

September 21, 2026

The regular meeting of the Conway Board of Zoning Adjustment was held, in person, Monday, September 21st at the Conway City Hall. The following members, being a quorum, were present and acting: Ethan Reed, Mark Ferguson, Jensen Thielke, Keena Haygood, Cassidy Cook, Kevin Gambrell, Lori Quinn, and Grace Rains. Alexander Baney was absent.

I. Variance Review

A. Zoning variance to allow reduced front setback for property located at 2120 Shade Tree Dr (VAR-0826-0116)

Rebecca Alexander, Planner, explained the applicant is preparing to sell the home at this property. A survey was obtained showing the existing home is approximately 22.21' from the front property line, which denotes an encroachment of 2.79' into the required 25' front setback. Legacy permit records for this structure are not available, but the home was constructed in the year 2000 according to Faulkner County Assessor's Office data. In accordance with §702.2 the Zoning Code, the Board of Zoning Adjustment, consisting of the members of the Planning Commission shall, *"Hear and decide variance requests from the literal provisions of the Zoning Code in instances where strict enforcement of the Zoning Code would cause undue hardship because of circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the Zoning Code."*

The necessity of the variance is to bring the lot into conformance with the required front setbacks for the R-1 zoning district. All other setback requirements are met. The encroachment is hindering clear title work and preventing the sale of the property. The plat of record from 1994, which includes the subject property, identifies the front building setback as 25'; therefore, it can be surmised that the home was erroneously constructed within the front setback and the encroachment was not identified until a survey of the property post-construction was performed. The granting of this variance will not likely result in harm to any adjacent properties.

Bobby French (1021 Front St, Conway, AR) spoke in favor of the request.

There was no opposition to the request.

The public hearing was closed and presented to the Commission for discussion to which they concluded to approve the request with the below conditions. A motion to approve made by Jensen Thielke and seconded by Lori Quinn passed 8-0, with the chairman voting.

CONDITIONS

1. This variance is exclusively applied to the existing primary structure and will not be applied to any future structures on site.
2. Buildings setbacks will be established as follows:
 - Front: 22 feet
 - Rear: 25 feet
 - Side: 6 feet

B. Zoning variance to allow a commercial accessory structure >160 square feet for property located at 10 Lower Ridge Rd (VAR-0826-0126)

Tara Jackson, Assistant Director, explained the property serves as a public recreational site with indoor and outdoor amenities. The indoor amenities are hosted in the site's primary structure and the outdoor amenities include t-ball and softball fields. The proposal is to remove the existing concession stand serving the t-ball and softball fields and replace it with a new structure. The proposal is for an accessory

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structure with 1,990sf of conditioned space and 2,050sf of porch for a total of 4,040 total covered area. The use of the site for "Recreation facilities, community" is allowed by right in the S-1 district. Other typical uses in the S-1 district include school facilities and medical establishments. Accessory uses are permitted in the S-1 district. There are legal, non-conforming accessory structures on site. The project proposal is for the replacement of a legal non-conforming accessory structure on site. The existing structure is approximately 1,500sf. According to §602.2 – Destruction of nonconforming buildings or structures, *"Any structure developed prior to ordinance passage that complied with former ordinance standards but has been rendered substandard by the new ordinance may be termed a preexisting nonconforming structure and, in the event of damage or destruction, may be rebuilt to completion at the original site within one and one-half (1 ½) years of destruction and shall not exceed the original dimensions of the nonconforming building or structure."* According to §602.1 – Alteration, Enlargement, or Relocation of Buildings and Structures, *"A building or structure which is conforming as to use but is nonconforming as to yards or height or off-street parking space, may be structurally enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which such building or structure is located. No non-conforming structure or building shall be moved, in whole or in part, to another location unless every portion of such building or structure is made to conform to all the regulations of the district in which it is to be located."* The existing concession structure has not been destroyed. It is not being enlarged, it is being demolished and rebuilt. Therefore, the provisions of Article VI. Nonconforming Buildings, Structures, and Uses of Land do not apply and a variance to the commercial accessory building square footage maximum is necessary for continued use and enjoyment of the property. Because the acreage of the site is 79.19 acres and the use of the site is recreational, the strict application of 160sf for an accessory structure results in an undue hardship as it is an insufficient amount of space to accommodate accessory recreational uses, such as concessions and restrooms. The need for concessions and restroom facilities are unique to the property and are not applicable, generally, to other properties in other institutional districts. The literal interpretation of a 160sf maximum for accessory structures would deprive the applicant of the right to enjoy the use of the property as it would preclude the property owner from providing basic amenities to the ballpark patrons, thereby potentially limiting its use by patrons and overall utility as a sports complex. The Lower Ridge Road Corridor Study refers to the Don Owen Sports Complex as a use that should remain consistent as a neighborhood amenity for residents. There is a proposed Connect Conway trail segment along the site. The accessory structure will not impact the trail system. The structure will not impact the public welfare, other property, or improvements in the area in which the property is located. It is a large site, the accessory building is centrally located on site, and will not impact other zoning requirements such as lot coverage, height, and setbacks. An outbuilding of 4,040sf complies with the spirit and intent of the accessory building restrictions imposed by this code as it will not overwhelm the primary structure, nor compromise the utility of the site, and is the minimum variance necessary to make reasonable use of the property.

