



City of Conway, Arkansas  
CITY COUNCIL  
Agenda • January 10, 2023  
[www.conwayarkansas.gov](http://www.conwayarkansas.gov)

Elected Officials  
Mayor Bart Castleberry  
City Clerk Michael O. Garrett  
City Attorney Charles Finkenbinder

Ward 1 Position 1 – Andy Hawkins  
Ward 1 Position 2 – David Grimes  
Ward 2 Position 1 – Anne Tucker  
Ward 2 Position 2 – Shelley Mehl  
Ward 3 Position 1 – Mark Ledbetter  
Ward 3 Position 2 – Cindy Webb  
Ward 4 Position 1 – Theodore Jones Jr.  
Ward 4 Position 2 – Shelia Isby

---

<b>5:30pm:</b>	No Committee Meeting
<b>6:00pm:</b>	City Council Meeting • City Council Chambers • 1111 Main Street
<u>Call to Order:</u>	Bart Castleberry, Mayor
<u>Roll Call:</u>	Michael O. Garrett, Clerk/Treasurer
<u>Minutes Approval:</u>	December 13, 2022

---

**A. Economic Development Committee ((Conway Area Chamber of Commerce, Conway Development Corporation, Conway Downtown Partnership, & Conway Corporation))**

1. Resolution to approve an Arkansas Advantage application for Turbare Manufacturing.
2. Resolution to approve applying for the GRID Resilience and Innovation Partnership Program grant with Conway Corporation.

**B. Community Development Committee (Airport, Community Development, Code Enforcement, Permits, Inspections, & Transportation, Planning & Development)**

1. Resolution to approve the policies and procedures for the FY2023 for City Council.
2. Ordinance approving the private club permit location for Los Gallitos de Faulkner, Inc. to be located at 1250 Old Morrilton Highway
3. Ordinance approving the private club permit location for Malys Entertainment Non-Profit, Inc. to be located at 1355 East Dave Ward Drive.
4. Ordinance appropriating funds and approving entering into an agreement with Central Arkansas Professional Surveying for the Conway Drainage Survey Project for the Transportation Department.
5. Ordinance appropriating funds to purchase property located at 811 Court Street for the Chestnut Drainage & Sewer Project for the Transportation Department.
6. Ordinance appropriating reimbursement funds for 2021 CLG Grant for the Historic District Commission.
7. Ordinance to rezone property located on the eastern 10.02 acres ± of property located at 1150 Dave Ward Drive from I-3 to C-3.
8. Ordinance approving the annexation of 6.05 acres ± located north of Hwy 319 and immediately west of 5580 Hwy 319 to be zoned A-1.
9. Ordinance to rezone property located at 2505 Prince Street and 963 Farris Road from O-3 and R-1 to O-1.
10. Consideration to approve a conditional use permit for 6.06 acres ± for property located at the northwest corner of the intersection of Dave Ward Drive and S Country Club Road.

11. Consideration to approve a conditional use permit in an O-1 zoning district for property located at 2505 and 2515 Prince Street and 963 Farris Road.
12. Ordinance to amend the Conway Zoning Code for the purpose of regulating accessory dwelling units.
13. Ordinance to amend §515A [Hospital Services] of the Conway Zoning Code.
14. Ordinance to amend Article VII [Board of Zoning Adjustment] of the Conway Zoning Code.

**C. Public Service Committee (Physical Plant, Parks & Recreation, Sanitation)**

1. Ordinance appropriating funds for Conway Station Park for the Parks & Recreation Department.

**D. Public Safety Committee (District Court, Department of Information Systems & Technology, Animal Welfare, Communication Emergency Operations Center, Police, Fire, & Office of the City Attorney)**

1. Consideration to approve an amendment to the agreement for Fire Station #6 located at 1835 South Donaghey Avenue.

*Adjournment*



**City of Conway , Arkansas  
Resolution No. R-23-\_\_\_\_\_**

**RESOLUTION OF THE CITY OF CONWAY CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE ADVANTAGE ARKANSAS PROGRAM (ALSO KNOWN AS THE ARKANSAS ENTERPRISE ZONE PROGRAM) - ACT 947 OF 1993 AS AMENDED**

**WHEREAS**, the local government must endorse a business to participate in the Advantage Arkansas Program and benefit from the refunds/tax credits as provided in the Arkansas Enterprise Zone Program Regulations of 1993; and

**WHEREAS**, said endorsement must be made on a specific form available from AEDC; and

**WHEREAS**, Turbare Manufacturing, located at 925 Jeanette Drive, has sought to participate in the program and, more specifically, has requested benefits accruing from expansion and modernization of the specific facility; and

**WHEREAS**, Turbare Manufacturing has agreed to furnish the local government all necessary information for compliance.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CONWAY, ARKANSAS, THAT:**

1. Turbare Manufacturing be endorsed by the City of Conway for benefits from the refund/tax credits as provided in the Arkansas Enterprise Zone Program Regulations of 1993, as amended.
2. This resolution shall take effect immediately.

Passed this 10<sup>th</sup> day of January, 2022.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

\_\_\_\_\_  
**Michael O. Garrett  
City Clerk/Treasurer**



**City of Conway, Arkansas  
Resolution No. R-23-\_\_\_\_\_**

**A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF CONWAY ON BEHALF OF CONWAY CORP TO APPLY FOR THE GRID RESILIENCE AND INNOVATION PARTNERSHIP PROGRAM (GRIP)**

**Whereas**, the Grid Deployment office recently introduced a funding opportunity for financial assistance for local governments to collaborate with electric sector owners and operations to deploy projects that use innovative approaches to transmission, storage, and distribution infrastructure to enhance grid resilience and reliability; and

**Whereas**, the program will assist Conway Corp construct the first phase of a 69 kV loop, including 2 substations and 5 miles of 69 kV transmission lines on the east side of Conway, Arkansas; and

**Whereas**, a concept paper is due January 13, DOE Responses to concept papers are due February 24 and the full application is due May 19, 2023; and

**Whereas**, Conway Corporation will be applying for \$23,000,000 with 50% cost share and does not require a match from the City of Conway.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CONWAY, ARKANSAS THAT:**

**Section 1.** City of Conway will partner with Conway Corporation to apply for the Grid Resilience and Innovation Partnership Program Grant.

**Section 2.** If awarded, Conway Corporation will be a subrecipient of this award and responsible for ensuring the use of the award is eligible.

**Section 3.** Conway Mayor Bart Castleberry is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the above stated project, if awarded.

