



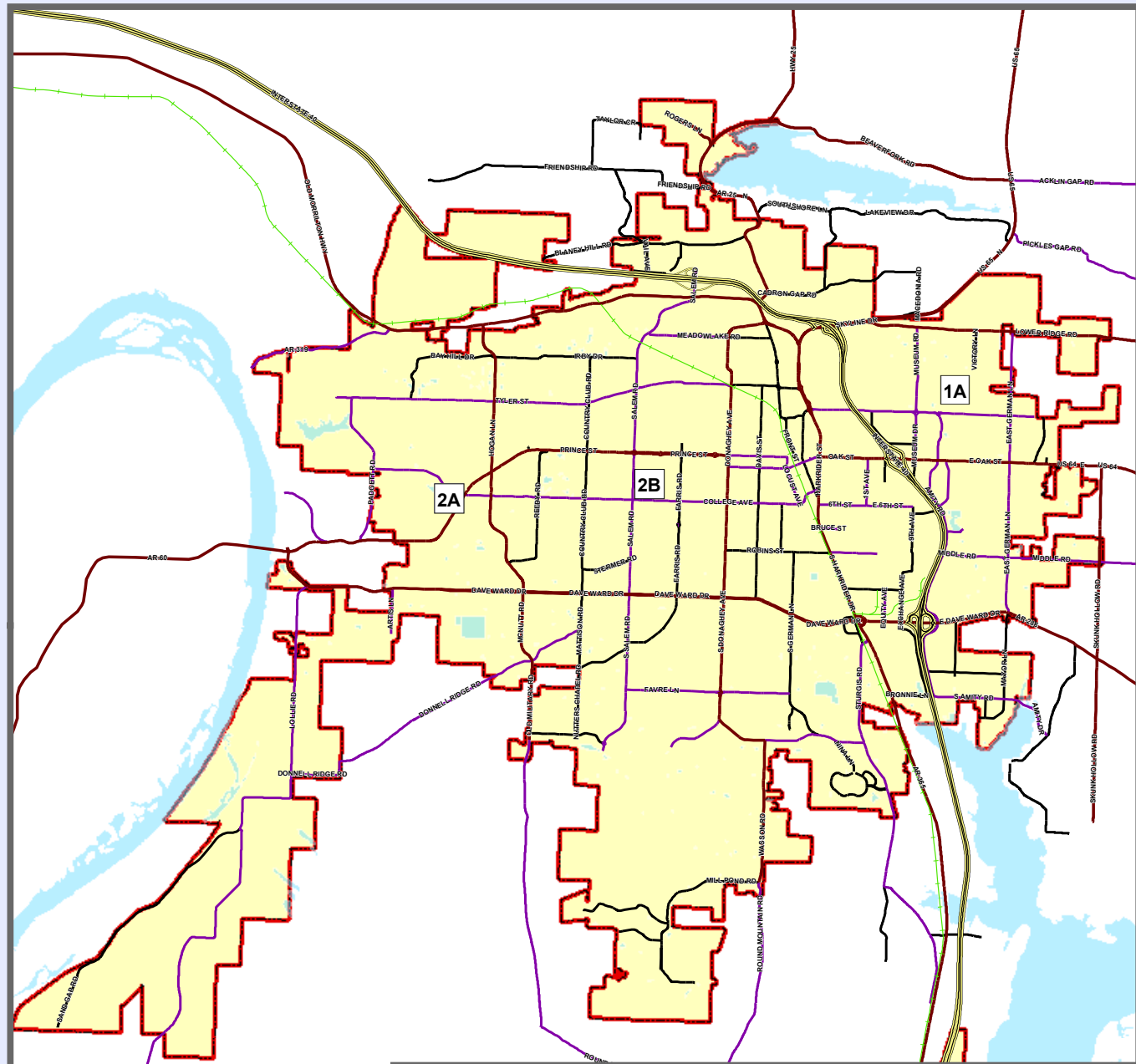
Conway Planning Commission

August Staff Report

7:00pm • August 15, 2016 • 810 Parkway Avenue

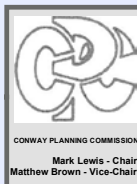
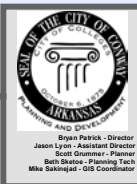
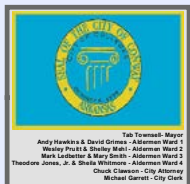
CITY OF CONWAY

AUGUST 2016 PLANNING COMMISSION ITEMS

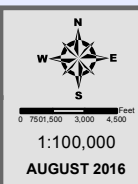


AUGUST 2016 AGENDA ITEMS:

- 1A. HEPNER HOMES, LLC -- BOARD OF ZONING ADJUSTMENT
- 2A. ABBY DEVELOPMENT -- CONDITIONAL USE
- 2B. TRINITY DEVELOPMENT -- REZONING



INTERSTATE	LOT LINE	Residential	Industrial
MAJOR ARTERIAL	STREAMS	R-1	I-1
MINOR ARTERIAL	LAKES & PONDS	R-2A	I-2
COLLECTOR	CITY LIMITS	R-2	I-3
RESIDENTIAL		R-2A	
PRIVATE ROAD		R-2	
INTERSTATE RAMP		R-2A	
RAILROADS		R-2	
		Commercial	Office
		C-1	O-1
		C-2	O-2
		C-3	O-3
		C-4	O-4
			Special
			SP
			S-1
			A-1
			PUD
			TJ



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CONTACT INFORMATION:
LANDMARK GIS WEBSITE:
gis.cityofconway.org (UNDER DEVELOPMENT)
E-MAIL: Jason.Lynn@cityofconway.org

