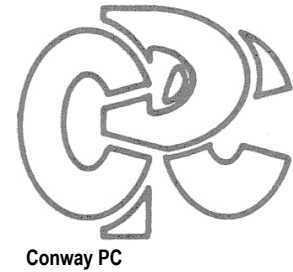




**PC MEETING**  
District Court Building  
810 Parkway Street  
7:00 p.m., November 17, 2014



The regular meeting of the Conway Planning Commission was held Monday, November 17, 2014, in the Russell L. "Jack" Roberts District Court Building. Present: Chairman Jeff Allender, Jon Arms, Marilyn Armstrong, Matthew Brown, Stan Hobbs, Mark Lewis, Jerry Rye, Anne Tucker, Wendy Shirar and Vice Chair Lee Washington.

Chairman Allender called the meeting to order.

The Conway Planning Commission (PC) makes recommendations to the City Council on public hearing items. The City Council will make a final decision on these items using the PC's recommendation as a guide. Items not approved by the PC may be appealed to the City Council within 30 days after the PC's denial. If an item is appealed to the City Council, a public hearing notice sign will be placed on the property at least seven days prior to the City Council meeting. A public notice will also be placed on the City's website. Items reviewed by the PC on this agenda will be reviewed by the City Council as early as November 25<sup>th</sup>, 2014.

The PC is comprised of appointed, non-paid Conway citizens. Chairman Allender requested that commission members introduce themselves to the audience present.

Minutes from the October meeting were approved as submitted on a motion made by Mark Lewis and seconded by Marilyn Armstrong. Motion passed unanimously.

As the Subdivision Committee did not meet this month, Chair moved on to public hearing items.

Procedure followed for this meeting is to allow those speaking in favor of a proposal to speak first. The first speaker is allowed ten minutes. All other speakers are allowed two minutes each. Speakers are asked to begin by stating their names and home addresses. Then all persons opposed to the proposal will be allowed to speak against it. Again, the first speaker is allowed ten minutes and all other speakers are allowed two minutes each. After all interested citizens have spoken for and against the proposal the PC will call the item back into commission where the PC will discuss and weigh the options. If there are any questions of a particular speaker please do not shout them out during the PC's deliberation. If the PC has a question for a particular person they will ask that person. The PC's vote is not binding as they serve an advisory role to the City Council. If there is any disagreement with the PC's decisions or recommendations one may contact City Council members and/or attend the next City Council Meeting. The Chair reminded Commissioners and the public that, to avoid confusion, all motions moving towards a vote must be made in the positive in order to bring the item to a vote and not apply the desires of those making the motion.

**I. Old Business**

- A. Stan Hobbs brought up a question related to a conditional use permit (CUP) request by Letitia McMaster to allow a public stable, restaurant and an arena/events center that was heard by the PC in January 2013. It was his understanding that one of the conditions attached to the approved proposal was that the applicant return after one year for review and reapproval by the PC. He asked if there was a way to hold the applicant accountable to return for review. Chair Allender asked Planning Director Bryan Patrick if this item was an enforcement issue who clarified that the condition on

the item was that the applicant appear before City Council for review. He also confirmed that the applicant did return to City Council as required.