**THIS RESOLUTION** adopted this 10<sup>th</sup> day of January, 2023

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

\_\_\_\_\_  
**Michael O. Garrett  
City Clerk/Treasurer**



**City of Conway, Arkansas  
Resolution No. R-23-\_\_\_\_\_**

**A RESOLUTION ADOPTING THE ORGANIZATIONAL RULES AND PROCEDURES FOR THE CONWAY CITY  
COUNCIL FOR THE CALENDAR YEAR 2023**

**Whereas**, by state law city councils are charged with organizing their proceedings and setting their rules; and

**Whereas**, City councils are task to set their organizational rules and procedures at the first business meeting every year; and

**Whereas**, the City is required by law to have a majority of the elected members of the City Council vote on a particular issue in order to adopt or approve a measure presented for consideration; and

**Whereas**, the City maintains the ability to provide electronic means which would permit a City Council Member to view a particular meeting as it is being held and also enable that Member to actively participate in the meeting despite the fact that they are not physically present in City Council Chambers, or such other location where a City Council meeting is being held; and

**Whereas**, due to health concerns regarding the COVID-19 virus, public health officials recommend limiting the number of persons physically present at public meetings; and

**Whereas**, the City maintains the ability to broadcast/livestream City Council meetings so that the meetings may be viewed electronically without physical presence at the meeting; and

**Whereas**, the City desires a method for members of the public to present comments on agenda items without physically attending the meeting during this period of health concern.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
CONWAY ARKANSAS THAT:**

**Section 1.** The Conway City Council shall formally adopt the rules and procedures of its long standing traditions and its general adherence to Robert's Rules of Order as written in the Rules & Procedures for Conway City Council, January 2023 document presented at the January 10<sup>th</sup>, 2023 City Council meeting.

**Section 2.** Special rules set forth in said Rules & Procedures for Conway City Council and regarding the conduct of City Council meetings during the pandemic emergency shall remain in effect until such time as the City Council determines that such special rules are no longer necessary to ensure health and safety due to the COVID-19 virus.

**Approved:**

**Attest:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

\_\_\_\_\_  
**Michael O. Garrett  
City Clerk/Treasurer**

# Rules & Procedures

Conway City Council

January 2023

## **THE CONWAY CITY COUNCIL RULES AND PROCEDURES:**

### **City Council Jurisdiction:**

The City Council shall possess all legislative powers granted by state law to cities of the first class and other corporate powers of the city not prohibited in state law or by some ordinance of the city council made in pursuance of the provisions therein and conferred on some officer of the city. [A.C.A. 14-43-502(a)]

The City Council shall have the management and control of finances, and of all real and personal property belonging to the corporation. [A.C.A. 14-43-502(b)(1)]

### **City Council Meetings:**

City Council meetings are always open to the public. [A.C.A. 14-43-502 (b)(2)(A)]

The City Council shall conduct regular business meetings at 6:00pm in the City of Conway Council Chambers building located at 1111 Main Street on the second and fourth Tuesdays of each month. If City Council meets in committee, it will start at @ 5:30pm. The City Council by majority vote may reschedule or cancel such meeting as it deems necessary on a meeting by meeting basis. [A.C.A. 14-43-502 (b)(2)(A)]

Special or emergency meetings of the City Council may be called by the Mayor or any three (3) alderman by signed submittal of time and place of the scheduled meeting and its agenda to the Mayor or Office of the Mayor, City Clerk or Office of the City Clerk, or the City Attorney, or the Office of the City Attorney in a timely manner to fully comply with the two hour notification requirement [A.C.A. 25-19-106(6)(2)] for all media and for the same notification of all elected city officials. The notification shall be deemed given when those to be notified have been contacted or when an attempt to contact them has been made by the proper time, by every means of instant communications they have submitted for notification purposes.

### **Agenda for City Council Meetings:**

Agenda items shall consist of all items of city business needing city council approval, judgment or review arising out of the city budget; city departments; City Council committees; city committees, boards, and commissions; and all city systems and processes submitted for the purpose of city council action according to the procedures herein described.

Agenda items may also be submitted by the Mayor or any Alderman following the procedures herein described for consideration at any city council meeting. Planning Commission items are automatically forwarded to the Office of the Mayor for inclusion on the agenda.

The Office of the Mayor prepares the agenda. All Agenda items for consideration at regular City Council meetings must be submitted to the Office of the Mayor by 12:00pm no later than seven days prior to the City Council meeting. Items may be submitted later with the Mayor's approval; however, the published Agenda shall not include items submitted after 12:00pm the Friday before the Tuesday City Council meeting. All items should be submitted electronically (if applicable) with all necessary documentation, including ordinances and/or resolutions.

The City Council may by a non-debatable two-thirds majority vote, add an item of business to any regular, special, or emergency City Council meeting

Preparation of the Agenda packet for each regular City Council meeting should be completed and the agenda published before the close of business on Friday before the Tuesday City Council meeting. An electronic copy shall be sent to each Aldermen Department Head and made available on the city's website. This schedule may change for rescheduled meetings and does not apply to special meetings.

### **Conduct of the City Council Meeting:**

The Mayor shall be the ex officio President of the City Council and shall preside at its meetings, regular and special. [A.C.A. 14-43-501 (b) (1) (A)]

A quorum is defined as a majority of all Aldermen on the City Council.

The City Council may as necessary compel the attendance of absent members in such a manner and under such penalties as they think fit to prescribe [A.C.A. 14-43-501 (a)(2)(C)(ii)]

The Mayor shall have a vote to establish a quorum at any regular meeting of the City council and when his or her vote is needed to pass any ordinance, by-law, resolution order, or motion. [A.C.A. 14-43-501 (b) (1) (B)]

In the absence of the Mayor, Alderman Andy Hawkins is elected president pro tempore to preside in his absence. If Alderman Hawkins is unavailable to preside in the Mayor's absence, the aldermen present at the meeting shall elect a temporary president pro tempore to preside for that one meeting. [A.C.A. 14-403-501 (b) (2)]

Business shall be conducted by Roberts Rules of Order. However, it is to be understood that parliamentary procedure is not the goal. The goal is respectful conduct of business in equitable order. It is also understood that formal parliamentary procedure is not well known. Therefore, an informal form of procedure can be used, provided that equity and order is maintained. If a question of order arises or if so, requested by an alderman, the Mayor may implement the formal parliamentary procedure.

A positive motion is encouraged to start consideration of each business item.

Ordinances by state law are required to be read at three separate council meetings before being considered for action unless the various readings are waived by Council. The Council can choose to waive any or all readings of an ordinance when it comes up on the agenda by a non-debatable two third majority voice vote. [A.C.A. 14-55-202]

Ordinances shall require a roll call vote. Emergency clauses associated with ordinances shall require an undebatable separate roll call vote and with a two-third majority approval. The City Clerk shall maintain a random roll call list of aldermen for each separate business item requiring a roll call vote (Ord. No. O-02-200).

Resolutions and all other motions of the Council may be approved by voice vote. A show of hands will be required on all non-unanimous votes to properly record the votes in the record.