Liz Hamilton (525 Cedar Lake Cv, Conway, AR) spoke in favor of the request.

There was no opposition to the request.

The public hearing was closed and presented to the Commission for discussion to which they concluded to approve the request with the below conditions. A motion to approve made by Lori Quinn and seconded by Grace Rains passed 8-0, with the chairman voting.

CONDITIONS

1. The variance is granted for an accessory structure greater than 160sf.
2. The accessory structure shall be constructed according to the dimensions and orientation as proposed on the submitted elevations and site plan.
3. The variance shall become lapse and void if building permits have not been issued within 18 months of approval of this variance.
4. The variance shall become lapse and void if building permits expire and are not re-applied for within 18 months of approval of this variance.
5. The variance shall become lapse and void if building permits expire after 18 months of approval of this

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variance.

There being no further business to conduct, the Board of Zoning and Adjustment meeting was adjourned by unanimous vote on a motion made by Grace Rains and seconded by Keena Haygood.

The regular meeting of the Conway Planning Commission was held, in person, Monday, September 21st at the Conway City Hall. The following members, being a quorum, were present and acting: Ethan Reed, Mark Ferguson, Jensen Thielke, Keena Haygood, Cassidy Cook, Kevin Gambrell, Lori Quinn, and Grace Rains. Alexander Baney was absent.

Minutes from the August 17th meeting were approved on a motion made by Cassidy Cook and seconded by Keena Haygood passed 8-0, with the chairman voting.

II. Public Hearings

A. Rezone property at 1200 Museum Rd from A-1 to C-3 (REZ-0826-0123)

Rebecca Alexander, Planner, explained the current A-1 portion of land is a 0.69 acre portion of an approximately 5 acre parcel; 4.34 acres of this parcel are already zoned C-3. At the time of this report, it is the intent of the applicant to rezone this parcel so it is entirely C-3 and replat to create a total of 3 lots. This parcel was included in a ±36.47-acre annexation into the City of Conway on February 8, 1977, zoned A-1, by ordinance O-77-01. Its annexation predates the modern Zoning Code and Subdivision Regulations. The parcel was rezoned to C-3 on February 12, 1985, by ordinance O-85-05, except the 0.69-acre subject of the present rezone request. Rezoning this portion from A-1 to C-3 will correct both an example of split-zoning and a section of A-1 zoning that would not meet the 1-acre minimum requirement when the time for platting and subdivision comes. Abutting land uses include: North: A multi-tenant office/medical clinic building; and the Arkansas Department of Human Services Faulkner County office; East: City of Colleges Park; South: Conway Steel Fabrication; West: Vacant C-3 parcel, and a self-storage facility. The Comprehensive Plan indicates the property as Single-Family; the request does not align with that designation. Platting will be required in accordance with the City of Conway Subdivision Regulations and Conway Zoning Code.

Bobby French (1021 Front St, Conway, AR) spoke in favor of the request.

There was no opposition to the request.