CONWAY, ARKANSAS PLANNING COMMISSION MEETING AGENDA

7:00 pm • Monday • August 15, 2016

District Court Building • 810 Parkway

SUBDIVISION COMMITTEE WILL NOT MEET

Call to Order

Introduction & Chairperson Remarks

Minutes: July 18, 2016

1. **Board of Zoning Adjustment***
 - A. Hepner Homes Request for Zoning Variance
2. **Public Hearings****
 - A. Abby Development Request for Conditional Use Permit
 - B. Trinity Development Request to Rezone: R-1 and O-1 to MF-3
3. **Discussion**
 - A. Items as decided by the Planning Commission

Adjourn

Planning Staff Development Review/Minor Subdivision Reports to the Planning Commission

The following items have been reviewed and approved by the Director of Planning and Development and are being reported to the Planning Commission as required by the Zoning and Subdivision Ordinances:

- A. **Development Reviews**
 - Central Tube and Bar Office Expansion, 25 Middle Road
- B. **Lot Splits, Lot Mergers, and Minor Subdivisions (filed for record)**
 - Round Mountain Subdivision Lot Merger, Lots 27 and 28 [minor]
 - DeBoard Subdivision [minor]
 - Sherwood Estates Replat, Lots B and C [minor]
 - R.L. Hayes Addition, Replat Block 2, Lots 8-17 [minor]
 - Covington Commercial [minor]

***The Conway Planning Commission makes recommendations to the City Council on public hearing items. The City Council will make a final decision on these items using the Planning Commission recommendations as a guide.*

*Items reviewed at tonight's Planning Commission meeting may be considered by the City Council as early as **August 23, 2016**.*

Items not approved by the Planning Commission may be appealed to the City Council within 30 days after Planning Commission denial. If an item is appealed to the City Council, a public notice sign will be placed on the property at least 7 days prior to the City Council meeting. A public notice will be placed on the City's website: www.cityofconway.org.

**The Planning Commission acting as the Board of Zoning Adjustment's decision is final. No appeal may be made to the City Council. Any aggrieved party may take the matter to circuit court if they feel the decision is unfair.*

HEPNER HOMES BOARD OF ZONING ADJUSTMENT ZONING VARIANCE REQUEST TO ALLOW REDUCED FRONT AND SIDE SETBACKS

APPLICANT/OWNER
 Robert Hepner
 Hepner Homes, Inc.
 1320 Andrews Drive
 Conway, Arkansas 72032

STAFF REVIEW BY
 Bryan Patrick, Director of Planning & Development
 1201 Oak Street
 Conway, AR 72032

SITE DATA
Location. 1240, 1300, 1320, and 1330 Andrews Drive, Lots 2, 3, 5, and 6 Makenna Cove Subdivision

Site Area. 4 lots; .22 acre +/- each

Current Zoning. R-1 Single Family Residential

Existing Structures. 4 single family residences, 2 are under construction

Requested Zoning Variance. To allow a reduction in the 30 foot front and 6 foot side yard setbacks

Overlay. None.

EXISTING CONDITIONS

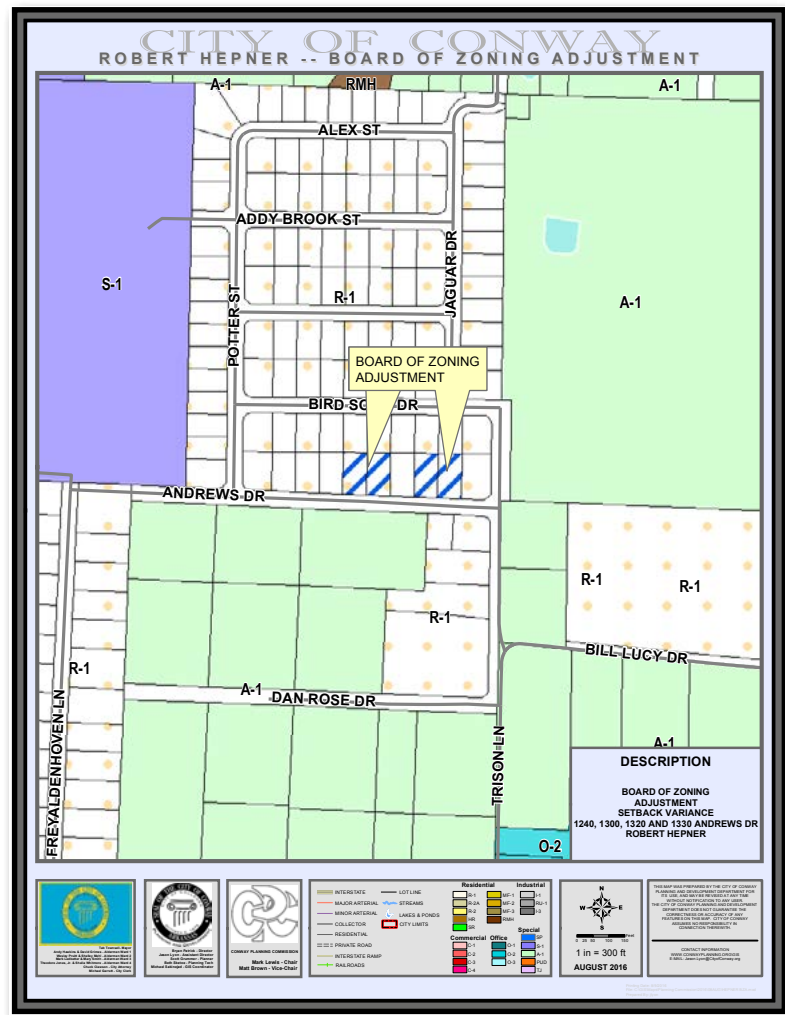
Zoning Ordinance Regulations. Typical setbacks for an R-1 residential district are:
 • Front: 25 feet (typical) A 30 foot setback and utility easement is required by plat for the affected lots
 • Interior Side: 6 feet
 • Rear: 25 feet
 • Exterior (Street Side): 25 feet

Existing Setback Conditions. The 4 residences are approximately 27 feet from the front property line. 30 feet required (3 feet out of compliance)

The NE corner of the residence at 1300 Andrews Drive, Lot 5 is around 5.1 feet from east property line. 6 feet required (.9 feet or 10.8 inches out of compliance)

STAFF COMMENTS

The applicant is requesting a zoning variance to reduce the required front setback for Lots 2, 3, 5, and 6 with the addresses of 1240, 1300, 1320, and 1330 Andrews Drive. In order for the reduction to be effective, a reduction in the 30 foot utility easement is also necessary. Easement reductions (abandonment) are reviewed and approved by the City Council according to State Law. An easement reduction is scheduled to be reviewed by the City Council on August 23. A reduction in the side setback for the residence located at 1300 Andrews Drive, Lot 5 is also requested.