**Discussion and Citizen Commentary:**

Debate on Agenda items appearing before the City Council is reserved for the City Council. Citizen commentary at council meetings is allowed in specific situations and under conditions allowed by the City Council herein described.

While the City Council generally wishes for public input and public participation and publishes their individual contact information through the City, this willingness does not constitute an unrestricted right to speak at meetings of the Council.

**Petitioners and City Officials:** Petitioners and city officials appearing before the City Council regarding items of business arising from the agenda or placed on the agenda are recognized by the Council as having a right to speak to their petition or report subject to restriction thereof.

City Council members and the Mayor may ask questions from time to time from petitioners, city officials, or the public. Those questioned will be allowed to answer subject to restrictions imposed.

**General Citizenry:** The City Council restricts citizen input at any regular or special meeting to germane commentary regarding items of business before the Council arising from the meeting agenda or from the Council's placement of an item on the agenda. Citizen commentary may only occur at such time as the item of business is before the Council and under consideration for action. It is the City Council's intention to allow public input in an informal format with due regard to the equity of allowing the various sides of issues to speak and, within reason, with due regard to the number of people wishing to address the Council.

The Mayor as ex-officio president of the Council may allow citizen input on a per business item basis provided that individual speakers are recognized in turn, identify themselves for the record and address the Council from a podium and/or position established for such. Unrecognized comments from the audience are prohibited. The City Council may at any time restrict such citizen input in any fashion including, but not limited to, the length of individual comments, the total number of speakers, and/or the total time allotted for public input.



At all times, an open conversation with or within the audience is strongly discouraged. The redundancy of commentary is strongly discouraged. More than one speaker at a time is prohibited.

**Non Agenda Commentary:** The City Council may suspend the rules of order and allow citizen input/commentary on matters not included on the Agenda of the City Council meeting. Suspending the rules of order requires a non-debatable two-third majority vote.

**Special Procedures During Pandemic Emergency**

- (a) During the Pandemic Emergency, City Council Members are authorized to attend, speak and vote using Zoom or other virtual electronic means of communication during City Council Meetings and Committee Meetings.
- (b) That a Council Member may appear by electronic means for the purpose of providing the requisite membership attendance for matters coming before the Council; provided that the Mayor, the City Clerk, and the City Attorney, or their designees, are physically present and located at the place where the Council Meeting is being held and conducted, and who confirm such electronic appearance by such Council Member upon roll call. Council Members appearing at meetings pursuant to this subsection shall be entitled to participate by electronic means in matters coming before the Council, including discussion, debate, and voting, as if they were physically present at such meeting.
- (c) Due to public health concerns regarding the COVID-19 virus, the public is encouraged to watch the video broadcast or live-streaming Internet broadcast of the City Council meetings rather than physically attending.
- (d) Members of the public may attend as set forth herein or as permitted by a plan approved by the Arkansas Department of Health for indoor gatherings.
- (e) Any member of the public may comment on any item of business on the published agenda of the meeting by delivering a written comment (no longer than 200 words) to the City Clerk/Treasurer no later than 4:30pm the day of the City Council meeting. These comments can be dropped off at 1111 Main Street, Suite 102 at the black mailbox located directly in front of City Hall. Electronic delivery to [councilagenda@conwayarkanas.gov](mailto:councilagenda@conwayarkanas.gov) is encouraged. Written comments so delivered will be read at the meeting.



**City of Conway, Arkansas  
Ordinance No. O-23-\_\_\_\_\_**

**AN ORDINANCE APPROVING THE PRIVATE CLUB PERMIT FOR LOS GALLITOS DE FAULKNER, INC. AND ALLOWING FOR THE APPLICATION OF THE REQUIRED PERMITS FROM THE ARKANSAS ALCOHOLIC BEVERAGE CONTROL DIVISION PER ARKANSAS CODE ANNOTATED §3-9-222 AS AMENDED**

**Whereas**, Los Gallitos de Faulkner, Inc. has applied for a private club permit as required under Chapter 4.12.04 of the Conway City Code per Ordinance No. O-17-100 and A.C.A §3-9-222; and

**Whereas**, the application is limited and specific to Los Gallitos de Faulkner, Inc. located at 1250 Old Morrilton Highway, Conway, AR 72032; and

**Whereas**, the applicant has provided all the information required in permit application process and met all the standards set forth by the Conway City Council; and

**Whereas**, the City Council for the City of Conway hereby approves the application for permit for the proposed location to operate a private club within the City limits of Conway; and

**Whereas**, this approval does not authorize the operation of a private club within the City of Conway but does function as an authorization to apply for a private club permit through the Arkansas Alcoholic Beverage Control Division per A.C.A §3-9-222.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:**

**Section 1.** That the application for private club permit location is hereby approved for and Los Gallitos de Faulkner, Inc. located at 1250 Old Morrilton Highway, Conway, AR 72032.

**Section 2.** That no private club operations will begin unless and until a permit to operate a private club is issued by the Arkansas Alcoholic Beverage Division.

**Section 3.** That the approval and permit are subject to suspension or revocation by the City in the event the applicant violates Conway City Code or State law.

**Passed** this 10<sup>th</sup> day of January, 2023.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

\_\_\_\_\_  
**Michael O. Garrett  
City Clerk/Treasurer**



**City of Conway, Arkansas  
Ordinance No. O-23-\_\_\_\_\_**

**AN ORDINANCE APPROVING THE PRIVATE CLUB PERMIT FOR MALYS ENTERTAINMENT NON-PROFIT, INC. AND ALLOWING FOR THE APPLICATION OF THE REQUIRED PERMITS FROM THE ARKANSAS ALCOHOLIC BEVERAGE CONTROL DIVISION PER ARKANSAS CODE ANNOTATED §3-9-222 AS AMENDED**

**Whereas**, Malys Entertainment Non-Profit, Inc. has applied for a private club permit as required under Chapter 4.12.04 of the Conway City Code per Ordinance No. O-17-100 and A.C.A §3-9-222; and

**Whereas**, the application is limited and specific to Malys Entertainment Non-Profit, Inc. located at 1355 East Dave Ward Drive, Conway, AR 72032; and

**Whereas**, the applicant has provided all the information required in permit application process and met all the standards set forth by the Conway City Council; and

**Whereas**, the City Council for the City of Conway hereby approves the application for permit for the proposed location to operate a private club within the City limits of Conway; and

**Whereas**, this approval does not authorize the operation of a private club within the City of Conway but does function as an authorization to apply for a private club permit through the Arkansas Alcoholic Beverage Control Division per A.C.A §3-9-222.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:**

**Section 1.** That the application for private club permit location is hereby approved for and Malys Entertainment Non-Profit, Inc. located at 1355 East Dave Ward Drive, Conway, AR 72032.

