. The Brewers were concerned that there be no apartments near their property that stretches from to Donnell Ridge Road. James Davis, 1493 Old Military Road, is an adjoining property owner on the east side and is not really for or against the rezoning but wanted to reiterate what Mr. Esser said about the drainage—that any development of that area will simply exacerbate the problem and he would ask that anything done not be allowed to make the current problem worse.

### REZONING/CONDITIONAL USE

6. Mitch Hart request to rezone from A-1 to R-2A property located at 3535 Nutter Chapel Road with a conditional use permit requested for MF-1 density in R-2A was held in committee until the October meeting following the public hearing. The vote to hold this item over was 9 – 0 on a motion made by Kent Mathis and seconded by Craig Cloud. Commission asked that applicant furnish additional information in the form of drawings for how this property might be developed—even though this is a land use decision, the conditional use application does

require that the location and intended use of the site be submitted along with a general graphic representation of what is proposed. The rationale behind the conditional use for MF-1 density rather than a straight rezoning request to MF-1 was to give the Planning Commission and neighbors an opportunity to set some conditions that might make the proposed rezoning density more palatable. Bobby French again spoke for the applicant Mitch Hart. There were no other speakers in favor of this rezoning/conditional use request. Speaking against the rezoning/conditional use were Francis Casteel, 3542 Nutter Chapel Road; Marie Goss, 3503 Nutter Chapel Road; Jerry McCray, 3600 Nutter Chapel Road; David Moore, Laura Casteel, and Tommy Mason, 1738 Old Military Road. Mr. Casteel pointed out that this would be in conflict with the city's comprehensive plan that shows R-1 development, not multifamily, and that it would be out of character with what is already there. Another problem he sees is that the road infrastructure in that area is very poorly maintained. Also, a new school is being projected for this area back to the west and the future aesthetics of this area need to be considered sooner rather than later. Mr. Moore raised the issue of property values and their continued deterioration if apartments and duplexes are allowed to overrun the area. Laura Casteel raised the issue of exactly what are Mr. Hart's plans for this property? Does he plan to develop it himself, or would he sell it and someone else develop it? At this point, stated Mr. French, it is somewhat speculative. Mr. Mason is in the county, but is concerned about what would happen if he became surrounded and the city annexed him as an island. Another concern is flooding. He did not have a problem before The Greens at Nutter Chapel, but now he does. He doesn't have much faith in what the city says. But Ronnie Hall said that when an easement was granted for the sewer, it was those people who agreed to clean out the creek—the city did not have a part in that.

7. The Planning Commission voted 9 – 0 to suspend the public hearing until the next Planning Commission meeting on October 19, 2009, at which time applicant will have an opportunity to submit additional information and perhaps drawings for this conditional use and rezoning request prior to the reopening of the conditional use public hearing. A motion to deny the request was made by Craig Cloud and seconded by Kim Gardner. Mr. Cloud and Mrs. Gardner withdrew their motion to deny. Motion to table the request was made by Mary Etta Qualls who later amended the motion to include suspending the public hearing until the next Planning Commission meeting. Sandy Mabry seconded the motion and it passed.

## DISCUSSION

8. A proposed schedule for the nomination of new Planning Commission members for 2010 and preliminary discussion about committee assignments for the upcoming year will be considered at the October meeting. Sandy Mabry volunteered to put the information about the commission openings on the UCA network; Mary Etta Qualls said she could have it placed at Acxiom. As usual, it will be advertised in the *Log Cabin*, on Conway Corp's cable channel, and the city's website.

Meeting adjourned around 9:00 p.m. on a motion made by Kent Mathis and seconded by Sandy Mabry. Vote to adjourn was 9 – 0.