General Overview. The lots on the north side of Andrews Drive in the Makenna Cove subdivision have an unusual 30 foot front building setback with a 30 foot utility easement. A typical R-1 single family subdivision requires a 25 foot setback with a 15 foot utility easement. Measurements are based from the property line.

The applicant obtained building permits to construct 2 single family residences on February 19, 2016 (1320 and 1330). These homes were given final approval on June 27. The 2 homes now under construction (1240 and 1300) were permitted on May 24. The submitted residence site plans correctly show the houses placed at 30 feet from the property line. The applicant incorrectly placed the foundation footings basing his measurement from the street curb assuming a typical 25 foot front setback. The Conway building Inspector incorrectly approved the location of the footings for the first 2 homes when inspected on February 24 and the second 2 homes on June 1, 2016. The setback error was discovered when another builder surveyed an adjoining lot prior to construction on July 1.

On July 26, 2016 Permits and Planning Staff met with Conway Corporation concerning a possible reduction in the utility easement. The large easement was created when the subdivision was platted in 2007. The easement contains major lines for both water and sewer. The larger easement was necessary due to water



and sewer line separation requirements. Conway Corporation agreed to work with the applicant and City to reduce the easement by a minimal amount as required for the affected lots. There is an unbuilt lot, Lot 4 (1310 Andrews) between the requested lots. Any construction on this lot must conform to required (platted) setbacks. Based on these discussions, a detailed survey of all 4 residences has been requested. The survey should be available before the August 15 Planning Commission meeting. The survey should provide more detailed dimensions and guidance for the exact amount of setback reduction.

The northeast corner of the completed residence at 1300 Andrews (Lot 5) is projecting slightly into the 6 foot east side setback. This noncompliance was caused by aligning the house with Andrews Drive instead of the lot lines. Andrews is at a slight angle and a front facade aligned with the street creates an angled side yard. This street alignment created a 5.1 foot side yard setback instead of the required 6 feet.

BOARD OF ZONING ADJUSTMENT DECISION REGULATIONS PER THE ZONING ORDINANCE

The Zoning Ordinance states:
 That a variance is authorized when the variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved.

A variance from the terms of this Zoning Ordinance shall not be granted by the Planning Commission unless:

1. The applicant demonstrates that special conditions and circumstances exist which are peculiar to the property, structure, or building involved and which are not applicable to other property, structures, or buildings in the same district; that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Ordinance to other property, structures, or buildings in the same district.
2. No nonconforming (grandfathered) use of neighboring property, structures, or buildings in the same district, and no permitted or nonconforming (grandfathered) use of property, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
3. The Planning Commission shall determine that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance necessary to make possible reasonable use of property, building, or structure.
4. The Planning Commission shall further determine that granting of the variance will be in harmony with the general purpose and intent of this Zoning Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

VARIANCE CONDITIONS

The Planning Commission may place conditions that it deems necessary and desirable.

STAFF RECOMMENDATIONS

Planning Staff recommends that the Planning Commission acting as the Board of Zoning Adjustment, approve the requested front and side setback variances due to special conditions. The variance would not be contrary to the public interest. Due to an unusual building setback/utility easement, the 4 homes were allowed to be constructed slightly into the setback area. From an aesthetic point of view, the front facade of new residences will be approximately in line with those already constructed. From the street, a 2-3 foot difference in front facade setback will be largely unnoticed. The noncompliant side setback is slight at .9 feet. There is adequate distance between the property and abutting home. The largest driver of this setback/easement reduction is utilities. If Conway Corporation agrees with a minor reduction, the variance seems in order.

Recommended Variance Conditions.

The following conditions are applicable to the specified lots of Makenna Cove Subdivision, filed 8-6-2007, Plat Book K, Page 293 of the Faulkner County Circuit Clerk:

1. The 30 foot front setback of Lots 2,3 (1330, 1320 Andrews Drive) and 5,6 (1300, 1240 Andrews Drive) shall be reduced to match the utility easement reduction to be approved by the Conway City Council on August 23, 2016.
2. The side setback of the residence at Lot 5, 1300 Andrews Drive, shall be allowed at 5.1 feet.

The Planning Commission acting as the Board of Zoning Adjustment's decision is final. No appeal may be made to the City Council. Any aggrieved party may take the matter to circuit court if they feel that the decision is unfair.

MAKENNA COVE SUBDIVISION
 PART OF THE NE1/4 NW1/4,
 PART OF THE NW1/4 NE1/4,
 AND PART OF THE SE1/4 NW1/4
 SECTION 5, T-5-N, R-13-W
 FAULKNER COUNTY, ARKANSAS

THIS PROPERTY IS REFERENCED TO
 CAGIS MONUMENT #1040
 NAD83 1997 COORDINATES
 N: 278692.683
 E: 1192398.199

100 YEAR FLOODWAY NOTE:
 No structures, fill or obstructions shall be placed in a 100 year floodway easement. No reshaping of the surface within a 100 year floodway easement shall be made without the approval of the City Engineer. No fences shall be in a floodway easement.