**Section 2.** That no private club operations will begin unless and until a permit to operate a private club is issued by the Arkansas Alcoholic Beverage Division.

**Section 3.** That the approval and permit are subject to suspension or revocation by the City in the event the applicant violates Conway City Code or State law.

**Passed** this 10<sup>th</sup> day of January, 2023.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

\_\_\_\_\_  
**Michael O. Garrett  
City Clerk/Treasurer**



**City of Conway, Arkansas  
Ordinance No. O-23-**

**AN ORDINANCE APPROPRIATING FUNDS AND APPROVING THE VENDOR FOR THE CONWAY DRAINAGE SURVEY PROJECT; AND FOR OTHER PURPOSES**

**Whereas**, solicited request for qualifications from qualified professionals to survey inventory of all City owned and maintained storm drainage systems with horizontal and vertical coordinates tied to the City’s coordinate system.; and

**Whereas**, the City of Conway received qualifications from Central Arkansas Professional Surveying (CAPS), Crafton Tull and McClelland. The evaluation committee totals were CAPS 370, Crafton Tull 351, and McClelland 342. The City of Conway request Council approve CAPS (Central Arkansas Professional Surveying).

**Whereas**, Resolution No. R-22-36 approved the American Rescue Plan ACT project listing for the City of Conway, \$400,000 was allocated for this project.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:**

**Section 1.** The City of Conway shall enter into an agreement with Central Arkansas Professional Surveying for an amount not to exceed \$400,000 to complete this project.

**Section 2.** The City of Conway shall appropriate \$400,000 from the Grant Fund Balance Appropriation Account (399.000.4900) into the Transportation Department Grant Account (399.201.5990).

**Section 3.** All ordinances in conflict herewith are repealed to the extent of the conflict.

**PASSED** this 10<sup>th</sup> day of January, 2023.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

\_\_\_\_\_  
**Michael O. Garrett  
City Clerk/Treasurer**



**City of Conway, Arkansas  
Ordinance No. O-23-**

**AN ORDINANCE APPROPRIATING FUNDS AND APPROVING THE PURCHASE OF PROPERTY LOCATED AT 811 COURT STREET AS PART OF THE CITY OF CONWAY AMERICAN RESCUE PLAN DRAINAGE PROJECT; AND FOR OTHER PURPOSES**

**Whereas**, the City of Conway wishes to purchase property located at 811 Court Street to address downtown drainage issues.; and

**Whereas**, the City of Conway received an appraisal report from Arkansas Appraisal Associates for this property. The appraised value is \$130,000. The City request Council approve and appropriate this appraised amount along with \$5,000 to cover closing cost.

**Whereas**, Resolution No. R-22-36 approved the American Rescue Plan ACT project listing for the City of Conway, this purchase is included R-22-36, as part of the Drainage project.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:**

**Section 1.** The City of Conway shall enter into an agreement to purchase property located at 811 Court Street for the appraised amount of \$130,000.

**Section 2.** The City of Conway shall appropriate \$135,000 from the Grant Fund Balance Appropriation Account (399.000.4900) into the Transportation Department Grant Account (399.201.5990).

**Section 3.** All ordinances in conflict herewith are repealed to the extent of the conflict.

**PASSED** this 10<sup>th</sup> day of January, 2023.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

\_\_\_\_\_  
**Michael O. Garrett**  
**City Clerk/Treasurer**



**City of Conway, Arkansas**

**Ordinance No. O-23-\_\_\_\_\_**

**AN ORDINANCE ACCEPTING AND APPROPRIATING FUNDS FOR THE CONWAY HISTORIC DISTRICT COMMISSION 2021 CLG GRANT REIMBURSEMENT, AND FOR OTHER PURPOSES;**

**Whereas**, the Arkansas Historic Preservation Program (AHPP) has awarded grant funds in the amount of \$33,500.00 to support the City of Conway’s Historic District Commission; and

**Whereas**, awarded grant funds were used to pay for the resurveys of the Conway Commercial Historic District and the Hendrix College Addition District for the City of Conway.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY ARKANSAS THAT:**

**Section 1:** The City of Conway, Arkansas, shall accept grant reimbursement funds in the amount of \$33,500.00 and appropriate said funds from the Historic District Commission account (399-000-4200) to the Planning Grant Expense account (399-105-5799). The City of Conway Project Management number is 399-105C.

**Section 2:** All ordinances in conflict herewith are repealed to the extent of the conflict.

**PASSED** this 10<sup>th</sup> day of January, 2023.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

\_\_\_\_\_  
**Michael O. Garrett**  
**City Clerk/Treasurer**



**City of Conway, Arkansas**  
**Ordinance No. O-23- \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING CODE TO REZONE THE EASTERN PORTION OF PROPERTY LOCATED AT 1150 DAVE WARD DRIVE FROM I-3 TO C-3:**

**Whereas**, in accordance Arkansas Code Annotated § 14-56-416 has adopted a Zoning Code and Arkansas Code Annotated § 14-56-423 provides for the amendment of such regulations; and

**Whereas**, Proper public notice was given, and the Conway Planning Commission held a duly authorized public hearing on **December 19<sup>th</sup>, 2022**, and adopted the amendments.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:**

**SECTION 1:** The Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the **I-3** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

Part of the NE ¼ SE ¼ of Section 13, T-5-N, R-13-W, Faulkner County, Arkansas more particularly described as commencing at the NW corner of said NE ¼ SE ¼; thence along the West line of said NE ¼ SE ¼ S01°31'29"W 158.59 feet; thence leaving said West line S88°51'49"E 274.65 feet, thence S01°39'39"W 115.92 feet; thence S36°34'46"E 301.37 feet to the point of beginning; thence S87°27'58"E 779.60 feet; thence S03°23'46"W 701.07 feet to the North right-of-way of Dave Ward Drive/ State Highway #60; thence along said right-of-way N77°50'33"W 362.35 feet; thence N67°47'53"W 137.13 feet; thence N64°54'47"W 208.63 feet; thence leaving said right-of-way N01°31'29"E 412.57 feet; thence N36°34'46"W 131.12 feet to the point of beginning containing 10.02 acres more or less.

to those of **C-3**, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

**SECTION 2:** All ordinances in conflict herewith are repealed to the extent of the conflict.

**PASSED** this 10<sup>th</sup> day January, 2023.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

\_\_\_\_\_  
**Michael O. Garrett**  
**City Clerk/Treasurer**



1111 MAIN STREET • CONWAY, AR 72032  
501) 450-6105 • [planningcommission@cityofconway.org](mailto:planningcommission@cityofconway.org)

## MEMO

To: Mayor Bart Castleberry  
cc: City Council Members

From: Rebekah Fincher, 2023 Planning Commission Chairman

Date: January 10, 2023

Re: Request to rezone the eastern ± 10.02 acres located at 1150 Dave Ward Drive from I-3 to C-3