The public hearing was closed and presented to the Commission for discussion to which they concluded to approve the request. A motion to approve made by Keena Haygood and seconded by Cassidy Cook passed 8-0, with the chairman voting.

B. Rezone property at 0 S German Ln from A-1 to R-2 (REZ-0826-0125)

Rebecca Alexander, Planner, explained the R-2 zone requires lots be a minimum of 50' wide, regardless of use; however, single-family lots must be 6,000sf while duplex lots must be 7,000sf (3,500sf per dwelling unit). The applicant's intent is to construct internal streets and subdivide individual single-family lots along them. This could result in a gross estimate of 130 single-family lots or 114 duplex lots. This parcel was part of a 1,285-acre annexation, titled the "Big South Annexation", from January 14, 1986 (O-86-05). It was zoned A-1 as part of that annexation. Most of the abutting land is presently vacant or undeveloped. To the south, much of the abutting land is owned by the City of Conway which has the Stone Dam Creek Trail throughout. There is also a single-family home nearly abutting to the south, though it is separated by a 50-foot-wide unbuildable lot (see Lot 3, Favre Subdivision). Abutting to the north is Carriage Courts, a development of various styles of attached dwellings. The majority of uses allowed by-right in the R-2 zone

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are single- and two-family uses or similar. Non-residential uses allowed by right in the R-2 zone include: botanical garden; greenhouse (no products sold on-site). The Comprehensive Plan indicates the property as Single-Family. The request conforms. Platting will be required and shall align with the City of Conway Subdivision Regulations and Conway Zoning Code.

Bobby French (1021 Front St, Conway, AR) and Joanna Nabholz (1109 Main St) spoke in favor of the request.

There was no opposition to the request.

The public hearing was closed and presented to the Commission for discussion to which they concluded to approve the request. A motion to approve made by Cassidy Cook and seconded by Jensen Thielke passed 8-0, with the chairman voting.

C. Rezone property at Encore Phase 3 from A-1 to MF-1 (REZ-0826-0127)

Lauren Hoffman, Planner, explained the applicant is requesting a rezoning from A-1 to MF-1 for the purpose of developing a third phase of the adjacent multi-family development, Encore at Lewis Ranch. The Comprehensive Plan designates the area as a Single Family. The requested MF-1 district is intended for medium residential development and may act as a buffer between low-density residential and higher density-residential development. MF-1 allows up to 12 units per gross acre. Phase 1 is ±4.77 acres zoned MF-3 (24 units/acre) with 105 dwelling units. Phase 2 is ±5.11 acres zoned MF-2 (18 units/acre) with 92 dwelling units. Phase 3 is proposed ±8.19 acres with a requested zoning of MF-1 (12 units/acre) with 98 possible dwelling units. This property was annexed as A-1 into the City of Conway in November of 1992 as part of the Manley et al ±277.3-acre annexation. Zoning has not changed since being annexed. As all abutting parcels to the east and north consist of rural and single-family residential development, a smaller density multi-family zoning is likely more suitable and would provide an appropriate decrease in density as a transition. There is a R-2 proposed rezone to the eastern portion of this property creating a buffer between this proposed MF-1 zone and Southerland Rd. MF-1 districts can be used in suburban portions of the city as buffer or transitional zones between single-family and other uses not compatible with low density residential development. Zoning and development to the west are largely commercial and multi-family. The land to the east is significantly less intense in use and development. Hence, an appropriate level of transition is necessary to step down the zoning of land toward the east. The A-1 District is designed to preserve and protect prime agricultural lands and to protect undeveloped areas from intensive uses until a use pattern is approved. The less dense MF-1 request would likely provide an appropriate decrease in zoning and serve as a transition from more intense uses to the west and the rural single-family residential to the east. Platting will be required and shall align with the City of Conway Subdivision Regulations and Conway Zoning Code. Detention needs, access requirements, and subdivision design will be accounted for in the review of the Drainage Report and Street and Drainage Plans that are reviewed during the preliminary plat process. Preliminary plat approval will be required by Planning Commission prior to infrastructure improvements.

Adam Harrison (5659 Prince St, Conway, AR) spoke in favor of the request.

Laci Lyons (43 Southerland Rd, Conway, AR) spoke in opposition to the request.