● denotes iron pin found
 ○ denotes iron pin set

Basis of bearings is Arkansas State Plane Grid North.

Legal Description:
 Makenna Cove Subdivision, being a part of the NE1/4, a part of the NW1/4, and a part of the SE1/4 NW1/4 all in Section 5, T-5-N, R-13-W, Faulkner County, Arkansas, more particularly described as beginning at the SE corner of said NE1/4 NW1/4; thence S00°41'29"W 50.02 feet; thence N87°31'07"E 1155.62 feet; thence N02°28'53"E 50.00 feet; thence S87°31'07"E 168.96 feet; thence N01°13'35"E 1264.00 feet; thence S87°57'47"E 943.06 feet; thence S00°41'29"W 30.00 feet; thence S87°57'47"E 30.00 feet; thence S00°41'29"W 926.61 feet; thence S89°18'31"E 30.00 feet; thence S00°41'29"W 315.25 feet; thence N89°18'31"E 30.00 feet to the point of beginning containing an aggregate of .3001 acres more or less, with 28.47 acres lying in the NE1/4 NW1/4, 0.22 acres lying in the NW1/4 NE1/4, 1.32 acres lying in the SE1/4 NW1/4.

No portion of the property is within the 100 year flood plain according to Flood Insurance Rate Map #05045C0281H, panel 281 of 480, Faulkner County, Arkansas, effective date December 19, 2006.

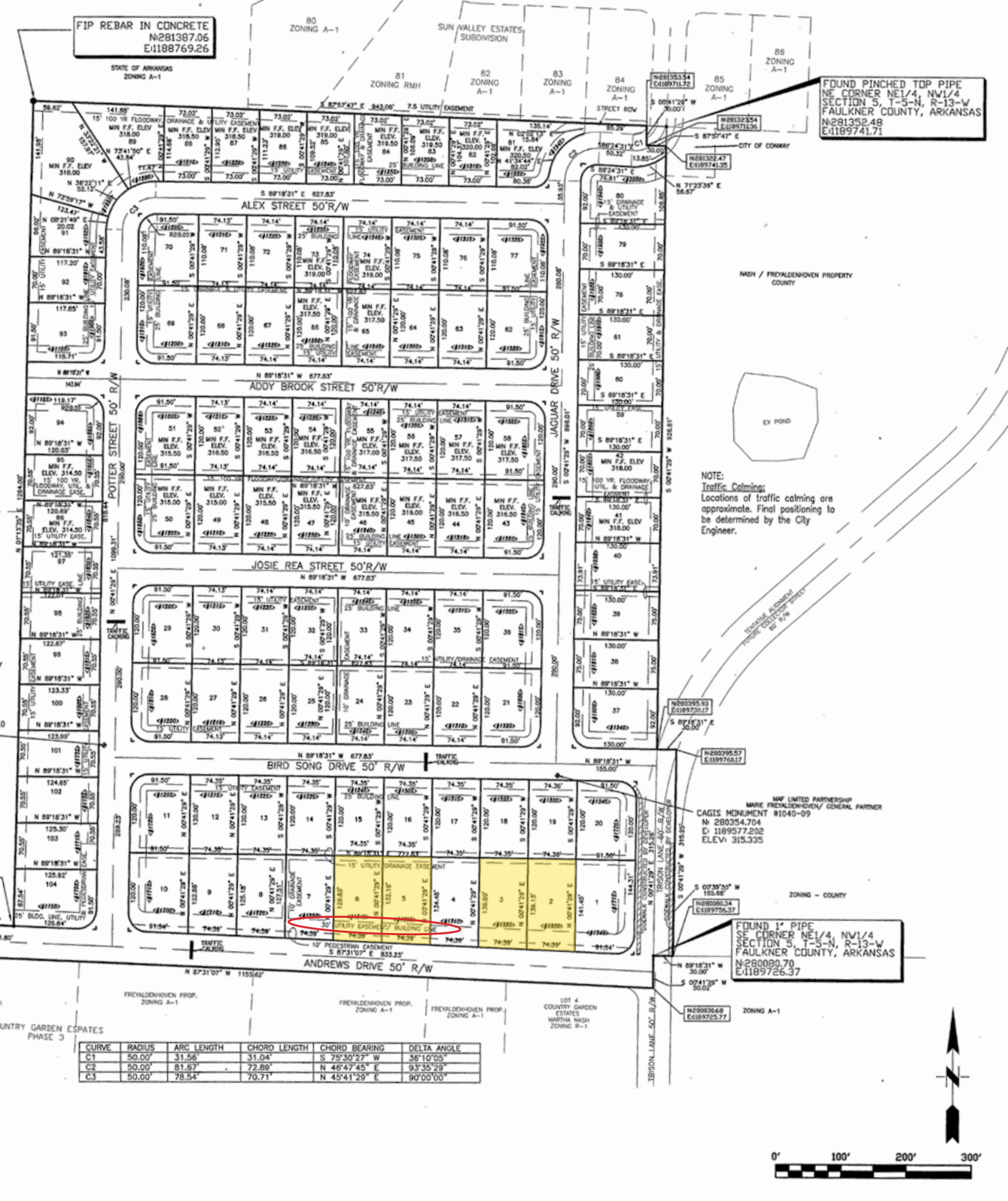
Note:
 Iron pins are set at all lot corners and at points of curve. Lots with rounded corners are 25' radius unless noted otherwise. Distances on curves are chord distances. All easements shall be for general utilities and or drainage. Building lines are 25' unless noted otherwise. All easements are as shown. The error of closure is 1 to 216515.