Brad Peterson, has requested to rezone the eastern ± 10.02 acres located at 1150 Dave Ward Drive from I-3 to C-3, with the legal description:

Part of the NE ¼ SE ¼ of Section 13, T-5-N, R-13-W, Faulkner County, Arkansas more particularly described as commencing at the NW corner of said NE ¼ SE ¼; thence along the West line of said NE ¼ SE ¼ S01°31'29"W 158.59 feet; thence leaving said West line S88°51'49"E 274.65 feet, thence S01°39'39"W 115.92 feet; thence S36°34'46"E 301.37 feet to the point of beginning; thence S87°27'58"E 779.60 feet; thence S03°23'46"W 701.07 feet to the North right-of-way of Dave Ward Drive/ State Highway #60; thence along said right-of-way N77°50'33"W 362.35 feet; thence N67°47'53"W 137.13 feet; thence N64°54'47"W 208.63 feet; thence leaving said right-of-way N01°31'29"E 412.57 feet; thence N36°34'46"W 131.12 feet to the point of beginning containing 10.02 acres more or less.

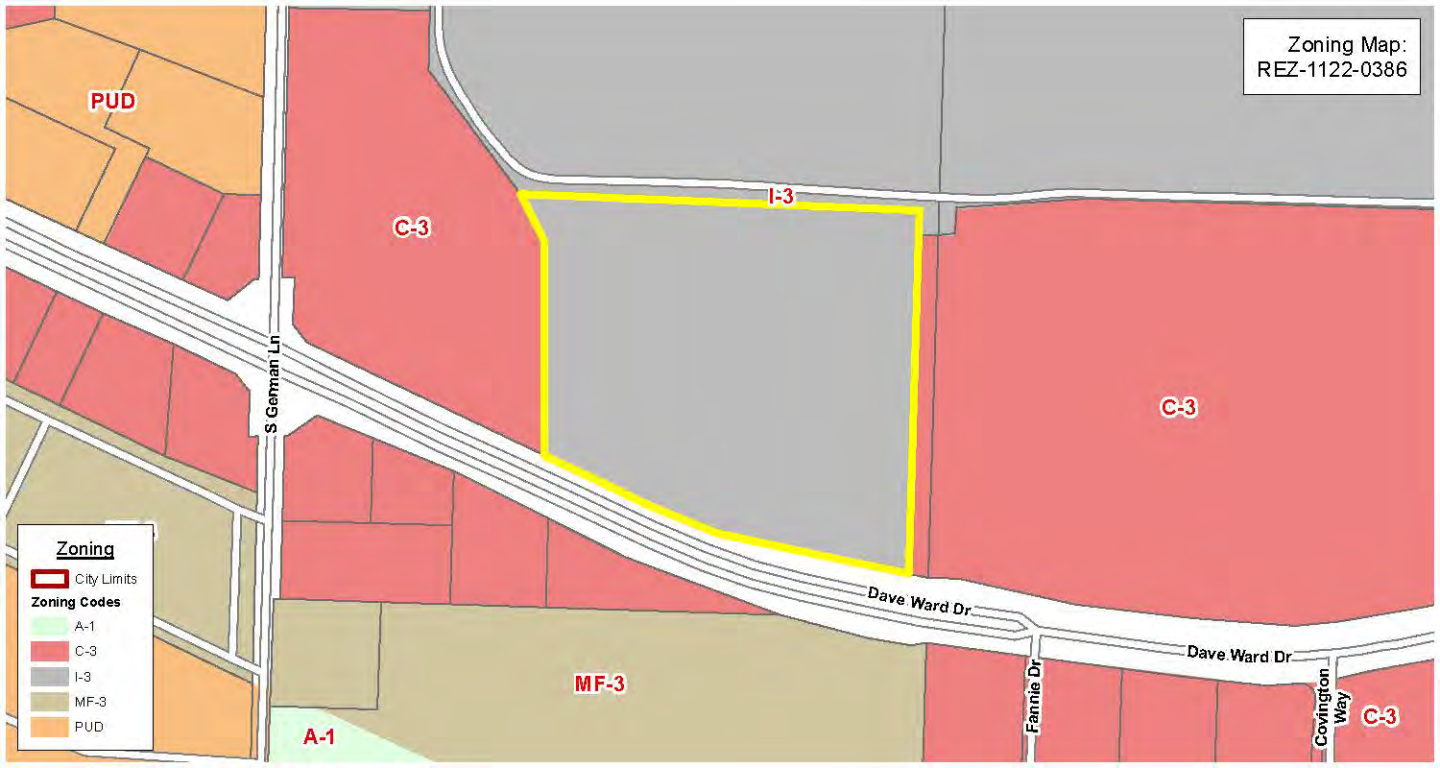
The applicant is proposing a rezoning from I-3 to C-3 to rezone this portion of the total ±17.53 acre property to C-3 as the remainder of the property is already zoned C-3. With the improvement of Dave Ward Dr, making the corridor a major thoroughfare for east-west traffic, the development pattern of the area has shifted away from industrial in recent years. The immediate area has developed/redeveloped primarily with commercial, and office uses including multiple restaurants and multi-tenant retail and office buildings.

Staff recommendation: Staff recommended approval of the rezoning as it would allow for appropriate redevelopment of the site, given the shift in the area development pattern and will not likely negatively impact adjacent property.

The Planning Commission reviewed the request at its regular meeting on December 19, 2022 and voted 6-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.





**Zoning**

City Limits

**Zoning Codes**

- A-1
- C-3
- I-3
- MF-3
- PUD



**City of Conway, Arkansas  
Ordinance No. O-23-\_\_\_**

**AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN LANDS COMPRISED OF ± 6.05 ACRES LOCATED NORTH OF HWY 319 AND IMMEDIATELY WEST OF 5580 HWY 319, TO THE CITY OF CONWAY:**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:**

**SECTION 1:** That the City of Conway, Arkansas, hereby accepts the hereinafter described territory, including all adjacent and abutting rights-of-way, annexed to said City by order of the County Court of Faulkner County, Arkansas heretofore entered on **November 17, 2022**, and said territory being situated in Faulkner County, Arkansas, shall be a part of the City of Conway and shall be zoned **A-1**. Legal description as follows:

THE EAST 200 FEET OF THE SW 1/4 SE 1/4, SECTION 31, T-06-N, R-14-W, FAULKNER COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND AXLE FOR THE NE CORNER OF SAID SW 1/4 SE 1/4; THENCE ALONG THE EAST LINE OF SAID SW 1/4 SE 1/4 S02°11'07"W A DISTANCE OF 1318.83' TO A FOUND STONE FOR THE SE CORNER OF SAID SW 1/4 SE 1/4; THENCE ALONG THE SOUTH LIEN OF SAID SW 1/4 SE 1/4 N87° 55'22"W A DISTANCE OF 200.00' TO A SET 1/2" REBAR W/CAP (1363); THENCE LEAVING SAID SOUTH LINE AND PARALLEL TO THE EAST LINE OF SAID SW 1/4 SE 1/4 N02°11'07"E A DISTANCE OF 1317.02' TO A SET 1/2" REBAR W/CAP (1363) BEING ON THE NORTH LINE OF SAID SW 1/4 SE 1/4; THENCE ALONG SAID NORTH LINE S88°26'24"E A DISTANCE OF 200.00' TO THE POINT OF BEGINNING, CONTAINING 6.05 ACRES MORE OR LESS.

