CITY OF CONWAY
ZONING BOARD OF APPEALS MEETING
THURSDAY, APRIL 26, 2012
CITY HALL CONFERENCE ROOM – 5:30 P.M.

Present: Alex Hyman, Jim Young, Rebecca Lovelace, Howard Henry,
Georgia Johnson

Absent: Byron David

Staff: Michael Leinwand, Planning Director; Barbara Tessier, Secretary

Others: Charles Jordan, David Jordan, C&K Properties; Steve Powell, Venture
Engineering; Denny Myers, Waffle House, Jeff Solan, Solan & Associates,

I. CALL TO ORDER

Chairman Hyman called the meeting to order at 5:30 p.m.

II. APPROVAL OF MINUTES

Young made a motion, seconded by Johnson, to approve the November 17,
2011 minutes as written. The vote in favor was unanimous. The motion carried.

III. VARIANCE REQUESTS

Young asked to make a statement for the record. He said that he and his firm
had represented Mr. Jordan and his various entities from time to time, but had no
current representation of Mr. Jordan or his entities. He said he had also represented
Mr. Powell and some of his entities from time to time, but had no current representation
of Mr. Powell or his entities. He said his firm also did some representation of the city.
He said Joseph Singleton was the member of the firm who mainly handled city
representation. He said nothing he represented had anything to do with the matters
before the Board tonight. He said he was not recusing himself, but he did believe it was
proper to make the chairman, the Board and the members of the public and the
applicants aware of this information.
Leinwand said that was one of the things that he had said to the Board. He said the size of the actual proposed use was extraordinary compared to other restaurants. Lovelace said most restaurants would have more square footage. Hyman said Sonic would be similar in size. He said there would be more than the usual number of parking spaces then for a Sonic. Leinwand said that was probably correct.

Young asked about the pervious lots. Leinwand pointed out which parking spaces would be pervious.

Hyman said the next criteria was the utilization of the property. He said they had to determine if not granting a variance would effectively prohibit or unreasonably restrict the utilization of the property. Hyman said he believed Leinwand had said that Waffle House required a minimum of 30 parking spaces. Leinwand said that was what the applicant stated.

Charles Jordan said it would be important to know how many seats were in the restaurant. Myers said there were 38 seats. Jordan said they could not get by with 22 parking spaces including the employees.

Hyman asked Leinwand for the city's position again. Leinwand said the city felt that with this specific submittal that it could be detrimental to their proposal. He said with the proposed pervious parking, the city had no issues.

Lovelace asked with the extra parking spaces would they be required to do the same landscaping that the city required. Leinwand said there was a separate ordinance for parking lots with landscaping requirements. He said the more parking they added, the border around the exterior parking lot would increase.

Hyman said the last criteria was whether or not authorizing the variance would be detrimental to adjacent properties or to the public good or to the character of the district. He asked if the Board had any comments on this.

Young said he would agree with staff's assessment. He said there was no substantial detriment to the adjacent property, to the public good or to the character of the district. Hyman said they were talking about parking space, not setbacks.

Lovelace asked if the pervious spaces were toward the front or rear of the property. Leinwand said they were toward the rear. Leinwand said it was a preliminary site plan, and staff had no issue if they moved the spaces to the front.

Lovelace made a motion, seconded by Johnson, to approve the request to vary from Section 8.2.12 Parking Requirements for Specific Uses of the City of Conway Unified Development Ordinance (UDO). The vote in favor was unanimous. The motion carried.
Powell said it should be reinforced from earlier that what made this site different from others was Waffle House built such small restaurants. He said the density of seating was much different. He said if it was any other sit-down restaurant, there would be close to 3 times the floor area for the same amount of seating. He said they would have all the parking they needed. Powell said he applauded the city for actually being proactive to keep from over building parking. He said it was good step to be taking in the UDO. He said it was not applicable to Waffle House or a Central Park. He said there would be some exceptions.

Young made a motion, seconded by Henry, to table the request until such time as the property was annexed into the city. The vote in favor was unanimous. The motion carried.

Myers said he appreciated the Board’s consideration. He said one shoe did not fit all. He Waffle House used to require 40 parking spaces. He said as they saw the way things were trending, they reassessed their situation. He said they decided not to build anymore than they really needed. He said that was how they got to the 30 parking spaces.