Date of survey: January 24, 2005

This plat was prepared by Tim P. Tyler, Arkansas Professional Land Surveyor No. 1243
 240 Hwy 65 North, Conway Arkansas 72032 Phone 501-329-1400



Sidewalk Notes:
 1. Shall be constructed of concrete with a minimum thickness of four (4) inches and shall be a minimum of five (5) feet wide. Installed with the edge closest to the street located five and one-half (5.5) feet from the back of curb.
 2. Sidewalks shall meet American Disability Act Standards.
 3. If, during the construction of a building or any other improvements upon a lot or by any other actions, the sidewalk(s) are damaged, the party responsible for the construction or other actions shall repair the sidewalk(s) to the satisfaction of the City.
 4. Sidewalks along streets classified as collector or above shall be constructed by the subdivision developer concurrently with construction of the other subdivision infrastructure. The developer is responsible for sidewalks along both sides of Trison Lane.



NO.	DATE	REVISION	BY	APVD
1	7/30/07	REMOVE LOT 13 CHANGE BOUNDARY, LEGAL, AREAS	DB-T	DH
2				
3				
4				

THESE PLANS AND THE RELATED SPECIFICATIONS AS A RESULT OF DESIGN SERVICES IS THE PROPERTY OF TIM TYLER SURVEYING & MAPPING, INC. AND IS NOT TO BE USED IN ANY OTHER DESIGN WITHOUT EXPRESS WRITTEN PERMISSION.
 TIM TYLER SURVEYING & MAPPING, INC.

SCALE VERIFICATION
 IF THIS BAR IS NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

MAKENNA COVE SUBDIVISION
 SECTION 5, T-5-N, R-13-W
 CONWAY, AR

SURVEY
 FINAL PLAT
 MAKENNA COVE SUBDIVISION

SHEET
 DATE JULY 2007
 PROJ 205-0086
 SCALE 1"=100'

2A ABBY DEVELOPMENT REQUEST FOR CONDITIONAL USE PERMIT

ABBY DEVELOPMENT CONDITIONAL USE PERMIT REQUEST FOR NURSING FACILITY IN AN O-2 ZONE

APPLICANT

Abby Development
 c/o White Daters & Associates
 24 Rahling Cir
 Little Rock, AR 72223

STAFF REVIEW BY

Jason Lyon, Assistant Director of Planning & Development
 1201 Oak Street
 Conway, AR 72032

SITE DATA

Location. 4550 Prince St (to be assigned via Plat)

Site Area. 12.8 acre +/-

Current Zoning. O-2 (Quiet Office District); Conditional Use Permit Allowing Restricted Retail (#1279) North ½ of Property

Existing Structures. None

Overlay. None

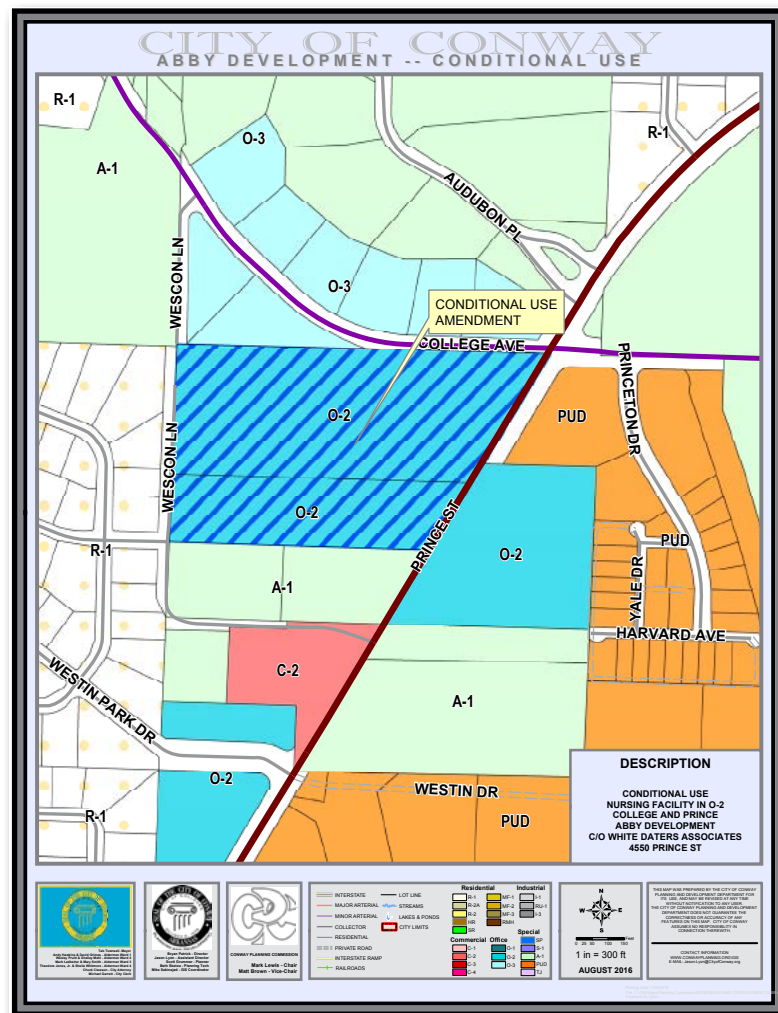
Requested Conditional Permit. Allow a nursing facility/ senior living community in O-2 (Quiet Office District)

Comprehensive Plan. The Comprehensive Plan shows this area as appropriate for office. The requested conditional use permit, would fit into this use and would be less intrusive than a full office complex that could be built on 12.8 acres. There is office use across Prince to the east and office zoning to the north across College Avenue.

Projected Traffic Impact. The property is currently zoned O-2 with a conditional use permit allowing 45% restricted retail on the north 9 acres. If the property was fully developed as allowed, numerous businesses could be placed on the northern portion creating moderate to high traffic counts. A nursing facility with senior living housing including 20 cottages will generate a much lower traffic count than the currently allowed office and retail.

Flood\Drainage. No part of the requested property is within any flood plain or flood way; however there is a significant creek that runs across the northern portion of the property.