SAID TRACT IS SUBJECT TO ALL RIGHTS OF WAY, COVENANTS, EASEMENTS, AND RESTRICTIONS ON RECORD OR PHYSICALLY IN PLACE.

And that the above described lands and territory be, and the same hereby are, declared to be a part of the City of Conway, Faulkner County, Arkansas.

**SECTION 2:** From and after this date, all inhabitants residing within and upon the hereinabove described lands and territory shall have and enjoy all the rights and privileges of, and be subject to all the laws, rules, ordinances, limitations and regulations imposed upon the inhabitants within the original limits of said City of Conway, Arkansas, and for voting purposes, said lands are hereby assigned to and designated as part of **Ward 3** of the City of Conway, Arkansas.

**SECTION 3:** It is hereby declared the annexed land shall be provided the following services immediately upon the effective date of this annexation: police protection; fire protection; maintenance of any publicly dedicated streets within the property; and opportunity to connect to

potable water, electric, and telecommunications services provided by Conway Corporation at the expense of the property owner.

**PASSED** this 10<sup>th</sup> day of January, 2023.

**APPROVED:**

---

**Mayor Bart Castleberry**

**ATTEST:**

---

**Michael O. Garrett**  
**City Clerk/Treasurer**

FILED  
TIME: \_\_\_\_\_

IN THE COUNTY COURT OF FAULKNER COUNTY, ARKANSAS DEC 01 2022

James H. Hendrickson and Terry L. Hendrickson, Petitioners

MARGARET DARTER  
FAULKNER COUNTY CLERK  
BY Amelia DC

CC-22-17

**ORDER**

Comes now before the Court the above-styled case, and after having been presented the facts and circumstances, and having considered the relevant laws, this Court finds and orders the following:

1. A petition of annexation was filed November 17, 2022.
2. All appropriate signatures were affixed to the Petition, as required by A.C.A. 14-40-609.
3. The proposed site to be annexed was adequately described and further displayed a map of the proposed site.
4. The appropriate documentation was provided under A.C.A. 14-40-609.
5. Based on the above premises, the Petitioner's prayer is right and proper.

WHEREFORE, this Court finds that the area described in Exhibit A should be, and hereby is, released for annexation into the City of Conway:

IT IS SO ORDERED.

Jim B. Baker  
HON. JIM B. BAKER  
Faulkner County Judge

Dated 12-1-2022

We verify that the above referenced Petition complies with A.C.A. 14-40-609.

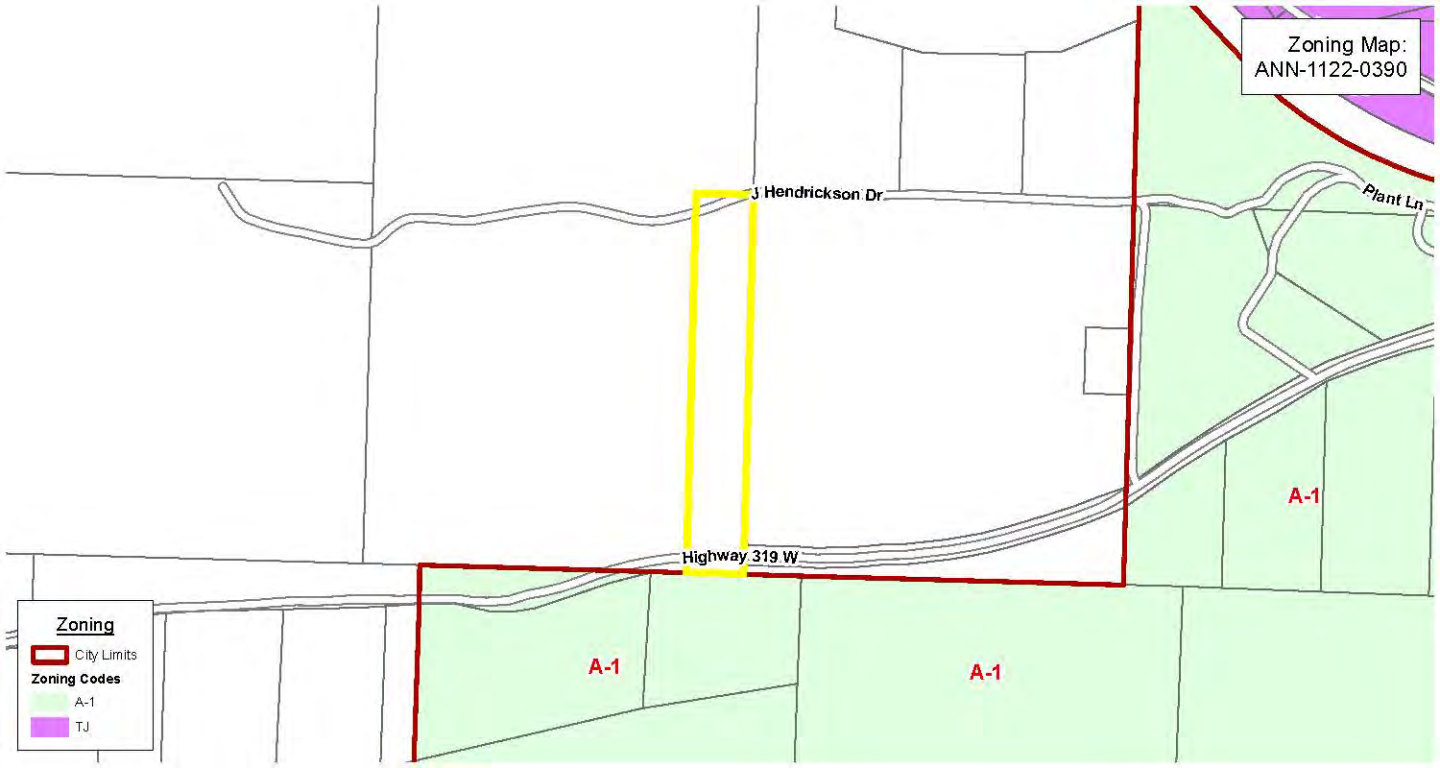
Margaret Darter  
Margaret Darter, Clerk

