CITY OF CONWAY
COMMUNITY APPEARANCE BOARD MEETING
WEDNESDAY, MARCH 11, 2015
COUNCIL CHAMBERS – 4:00 P.M.

Present - George Ulrich, Danny Clonts, Jason Pippin, Brenda Ivester, Paul Doyle
Absent - Anne Bullock, Heather Whitley
Staff: Adam Emrick, Planning Director; Barbara Tessier, Secretary
Others: Elaine Sivret, A1 Signs and Graphics

I. CALL TO ORDER
Chairman Ulrich called the meeting to order at 4:05 p.m.

II. APPROVAL OF MINUTES
Pippin made a motion, seconded by Clonts, to approve the February 11, 2015 as written. The vote in favor was unanimous. The motion carried.

III. CERTIFICATES OF APPROPRIATE
A. MB Kahn – Jerry Johnson of A1 Signs and Graphics requests a window signage on the property located at 910 Third Avenue. (TMS# 137-02-01-008 / PIN 33701010050)

Emrick said the applicant requested the placement of white vinyl graphics on the primary entrance doors. He said the overall size of the sign did not exceed the requirements. Emrick said staff recommended the approval of the signage.

Pippin made a motion, seconded by Doyle, to approve the signage request as presented. The vote in favor was unanimous. The motion carried.

B. Dreamers – Jerry Johnson of A1 Signs and Graphics requests two window signs on the property located at 1020A Fourth Avenue. (TMS# 137-02-05-007 / PIN 36804020008)

Emrick said the applicant requested white vinyl graphics for front window and interior front facing windows. The signage meets the size requirements.
C. Riverside Restaurant – Jerry Johnson of A1 Signs and Graphics requests two freestanding signs and one wall sign at 5 Laurel Street. (TMS# 137-06-02-004 / PIN 36701040003)

Emrick said this was the former Chloe’s Restaurant. The request was for two sandblasted freestanding signs and a wall sign. The freestanding signs would be placed one on each of the two street frontages (Elm Street and Laurel Street sides). The wall sign would be installed on the side of the building visible from Elm Street. Emrick said the signage met the size requirements.

Pippin made a motion, seconded by Clonts, to approve the requested signage as presented. The vote in favor was unanimous. The motion carried.

IV. BOARD INPUT

There was none.

V. STAFF INPUT

A. Discussion of Section 14.1.14 of the City of Conway Unified Development Ordinance (UDO) – Appeal to the Community Appearance Board

Emrick said there had been a rise in lay person redevelopment of existing commercial properties outside the HDRDs. He said frequently the parcels contained legal, nonconforming existing buildings. He said in order to redevelop or even reuse the properties, large sums of money would need to be invested to hire surveyors, civil engineers, and landscape architects. Emrick said this was nearly always an expense that prevented the lay person from being able to open their business.

Emrick told the Board that the UDO allowed for an appeal to the Community Appearance Board when a person had been aggrieved by a decision of the Planning Director relating to the design standards of Article 6. He said it might not help with the landscaping and the parking, but it might give them an avenue for the appeal. He said he would like to give lay persons the opportunity to take properties and improve them to a point where they could use them making it better for the community. He said the CAB could look at an appeal for the aesthetics.

Emrick said they could appeal to the Board of Zoning appeals, but they would most likely have to hire a professional to draw up what they would be able to do to meet the guidelines. He said he was not sure, in this case, the interested property owner had the resources to do that.
Emrick said staff was interested in the Board’s opinion on allowing applicants who met a very limited set of circumstances to appeal to the CAB for a more equitable review of their project.

Ulrich said the way Section 14.1.14 read to him, they could appeal to the CAB. He did question whether Council would have to go back and make changes to the UDO. Emrick said perhaps. He said they might have to tweak the language of Section 14.1.14 because all it allowed the appeal of was Section 6. Emrick said what impacted the potential property owners was just a little portion of Section 6. He said the landscaping and parking were in Section 9. Emrick said Section 6 referenced landscaping and parking, but he said he would be going against the ordinance if he tried to stretch Section 6 to cover those things. He said before the UDO, the CAB would have reviewed it.

Emrick said even if the Board of Zoning Appeals approved a hardship exemption, the aesthetics intended by the UDO would not be met. Emrick gave an example of another proposed commercial venture he could not approve because the property had four frontages. He said they would have to go before the Board of Zoning appeals, but what they would be approving would be the nuts and bolts of the UDO and not the aesthetics. Doyle asked then if the CAB’s sole purpose then would be for the aesthetics. Emrick said that was correct. Emrick said the reason for the Gateway Corridor Overlay and the Village Corridor Overlay was for the aesthetics.

Emrick said both boards were incredibly important and both had their place. Doyle said he could not see any way of getting around the Board of Zoning Appeals. Doyle said the way he saw it, if property owners were allowed to come to the CAB and not the Board of Zoning Appeals, it would look as though the CAB thought they were empowered to set aside the landscape ordinances, which seemed to be overstepping their bounds. Emrick said it would be right now. Emrick believed the way the article read, it gave the CAB power over this one section only. Doyle was concerned with setting aside pieces of the ordinance.

Emrick said if this went to the Board of Zoning Appeals and they approved it, he thought they could make it conditional upon certain aesthetics. He said they did not have to be as concerned with aesthetics and the CAB would be. Doyle said the Board of Zoning Appeals could approve what Emrick had called the nuts and bolts to be sure there was a hardship, but did feel the aesthetics should come before the CAB. Emrick said he was not sure how to make that happen. Ulrich said Council would first have to change Section 14.1.14. Emrick said he wanted to see how the CAB felt before he crafted something to show Council.

Emrick said it would be up to the Board of Zoning Appeals directing applicants to come before the CAB for anything aesthetic. He said there was no mechanism to do that at this time. He said this was something to be worked on. The Board agreed things
should first go to the Board of Zoning Appeals with a provision for the aesthetic issues
to be sent to them for further review.

VI. ADJOURN

There being no further business to come before the Board, Pippin made a
motion, seconded by Clonts, to adjourn the meeting. The vote in favor was unanimous.
The motion carried. The meeting adjourned at 4:20 p.m.

Signed and approved this 25th day of March, 2015.

George Ulrich, Chairman