Utility Infrastructure. Developers of the property should coordinate with Conway Corporation on utility upgrades needed for development on the property and Fire Department regarding fire hydrant location and needs. Currently there are no fire hydrants on the property. Fire hydrants will need to be placed when development proceeds.



Street Improvement. There are no current plans for street upgrades in this area, although approved Conditional Use Permit #1279 does require dedication of right-of-way for a roundabout at the intersection of College Avenue and Prince Street. Wescon Road on the west side of property was recently rebuilt to allow access to College Avenue from Prince St and Westin Park Subdivision. Additional right-of-way will be required as the proposed site is developed and platted.

Conway 2025. Not directly applicable.

STAFF COMMENTS

The applicant is seeking a conditional use permit to allow a nursing facility on the property. The draft proposal shows 10 cottages with 2 units each and a 68 unit assisted living facility with 44 assisted living rooms and 24 memory care units. The proposed site plan shows one main entrance on Prince St and an emergency exit onto Wescon Drive. Building placement for this development is paramount, so as not to disturb the existing neighborhoods to the west and north. The plan calls for the 20 cottage units being placed on the back half of property with a lake in the middle of the cottages. The larger facility would be placed on the front half facing Prince St. The developer proposes a 6 foot privacy fence

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Aerial View of 4550 Prince Street



4550 Prince Street - Comprehensive Plan

STAFF COMMENTS CONT.

around the property. Development review will capture the aesthetics of the site with landscaping requirements, lighting, and façade requirements. The use of the property would be lessened with the nursing facility use versus the option of restricted retail that is allowed by the existing conditional use permit. Traffic generation and the number of curb cuts will be much lower with a nursing facility/senior living versus office or retail use. Likewise, green space will be much more plentiful with the proposed development versus an office and retail complex requiring more infrastructure such as parking lots.

STAFF RECOMMENDATIONS

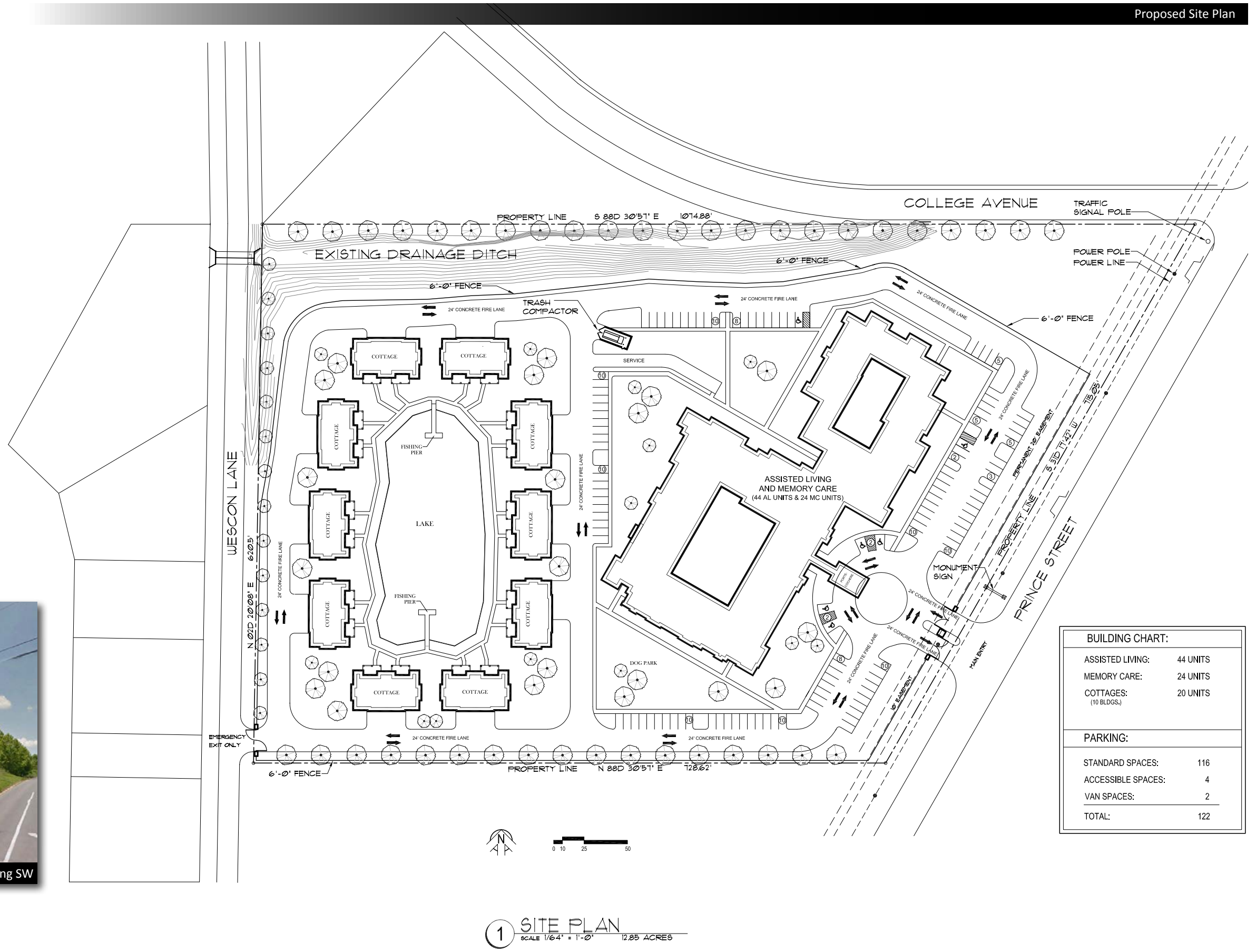
Planning Staff recommends approval of this request, as the proposed use is not a high intensity use and would not be detrimental to the residential areas near the proposed development. This proposal offers less traffic and more pervious surfaces than the currently allowed combination of office and retail use. The proposed development would be a buffer for Westin Park Subdivision as the development phases from a nursing home setting to residential structures closer to the existing residences.