Krissy Lewis  
Krissy Lewis, Assessor

LEGAL DESCRIPTION:

THE EAST 200 FEET OF THE SW1/4 SE1/4, SECTION 31, T-06-N, R-14-W, FAULKNER COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND AXLE FOR THE NE CORNER OF SAID SW1/4 SE1/4; THENCE ALONG THE EAST LINE OF SAID SW1/4 SE1/4 S02°11'07"W A DISTANCE OF 1318.83' TO A FOUND STONE FOR THE SE CORNER OF SAID SW1/4 SE1/4; THENCE ALONG THE SOUTH LIEN OF SAID SW1/4 SE1/4 N87°55'22"W A DISTANCE OF 200.00' TO A SET 1/2" REBAR W/CAP (1363); THENCE LEAVING SAID SOUTH LINE AND PARALLEL TO THE EAST LINE OF SAID SW1/4 SE1/4 N02°11'07"E A DISTANCE OF 1317.02' TO A SET 1/2" REBAR W/CAP (1363) BEING ON THE NORTH LINE OF SAID SW1/4 SE1/4; THENCE ALONG SAID NORTH LINE S88°26'24"E A DISTANCE OF 200.00' TO THE POINT OF BEGINNING, CONTAINING 6.05 ACRES MORE OR LESS.



**Zoning**

 City Limits

**Zoning Codes**

 A-1

 TJ

Hendrickson Dr

Plant Ln

Highway 319 W

A-1

A-1

A-1



**City of Conway, Arkansas  
Ordinance No. O-23- \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING CODE TO REZONE PROPERTY LOCATED AT 2505 PRINCE STREET AND 963 FARRIS ROAD FROM O-3 AND R-1 TO O-1:**

**Whereas**, in accordance Arkansas Code Annotated § 14-56-416 has adopted a Zoning Code and Arkansas Code Annotated § 14-56-423 provides for the amendment of such regulations; and

**Whereas**, Proper public notice was given, and the Conway Planning Commission held a duly authorized public hearing on **December 19<sup>th</sup>, 2022**, and adopted the amendments.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:**

**SECTION 1:** The Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the **O-3 & R-1** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

**2505 PRINCE STREET (O-3):**

PART OF THE NORTHEAST ¼ NORTHWEST ¼ SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY, ARKANSAS, DESCRIBED AS BEGINNING AT A POINT 25 FEET SOUTH AND 108 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHEAST ¼ NORTHWEST ¼ SECTION 11, TOWNSHIP 3 NORTH, RANGE 14 WEST, RUN THENCE WEST 78 FEET; THENCE SOUTH 206 FEET; THENCE EAST 78 FEET; THENCE NORTH 206 FEET TO THE POINT OF BEGINNING.

A PARCEL OF LAND IN PART OF THE NORTHEAST ¼ OF THE NORTHWEST ¼, SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS: BEGINS 25 FEET SOUTH AND 20 FEET WEST OF THE NORTHEAST CORNER OF THE SAID NORTHEAST ¼ OF THE NORTHWEST ¼ RUNNING THENCE SOUTH 170 FEET TO THE POINT OF BEGINNING; THENCE WEST 88 FEET; THENCE SOUTH 36 FEET; THENCE EAST 88 FEET; THENCE NORTH 36 FEET TO THE POINT OF BEGINNING. ALSO, PART OF THE NORTHEAST ¼ NORTHWEST ¼, SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY, ARKANSAS, DESCRIBED AS BEGINNING 25 FEET SOUTH AND 20 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHEAST ¼ NORTHWEST ¼ SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST; THENCE WEST 88 FEET; THENCE SOUTH 170 FEET; THENCE EAST 88 FEET; THENCE NORTH 170 FEET TO THE POING OF BEGINNING.

**LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACTS OF LAND:**

PART OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY, ARKANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS: STARTING AT THE SOUTHEAST CORNER OF THE E ½ OF THE NW ¼ OF SECTION 11; THENCE NORTH 02 DEGREES 04 MINUTES 31 SECONDS EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 2566.19 FEET TO A POINT; THENCE SOUTH 82 DEGREES 59 MINUTES 58 SECONDS WEST A DISTANCE OF 21.18 FEET TO A POINT ON THE SOUTHERLY PROPOSED RIGHT-OF-WAY LINE OF STATE HIGHWAY 60 FOR THE POINT OF BEGINNING;

THENCE NORTH 42 DEGREES 27 MINUTES 55 SECONDS WEST ALONG SAID PROPOSED RIGHT-OF-WAY LINE A DISTANCE OF 41.42 FEET TO A POINT; THENCE NORTH 83 DEGREES 09 MINUTES 58 SECONDS WEST ALONG SAID PROPOSED RIGHT-OF-WAY LINE A DISTANCE OF 50.25 FEET TO A POINT; THENCE NORTH 88 DEGREES 52 MINUTES 36 SECONDS WEST ALONG SAID PROPOSED RIGHT-OF-WAY LINE A DISTANCE OF 86.70 FEET TO A POINT; THENCE NORTH 02 DEGREES 36 MINUTES 16 SECONDS EAST A DISTANCE OF 15.00 FEET TO A POINT ON THE SOUTHERLY EXISTING RIGHT-OF-WAY LINE OF STATE HIGHWAY 60; THENCE SOUTH 88 DEGREES 52 MINUTES 36 SECONDS EAST ALONG SAID EXISTING RIGHT-OF-WAY LINE OF DISTANCE OF 165.82 FEET TO A POINT ON THE WESTERLY EXISTING RIGHT-OF-WAY LINE OF FARRIS ROAD; THENCE SOUTH 02 DEGREES 13 MINUTES 21 SECONDS WEST ALONG SAID EXISTING RIGHT-OF-WAY LINE 2 DISTANCE OF 50.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.07 ACRES MORE OR LESS.

PART OF THE NORTHEAST ¼ NORTHWEST ¼ OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY, ARKANSAS , BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST ¼ NORTHWEST ¼ AND RUNNING THENCE NORTH 88 DEGREES 43 MINUTES 51 SECONDS WEST ALONG THE NORTH LINE OF SAID NORTH ¼ NORTHWEST ¼, 83.97 FEET; THENCE RUN SOUTH 01 DEGREES 16 MINUTES 09 SECONDS WEST, 42.06 FEET TO A POINT ON THE EXISTING RIGHT-OF-WAY OF PRINCE STREET AND THE POINT OF BEGINNING; RUN THENCE SOUTH 82 DEGREES 54 MINUTES 38 SECONDS EAST, ALONG SAID RIGHT-OF-WAY 33.57 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; THENCE RUN SOUTH 42 DEGREES 25 MINUTES 18 SECONDS EAST 42.45 FEET TO THE WEST RIGHT-OF-WAY OF FARRIS ROAD; THENCE RUN SOUTH 02 DEGREES 24 MINUTES 31 SECONDS WEST ALONG SAID RIGHT-OF-WAY, 45.28 FEET; THENCE RUN NORTH 87 DEGREES 26 MINUTES 49 SECONDS WEST, 6.91 FEET; THENCE NORTH 24 DEGREES 17 MINUTES 21 SECONDS WEST 62.78 FEET; THENCE NORTH 49 DEGREES 40 MINUTES 25 SECONDS WEST 35.84 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS 1.685 SQUARE FEET MORE OR LESS.