The public hearing was closed and presented to the Commission for discussion to which they concluded to approve the request. A motion to approve made by Kevin Gambrell and seconded by Jensen Thielke passed 8-0, with the chairman voting.

D. Rezone property at the Encore development from A-1 to R-2 (REZ-0826-0128)

Lauren Hoffman, Planner, explained the applicant is requesting a rezoning of this parcel of land from A-1

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to R-2 for either single or two-family residential development. This property was annexed as A-1 into the City of Conway in November of 1992 as part of the Manley et al ±277.31-acre annexation. Zoning has not changed since then. Abutting land uses are single family to the north, south, and east and vacant to the west until the Encore at Lewis Ranch Apartments Ph2. MF-1 density is proposed to the west of this property with rezoning application REZ-0826-0127. Maximum density achieved with MF-1 for that property could be up to 98 dwelling units. The Comprehensive Plan indicates the property as Single Family. The A-1 District is designed to preserve and protect prime agricultural lands and to protect undeveloped areas from intensive uses until a use pattern is approved. The R-2 District encourages the same basic restrictions as the R-2A districts and permits a slightly higher population density area for family living protected from all commercial and industrial activity. This zoning district would provide a buffer from the MF districts to the west and single-family/agricultural uses to the surrounding north and west. Platting will be required and shall align with the City of Conway Subdivision Regulations and Conway Zoning Code. Detention needs, access requirements, and subdivision design will be accounted for in the review of the Drainage Report and Street and Drainage Plans that are reviewed during the preliminary plat process. Preliminary plat approval will be required by Planning Commission prior to infrastructure improvements.

Adam Harrison (5659 Prince St, Conway, AR) spoke in favor of the request.

Laci Lyons (43 Southerland Rd, Conway, AR) and Greg Smith (28 Southerland Rd, Conway, AR) spoke in opposition to the request.

The public hearing was closed and presented to the Commission for discussion to which they concluded to approve the request. A motion to approve made by Lori Quinn and seconded by Cassidy Cook passed 8-0, with the chairman voting.

E. Conditional use permit to allow up to 12 dwelling units per acre in a R-2 zoning district (CUP-0826-0129)

Lauren Hoffman, Planner, explained the applicant is proposing to develop this parcel of land for a 14 building (28 unit) duplex development. This property was rezoned in March of 2025 (O-25-31) from R-1 to R-2 for the intent of two-family density development. Prior to this, the parcel was annexed as A-1 (Agricultural District) in 1961 and was later rezoned to R-1. The Comprehensive Plan indicates this property and all properties to the west, south, and east to be Single-Family. Land to the east and south is zoned C-3 and developed with commercial mini-storage, office, and automobile service uses along North Creek Dr with the Ola & John Hawks Senior Center adjacent to the east. To the west is predominantly large lot Single-Family and vacant Single-Family zone land to the north. This development could act as a transition between the higher density and commercial land uses to the south and east to the single-family uses and zoning classifications to the north and west. Access to all dwellings will be achieved through one internal access drive from E Siebenmorgen Rd to the north. Based solely on acreage, the property could accommodate up to 19 duplexes or 38 dwelling units. If developed as shown on submitted site plan, the applicant is accounting for required fire approved turnaround, greenspace, and detention resulting in a proposal for 14 duplexes or 28 units. If developed on a single lot as shown, the development will be subject to site development review including review of civil engineered plans, building elevations, and a drainage report. Platting will be required by the City of Conway Subdivision Regulations. Up to 12 Dwelling Units Per Acre, single lot, is not allowed by right in the R-2 zone but can be allowed via an approved Conditional Use Permit.

Patrick Hageman (240 Skyline Dr, Conway, AR) spoke in favor of the request.

There was no opposition to the request.

The public hearing was closed and presented to the Commission for discussion to which they concluded to amend condition #6 and approve the request. A motion to amend Condition #6 made by Kevin Gambrill and seconded by Cassidy Cook passed 8-0, with the chairman voting. A motion to

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approve the Conditional Use Permit with the below modified conditions made by Kevin Gambrill and seconded by Cassidy Cook passed 8-0, with the chairman voting.