Recommended Conditions:

1. Right-of-way at the College Avenue/Prince Street intersection for a roundabout per City Engineer specifications shall be dedicated during platting/development review.
2. The proposed development shall be generally constructed as presented.
3. Conditional Use Permit No. 1279, allowing restricted retail, shall be repealed and no longer in effect upon issuance of a building permit for the proposed senior development.



View of property from intersection of College Ave & Prince St looking SW



BUILDING CHART:	
ASSISTED LIVING:	44 UNITS
MEMORY CARE:	24 UNITS
COTTAGES:	20 UNITS
(10 BLDGS.)	
PARKING:	
STANDARD SPACES:	116
ACCESSIBLE SPACES:	4
VAN SPACES:	2
TOTAL:	122

1 SITE PLAN
SCALE 1/64" = 1'-0" 12.85 ACRES

2B TRINITY DEVELOPMENT REQUEST TO REZONE: R-1 AND O-1 TO MF-3

TRINITY DEVELOPMENT COMPANY REZONING REQUEST TO REZONE PROPERTY AT 2820 COLLEGE AVENUE FROM R-1 AND O-1 TO MF-3

APPLICANT
 Trinity Development Company
 P.O. Box 1735
 Conway, Arkansas 72033

STAFF REVIEW BY
 Jason Lyon, Asst. Director of Planning and Development
 1201 Oak St
 Conway, AR 72032

SITE DATA
Location. 2820 College Ave (to be Platted)

Site Area. 4.31 acres +/-

Current Zoning. R-1 (Single Family Residential District) and O-1 (General Office District)

Requested Zoning. MF-3 (Multi-Family District 24 units per acre)

Existing Structures. Single Family home at 2806 College Ave

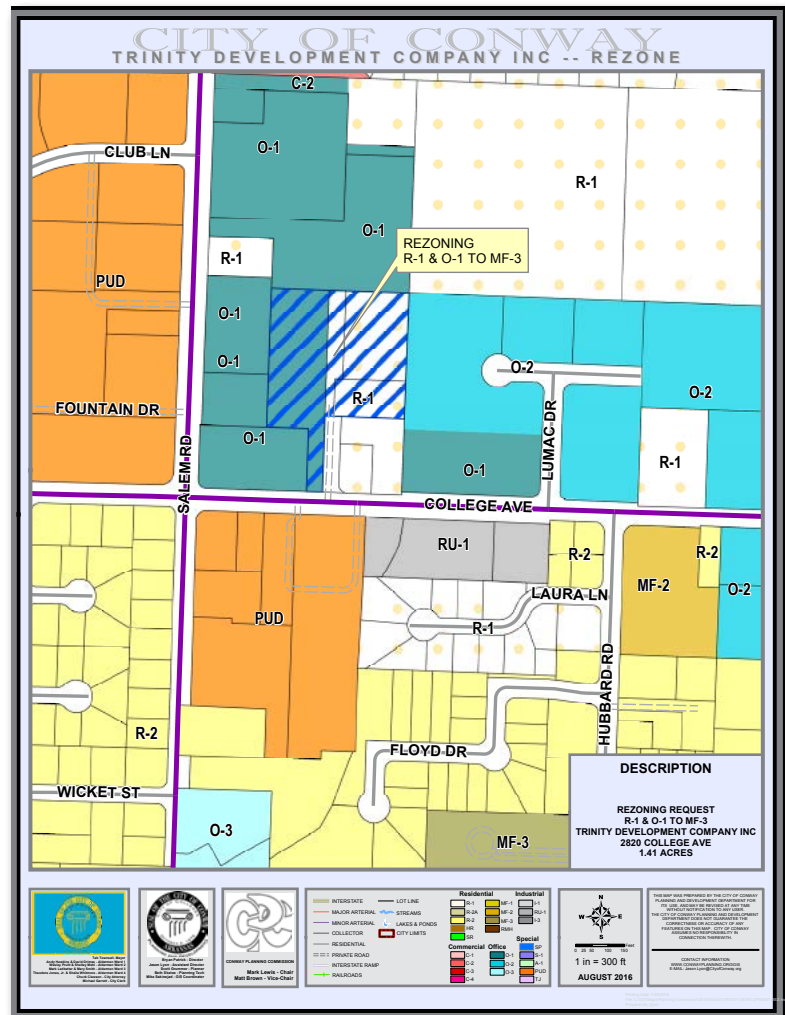
Overlay. None

Comprehensive Plan. The Comprehensive Plan shows this area as appropriate for office. The surrounding property fits this use as medical offices and banks are found adjacent to the property.

Projected Traffic Impact. With the existing R-1 zoning, minimal traffic would be generated as flood plain and floodway would inhibit single family development of this property. O-1 zoning would generate traffic at varying amounts depending on the type of business built. Adjacent to the property is a fast food restaurant, two banks, and a City fire station. An apartment building with 80 to 90 units would generate around 500 to 600 vehicle trips per day. Apartment traffic generation is spread throughout the day and typically does not create traffic conflicts with pass by traffic.

Utility Infrastructure. Developers of the property should coordinate with Conway Corporation on utility upgrades needed for development on the property and Fire Department regarding fire hydrant location and needs. There are 2 fire hydrants, #919 and #920, located within the proposed rezoning.

Flood/Drainage. Approximately .29 acres is located in the floodway and .54 acres is located in flood plain. This drainage area is located on the eastern portion of property near Tucker Creek.