## II. Public Hearings

- A. Boedeker-Hamilton Properties request for Rezoning A-1 to R-1 for property located at 1655 South Donaghey Avenue was approved 9-0-1 on a motion made by Anne Tucker and seconded by Jon Arms. No representative was present so Chair called the item back into commission. It was agreed that this type of rezoning is the least potentially controversial rezoning and that there are many similar residences in vicinity of this property. During discussion it was asked if the PC was approving the design of the subdivision or just the rezoning of the property in general. Bryan Patrick confirmed that the PC was approving the land use only; the way the lots are subdivided is a Minor Plat and therefore small enough that the Planning Department can approve without PC action. It was asked if the lots could be subdivided differently to increase density, but it was explained that it was not possible due to lack of street frontage.
- B. MFB Investments, LLC's request for a CUP to allow clinical treatment (counseling) facilities at Phoenix Recovery Center (PR) in a T-4 Transitional Zone in the North East Old Conway Area Specific Plan was approved 6-3-1 on a motion made by Matthew Brown and seconded by Stan Hobbs. Marilyn Armstrong, Anne Tucker and Lee Washington voted against the motion and Jeff Allender abstained. Matt Bell, 1 Williamsburg Circle, Little Rock, AR 72227, spoke in favor of the request. Lisa Ray, P.O. Box 1776, Conway, AR 72033, a clinical instructor with the University of Central Arkansas, also spoke in favor of the request. She will help PR design their treatment structure/plan. The original rezoning request from 2013, which prohibited treatment services, was discussed. Mr. Bell explained that this was in large part due to the zoning of the property at the time. All conditions required by the 2013 rezoning request, including a fence, were met with the exception of a suggested gate to the property. PR received a variance to not install that gate as it caused problems for emergency responders. Currently, PR is a chem-free transitional housing program. The majority of clients stay approximately 90 days. If residential clients are found to have used prohibited substances, through drug testing, they are discharged and referred to other facilities to receive treatment as there are no clinical treatment facilities in Faulkner County. PR would now like to offer counseling services to their residential clients, many of whom come to PR directly from incarceration, as well as out-patient counseling services to the community. PR's mission to offer a sober environment is good, but not being able to talk about how to solve a client's problem is not a good solution and could be considered a disservice. To offer counseling services PR plans to add 3 clinical staff and seek licensure as a clinical treatment facility which should take approximately 45-60 days. PR will also seek national accreditation which will require six months to one year. PR is not seeking to broaden its residential client base, but would like to offer in-patient counseling services so that clients don't have to be discharged and moved as well as out-patient counseling services which would benefit the community by allowing patients to keep their jobs, stay in their homes, etc. Which property was included in the original rezoning request and the current CUP was questioned and confirmed as the three parcels identified in the current report. PR would like to eventually build a new, additional facility, but for now their facilities are sufficient. Concerns were raised regarding assurances the PC made to residents near the PR facility regarding treatment services. The lack of public opposition present was noted as approval of the PR program, but not all PC members felt this was the case. It was asked if all nearby residents had been informed of the public hearing. Per the required by the CUP application process,

residents within a 200' radius of the facility had been notified in writing. Matt Bell explained their rigorous drug testing standards and security procedures. PR believes being able to offer on-site treatment would increase their security as offending residents would not have to be discharged to seek treatment, which is suggested, but not required, elsewhere. Next, the intended market reach of out-patient counseling services was discussed. It was noted that the closest clinical treatment services available are located in Russellville and Little Rock. How the program was funded was also discussed. The PR program is funded partially by the Department of Corrections, Faulkner County Drug Court, insurance and Medicaid, and DHS grants. The types of clients PR currently serves was revisited. They will not be allowed to house or treat sex or violent offenders per the conditions of the 2013 rezoning and due to the fact that their clinical staff will not be certified to treat them nor will their licensure allow it. Clients may have conditions in addition to substance abuse, but it is unlikely those people would willingly seek treatment for substance abuse per Lisa Ray. Additionally, if those clients conceal those conditions, they will become known through treatment at which time those clients would be discharged and referred to alternate, appropriate facilities. A lengthy discussion of modifying the suggested conditions followed. Initially it was proposed that treatment services be allowed, but limited to current PR residential clients and referrals from the Faulkner County Drug Court. Matt Bell was unsure if this limitation would jeopardize PR's ability to become a licensed clinical treatment facility. Lisa Ray confirmed it would not. Further PC discussion regarding the types of clients that could be treated followed and after a mock vote it was decided to add a third condition to the request on a motion made by Jon Arms and seconded by Jeff Allender, that there would be no limitation on the type of clients that PR could treat. This condition also required PR to appear before City Council in one year for a review of the program. In-patient treatment services would be offered on a 24-7 basis, but out-patient treatment is typically offered a few nights during the week as well as Saturday morning to cater to working individuals. It was ultimately decided that suggested condition no. 1 not impose any time constraints on when out-patient treatment services could be offered. PR would determine when it was best for them to offer these services. Next the volume of clients that could/would be treated was discussed. Lisa Ray explained that although the allowed counselor to patient ratio is 1:20, with three clinical staff members, PR should not be treating more than approximately 30 patients total at a time. PR typically houses 75 to 100 residents. This led to a brief discussion about possibly controlling the number of patients PR could treat, but this did not result in any PC action. In-patient and out-patient treatment services would be allowed to be offered, though it was decided that a fourth condition be added that no sex offenders or violent offenders would be allowed treatment. Final conditions attached to the motion are listed below.