CONDITIONS

1. MF-1 density is permitted.
2. Development standards not addressed through [CUP-0826-0129] review shall be governed by the City of Conway Zoning, Subdivision and Building Code regulations to the extent they are not in conflict with the intent or text of [CUP-0826-0129].
3. Lot, Yard, and Height Regulations shall conform with the R-2 standards regarding setback requirements, stories, and feet. Max building and lot coverage shall conform to 30% for structures and 60% for all impervious surfaces.
4. The fronts of all units shall be oriented to, and take access from, the internal access drive.
5. No accessory structures shall be permitted.
6. An opaque wood privacy fence at least 6' and no more than 8' in height shall be required to be installed and maintained along the entire western, southern and eastern property boundaries.
7. Existing mature, significant (trees over 8" in diameter at breast height) shall be incorporated into landscape plans to maintain the existing canopy.
8. All signage shall conform to the Conway Sign Code standards for residential zones.
9. The conditional use approval shall become null and void if construction for the use does not commence within 18 months from the date of approval of this permit.
10. Any changes to or expansion of the approved use shall require an amended or new conditional use permit.
11. The conditional use permit shall expire if the use ceases for a consecutive period of greater than 18 months.

F. Request to annex 120 acres +/- located at Skunk Hollow Rd, to be zoned R-1 and MF-1 (ANN-0726-0107)

Mark Ferguson recused himself for this item.

Tara Jackson, Assistant Director, explained the applicant is requesting to annex property into the City with R-1 zoning across 90 acres +/- and MF-1 zoning across 30 acres +/- . As established through A.C.A. § 14-40-609 (b)(1), the request is a 100% Petition Annexation whereby *"Individuals who own property in a county that is contiguous to a city or town may petition the governing body of the city or town to annex the property that is contiguous to the city or town."* An order has been provided from the County Court of Faulkner County releasing the land for annexation into the City of Conway on July 31 2026, via Order CC-26-014. The annexation ordinance must clearly state that the City will accept the portions of Skunk Hollow Rd dedicated as right-of-way to the City for public maintenance. Documentation has been received from the Department of Administrative Services showing the applicant has coordinated with that office. Per the City of Conway Annexation Guidelines and Procedures, as established through state statute A.C.A § 14-38-101—108 and 14-38-114—116 and City of Conway Ordinance #O-22-77, all areas to be annexed must be contiguous to and adjoin lands which are included with the City of Conway, Arkansas. The property is contiguous to the City along a northern property boundary. No county or city islands will result from this annexation. The surrounding area is characterized by a mixture of large (greater than 1 acre) and medium (.25acre-1 acre) parcels with single-family residences; a county subdivision comprised of 70, approximately 7,000sf single-family lots to the north; and a behavioral health center directly to the east. A meeting of affected agencies was initiated through the Office of the Mayor to ensure Comprehensive Plan annexation strategies are implemented: *"Annexation should be considered in light of where the City can adequately and effectively extend municipal services"* This meeting resulted in commentary from the agencies and a request for written responses by September 2, 2026. The following agencies were coordinated with, and the status of the response is noted: Conway Public School District – Response; City of Conway Department of Sanitation – Response; City of Conway Department of Transportation – Response; City of Conway Fire Department – Response; City of Conway Police Department – Response; City of Conway Department of Finance – Response; City of Conway Building Permits & Inspection – Response; Conway Corporation – Response; Faulkner County – No Response/Response Pending.

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Conway Public School District

- The annexation could impact Conway Public Schools.
- Housing development requires expanded bus routes.
- Request that street designs accommodate standard school bus navigation.
- Could cause overcrowding in schools in the area.
- Stand ready to serve these students and their families.

Department of Sanitation

- Reviewed the operation and budgetary effects of the proposed Barro Bend annexation with a summary of the expected impact on collections, staffing and department finances.
- The summary is based upon approximately 400 units.
- Initial costs to the department are around \$632,000, with \$444,000 being one-time capital and recurring personnel and operating costs of \$187,000.
- With the residential fees, 400 accounts would generate about \$81,600.