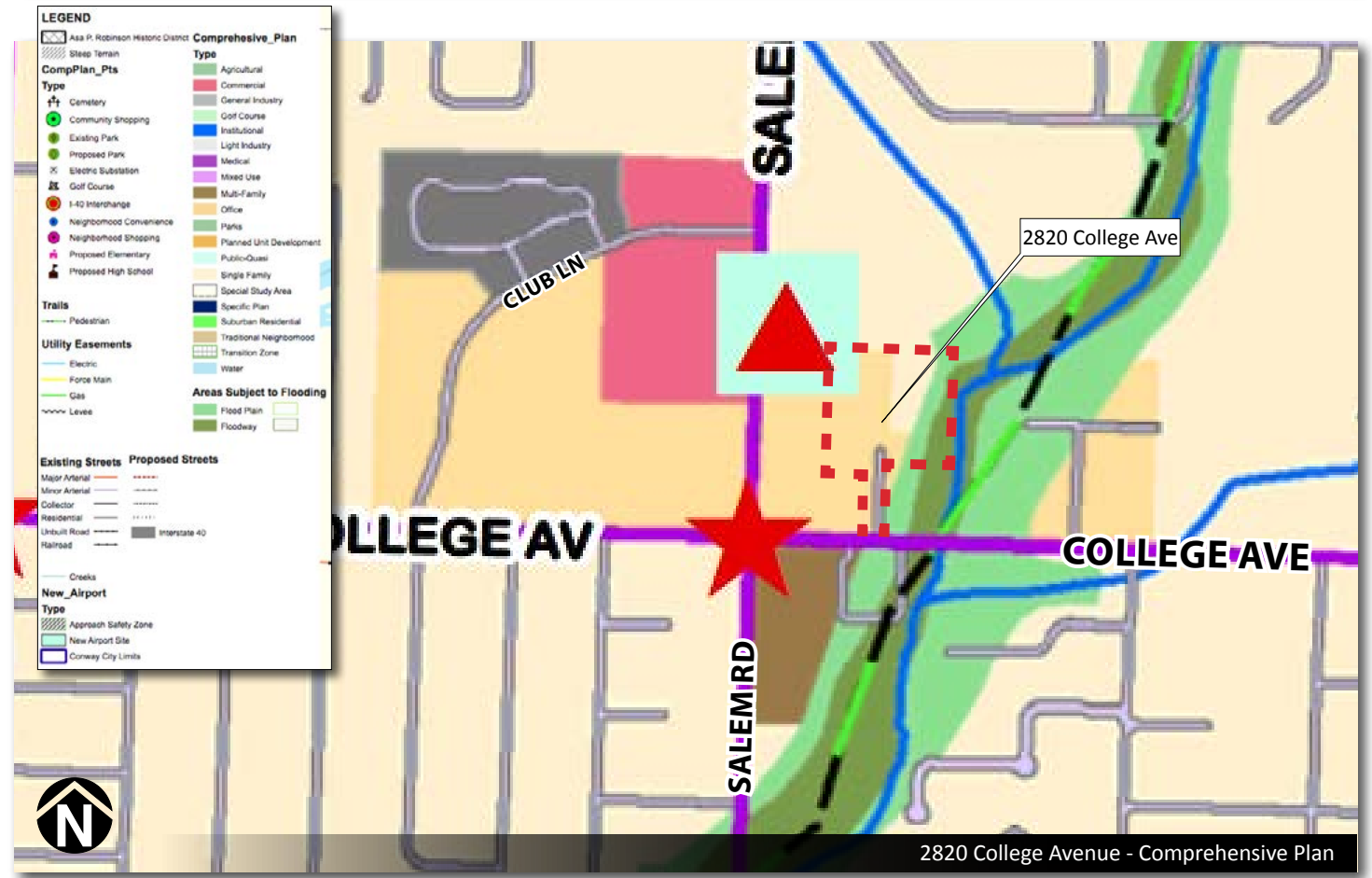


Street Improvements. There are plans to widen College Avenue in the future to four lanes, similar to recently completed Prince Street. The applicant is currently working on closing the unimproved right-of-way that runs north-south through the middle of the property. Plans are also in the works for a roundabout to be built at the College and Salem intersection. No timeline is known, but assume expansion within the next 5 years.

Conway 2025. The completed Tucker Creek Trail runs along the eastern edge of the property and should be easily accessible from this property.

STAFF COMMENTS
 The applicant is seeking a rezoning from R-1 (Single Family Residential District) and O-1 (General Office District) to MF-3 (Multi-Family District 24 units per acre) with plans to build apartment units. At 24 units per acre and removing floodway and flood plain acreage, there is approximately 3.6 acres of developable land yielding 84 total units. Currently, College Ave is highly congested, especially during peak hours and more so during the school year. Any development of this property will need secondary access. Left turns out of this development will be hindered until College Avenue is expanded.

continued on pg 14



Cross access to Salem Rd will be needed for the development to alleviate traffic concerns present along College Ave, this will be considered during development review. However, with 80-90 units, traffic from the complex itself would be negligible when compared to an office or retail center, particularly during peak hours.

STAFF RECOMMENDATIONS

Planning Staff recommends approval of this request, as MF-3 zoning would be less traffic intensive for the area versus full development of offices and retail specific businesses. With knowledge that College Avenue improvements are in the future, traffic generation from the site should not have a major impact on traffic. This rezoning would allow an infill project on vacant land surrounded by developed office and commercial properties. Residential use on this property is good fit for area due to proximity to shopping and park amenities. The newly finished Tucker Creek Trail runs alongside the property, allowing access by bike or walking to shopping and offices along the trail.



Mark Lewis, Chairman
Matthew Brown, Vice-Chairman
Justin Brown, Secretary
Marilyn Armstrong
Brooks Freeman
Dalencia Hervey
Bryan Quinn
Jerry Rye
Wendy Shirar
Anne Tucker

Contact the Conway Planning Commission by email at planningcommission@cityofconway.org

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501.450.6144 [f]
www.cityofconway.org