1. Hours of operation will not be limited
  2. CUP is limited to applicant, MFB Investments, LLC (PR).
  3. The CUP is valid for one (1) year. Applicant must appear before the Conway City Council in November 2015 for review.
  4. On-site counseling treatment services may only be offered to Class C and less felony offenders. Violent offenders and sex offenders may not be treated.
- C. SC Investments, Inc.'s request for a CUP to allow restricted retail in an O-3 (Residential Office) zone. Jon Lambert, 110 Bedford Circle, 72034, spoke in favor of the request. He intends to run a window sales and installation business from the property during normal business hours of 8:00 am to 5:30 pm. The PC inquired about additional storage and parking and was informed that the current garage and parking were sufficient for those needs. There will be minimum traffic increase at

the property. Ed Anthes, the property owner, also spoke in favor of the motion. Chair inquired if the property had been used as an office in the 3 years since it had been rezoned and was displeased to find out it had not. Chair noted that Dave Ward Drive was designed as a major arterial and increased traffic slowing to turn, etc. slows down the flow of traffic. The item was approved 7-3 on a motion made by Lee Washington and seconded by Jon Arms. Matthew Brown, Jeff Allender and Jerry Rye voted against the motion. Conditions attached to the motion are listed below.

1. Hours of operation will be limited to 8:00 am to 5:30 pm Monday through Friday.
  2. CUP is limited to the applicant for a window sales office with display and warehousing.
  3. Ingress and egress to the property must be from South Mitchell Street.
- D. Tim Kelley's request for a CUP to allow a tattoo studio in a C-1 (Central Business District Commercial) zone in the Old Conway Design Overlay District. Tim Kelley, P.O. Box 10469, Conway, AR 72033, spoke in favor of the motion. Mr. Kelley plans to operate a two-person business and offer piercings and tattoos. He presented letters of reference from past neighboring businesses as well as current business owners near the proposed property. The PC asked about parking and Mr. Kelley replied that he intended for his clients to use street parking. There was some concern about the type of signage that would be displayed. Mr. Kelley indicated that he intended to display signage with the name of the business and Bryan Patrick assured the PC that the Sign Ordinance dictates the type, content, and size of signage allowed. The item was approved 9-0-1 on a motion made by Lee Washington and seconded by Jon Arms. Conditions attached to the motion are listed below.
1. Hours of operation will be limited to 10:30 am to 9:00 pm Monday through Saturday.
  2. CUP is limited to applicant.

### III. Discussion

- A. 2015 new Planning Commissioners selected were approved 9-0 as Bryan Quinn and Justin Brown on a motion made by Jerry Rye and seconded by Anne Tucker. Mr. Brown was in attendance. Mr. Quinn represents Ward 4 and Justin Brown represents Ward 1.

### IV. Items not requiring PC action

- A. Development Reviews
1. Arvest Bank, 621 Oak Street
  2. Road Runner, 545 Skyline Drive
- B. Lot Splits, Lot Mergers and Minor Subdivisions (filed for record)
1. Harkrider Addition, Lot A-R, Block 1
  2. Acxiom Commercial Addition Phase II
  3. Coulson-Road Runner Addition
  4. Vines Addition
  5. Moix Replat of Lot 12 Deerbrook Subdivision

There being no further business to conduct, the meeting was adjourned on a motion made by Anne Tucker and seconded by Jon Arms. The vote was unanimous.