Department of Transportation

- Recommend that no action be taken on the annexation item until a traffic impact study is completed to evaluate impacts of the proposed development on Skunk Hollow Rd, Highway 286/Dave Ward Dr and Middle Rd.
 - The study should also identify any necessary transportation improvements and provide preliminary cost estimates for those improvements.
- On September 15, 2026, Holloway Engineering provided a Trip Generation Report that includes the following summary from Traffic Engineering Consultant, Finley Vinson, "The current construction at Dave Ward Drive and Skunk Hollow Road is anticipated to improve traffic operations at that intersection and provide additional capacity to accommodate development-related traffic; however, intersection capacity analysis would be necessary to confirm that adequate capacity is available."
 - The revision deadline for this report was September 10, 2026.
 - As of the writing of this report, Conway Department of Transportation has not provided additional feedback regarding the submitted Trip Generation Report.
- Regarding new streets and storm drainage infrastructure, the ongoing maintenance requirements for this infrastructure are expected to be typical and should not create a significant additional strain on the City's maintenance workload.

Fire Department

- The proposed annexation area is outside the recommended response area for a 1st due unit and could potentially jeopardize Conway's Class 1 ISO rating. The Class 1 ISO rating affects citizens and businesses in terms of level of protection and insurance rates. The rating would only be secured with the construction of a new station in the annexation area.
 - The total start-up cost, not including land but including fire station construction, is \$7,032,000.

Police Department

- The development can be adequately serviced with existing resources and current deployment structure.
- Based upon an assessment of 400 units, the demand for police services and calls for service within the area will increase.
- Future annexations and development in the area will require evaluation to ensure adequate service as it may result in the need

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for a new patrol district.

- The current proposal does not necessitate a new patrol district.

Department of Finance

- Based upon 400 single-family homes ranging in size from 1,200 to 2,200 square feet, the annexation has the potential to generate \$800,000 per year, with much of that going to the school district.
- Approximately \$90,000 per year would directly benefit the city.
- The analysis is based upon property tax revenue and does not include any other financial impact from population growth that could result from the annexation.

Conway Corporation

- Supports the annexation.
- Annexation is required in order to connect to Conway Corp electric and wastewater utilities.
- Connecting to Conway Corp wastewater helps inhibit the proliferation of package treatment plants.
- Annexation before development allows Conway Corp to avoid purchasing electric customers from Entergy.
 - When Conway Corp purchases existing electric customers from Entergy, they pay 355% gross annual revenue, cost less depreciation of the electric system assets, and reintegration costs for Entergy's system.

Roy Andrews (200 Casey Dr, Maumelle, AR) spoke in favor of the request.

There was no opposition to the request.

The applicant requested to table the item.

The public hearing was closed and the Commission accepted the Applicant's request to table the item. A motion to table made by Lori Quinn and seconded by Keena Haygood passed 7-0, with the chairman voting.

III. Subdivision Review

A. Preliminary plat approval for Barro Bend District (SUB-0726-0105)

A motion to table the preliminary plat made by Grace Rains and seconded by Kevin Gambrill passed 8-0, with the chairman voting.

B. Preliminary plat approval for Barro Bend Terrace (SUB-0726-0106)

A motion to table the preliminary plat made by Grace Rains and seconded by Keena Haygood passed 8-0, with the chairman voting.

I. ANNOUNCEMENTS/ADDITIONAL BUSINESS

A. Announcement

Anne Tucker, Director, announced Davey Group will host a Zoom meeting on October 19th at 5:00 PM to present their findings on the community forest plan.

B. Next Meeting

The next Planning Commission meeting will be at 5:30 PM on October 19th at Conway City Hall.



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ITEMS NOT REQUIRING PLANNING COMMISSION ACTION

A. Plats filed for record (Lot Splits, Lot Mergers, and Final Plats)

1. (P2026-00042) Replat of Lot 226D Fidler's Survey
2. (P2026-00044) Final Plat Capital Replat Being a replat of Lot 13 & Lot 14 CON-ARK I-40 Commercial Subdivision

Adjournment

There being no further business to conduct, the meeting was adjourned by unanimous vote on a motion made by Jensen Thielke and seconded by Cassidy Cook.

Approved:

A handwritten signature in black ink, appearing to read "E. Reed", written over a horizontal line.

2026 Chairman, Ethan Reed