The Jordan’s and Powell then left the meeting.

At this point, Jimmy Jordan asked to speak to the Board. He said he was on the committee that reviewed the UDO. He said the maximum parking issue was one of the things that slipped past people on the committee. He said he agreed with the concept, but he said with these smaller properties it was very restrictive. He said it did not make a lot of sense.

Jordan said the soil at his property was clay. He said putting a pervious surface down was not going to benefit the site. He said the water would not penetrate the clay. He said they would have to pipe the water into the stormwater pond.

Hyman asked if a second variance would be needed to allow Jordan to not use the pervious parking spaces. Leinwand said they could reopen the motion for Jordon’s property if they wanted to. Hyman thought the request was for the 30 parking spaces. Young said he thought the request included the provision that the extra parking spaces would be pervious. Johnson and Henry agreed with Young. Hyman said if that was the case, the Board could revisit the motion. Jeff Solan, the engineer for the project, said he could speak to the issue.

Jordan said it was a condition that was not practical. He said he knew it sounded green. He said he was all for that, but it was not practical in this case.
Solan said from an engineering standpoint, on this site, it was not money well spent.

Hyman asked if they were putting drop ins in the parking lot as far as the drainage, and if so, where would they be located. Solan said they would put them in more than likely. He showed where the catch basins would be. He said if they used the pervious surface they would run a French drain either directly into the pond or into a catch basin.

Young asked Leinwand what he thought about the Board reconsidering the variance request to remove the special requirement of the pervious material parking spaces. He asked Leinwand if it would affect any of the findings or city’s recommendation. He asked if it would be doing anything not permitted by the UDO. Leinwand said from the points that Solan had made, there were some issues with the soil being clay. He said if the water was going to go to the retention pond anyway, he was not sure pervious material was going to affect it one way or the other. He said staff would not have an issue with it.

Henry said Leinwand did not have time to really think about this change. Young asked Leinwand if he needed more time to decide or if was he all right with making a decision tonight. Leinwand said what the engineer stated to the Board made sense in that changing the spaces from pervious to impervious did not make a difference if the water was going to go to the pond anyway.

Henry asked if the location of the parking spaces mattered. Leinwand asked if the soil condition was the same on the entire site. Solan said it was very heavy clay. Hyman asked who required that the material be used. He asked if the applicant requested it. Leinwand said it was a recommendation by staff. He said at the time, staff was not aware of the soil conditions. He said the intent of the ordinance was to limit the amount of impervious materials.

Young said he assumed the overall slope of the property would be toward the retention pond regardless of the pervious or impervious materials. Solan said generally it would slope back to the center of the parking lot and the surface water would go into the catch basins and then to the retention pond. Leinwand asked if Solan had a soil report that staff could approve. Solan said he did. Jordan said he had a soil report from the Dollar General that was the adjacent property. He said they were the same type soil. Young said he found Solan’s testimony as to the soil to be credible.

Young made a motion, seconded by Lovelace, to allow the applicant to amend the application with any additional conditions that the Board may require
Leinwand said he did not think the new ordinance changed the way this Board was run.

VI. STAFF INPUT

Leinwand said the Board needed to vote a new chairman and vice chairman since this was the first meeting of the calendar year.

Young made a motion, seconded by Lovelace, to appoint Alex Hyman to serve as chairman again if it was allowable. The vote in favor was unanimous. The motion carried.

Lovelace made a motion, seconded by Henry, to appoint Jim Young to serve again as Vice Chair. The vote in favor was unanimous. The motion carried.

Leinwand handed out the city’s policy regarding attendance at Board meetings. He said if a board member had more than 3 consecutive unexcused absences, he or she could be removed from the board. There was a brief discussion about Scott Sayer who had not been present for at least three meetings. Leinwand said he would notify Administration that a new board member was needed.

Leinwand said there would be a meeting on May 24 for the C&K Properties variance request. He said it should have received its final reading for annexation by that time.

Leinwand asked the Board if they wanted to receive their package by mail or by email. The Board said they would prefer to continue to receive the packages by mail.

VII. ADJOURN

There being no further business to come before the Board, the meeting adjourned at 6:30 p.m.

Approved and signed this day of , 2012.

[Signature]

Alex Hyman, Chairman