**963 FARRIS ROAD (R-1):**

PART OF THE NORTHEAST ¼ NORTHWEST ¼ OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY ARKANSAS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 989 FEET NORTH AND 21 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHEAST ¼ NORTHWEST ¼ OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, AND RUN THENCE WEST 180 FEET; THENCE NORTH 100 FEET; THENCE EAST 180 FEET; THENCE SOUTH 100 FEET TO THE POINT OF BEGINNING.

to those of **O-1**, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

**SECTION 2:** All ordinances in conflict herewith are repealed to the extent of the conflict.

**PASSED** this 10<sup>th</sup> day January, 2023.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

\_\_\_\_\_  
**Michael O. Garrett**  
**City Clerk/Treasurer**





1111 MAIN STREET • CONWAY, AR 72032  
501) 450-6105 • [planningcommission@cityofconway.org](mailto:planningcommission@cityofconway.org)

## MEMO

To: Mayor Bart Castleberry  
cc: City Council Members

From: Rebekah Fincher, 2023 Planning Commission Chairman

Date: January 10, 2023

Re: Request to rezone ± 1.43 acres located at 2505 Prince Street and 963 Farris Road from O-3 and R-1 to O-1

---

Landon Sanders, has requested to rezone ±1.43 acres located at 2505 Prince Street and 963 Farris Road from O-3 and R-1 to O-1, with the legal description:

**2505 PRINCE STREET:**

PART OF THE NORTHEAST ¼ NORTHWEST ¼ SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY, ARKANSAS, DESCRIBED AS BEGINNING AT A POINT 25 FEET SOUTH AND 108 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHEAST ¼ NORTHWEST ¼ SECTION 11, TOWNSHIP 3 NORTH, RANGE 14 WEST, RUN THENCE WEST 78 FEET; THENCE SOUTH 206 FEET; THENCE EAST 78 FEET; THENCE NORTH 206 FEET TO THE POINT OF BEGINNING.

A PARCEL OF LAND IN PART OF THE NORTHEAST ¼ OF THE NORTHWEST ¼, SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS: BEGINS 25 FEET SOUTH AND 20 FEET WEST OF THE NORTHEAST CORNER OF THE SAID NORTHEAST ¼ OF THE NORTHWEST ¼ RUNNING THENCE SOUTH 170 FEET TO THE POINT OF BEGINNING; THENCE WEST 88 FEET; THENCE SOUTH 36 FEET; THENCE EAST 88 FEET; THENCE NORTH 36 FEET TO THE POINT OF BEGINNING. ALSO, PART OF THE NORTHEAST ¼ NORTHWEST ¼, SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY, ARKANSAS, DESCRIBED AS BEGINNING 25 FEET SOUTH AND 20 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHEAST ¼ NORTHWEST ¼ SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST; THENCE WEST 88 FEET; THENCE SOUTH 170 FEET; THENCE EAST 88 FEET; THENCE NORTH 170 FEET TO THE POING OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACTS OF LAND:

PART OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY, ARKANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS: STARTING AT THE SOUTHEAST CORNER OF THE E ½ OF THE NW ¼ OF SECTION 11; THENCE NORTH 02 DEGREES 04 MINUTES 31 SECONDS EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 2566.19 FEET TO A POINT; THENCE SOUTH 82 DEGREES 59 MINUTES 58 SECONDS WEST A DISTANCE OF 21.18 FEET TO A POINT ON THE SOUTHERLY PROPOSED RIGHT-OF-WAY LINE OF STATE HIGHWAY 60 FOR THE POINT OF BEGINNING;

THENCE NORTH 42 DEGREES 27 MINUTES 55 SECONDS WEST ALONG SAID PROPOSED RIGHT-OF-WAY LINE A DISTANCE OF 41.42 FEET TO A POINT; THENCE NORTH 83 DEGREES 09 MINUTES 58 SECONDS WEST ALONG SAID PROPOSED RIGHT-OF-WAY LINE A DISTANCE OF 50.25 FEET TO A POINT; THENCE NORTH 88 DEGREES 52 MINUTES 36 SECONDS WEST ALONG SAID PROPOSED

RIGHT-OF-WAY LINE A DISTANCE OF 86.70 FEET TO A POINT; THENCE NORTH 02 DEGREES 36 MINUTES 16 SECONDS EAST A DISTANCE OF 15.00 FEET TO A POINT ON THE SOUTHERLY EXISTING RIGHT-OF-WAY LINE OF STATE HIGHWAY 60; THENCE SOUTH 88 DEGREES 52 MINUTES 36 SECONDS EAST ALONG SAID EXISTING RIGHT-OF-WAY LINE OF DISTANCE OF 165.82 FEET TO A POINT ON THE WESTERLY EXISTING RIGHT-OF-WAY LINE OF FARRIS ROAD; THENCE SOUTH 02 DEGREES 13 MINUTES 21 SECONDS WEST ALONG SAID EXISTING RIGHT-OF-WAY LINE 2 DISTANCE OF 50.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.07 ACRES MORE OR LESS.

PART OF THE NORTHEAST  $\frac{1}{4}$  NORTHWEST  $\frac{1}{4}$  OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY, ARKANSAS , BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST  $\frac{1}{4}$  NORTHWEST  $\frac{1}{4}$  AND RUNNING THENCE NORTH 88 DEGREES 43 MINUTES 51 SECONDS WEST ALONG THE NORTH LINE OF SAID NORTH  $\frac{1}{4}$  NORTHWEST  $\frac{1}{4}$ , 83.97 FEET; THENCE RUN SOUTH 01 DEGREES 16 MINUTES 09 SECONDS WEST, 42.06 FEET TO A POINT ON THE EXISTING RIGHT-OF-WAY OF PRINCE STREET AND THE POINT OF BEGINNING; RUN THENCE SOUTH 82 DEGREES 54 MINUTES 38 SECONDS EAST, ALONG SAID RIGHT-OF-WAY 33.57 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; THENCE RUN SOUTH 42 DEGREES 25 MINUTES 18 SECONDS EAST 42.45 FEET TO THE WEST RIGHT-OF-WAY OF FARRIS ROAD; THENCE RUN SOUTH 02 DEGREES 24 MINUTES 31 SECONDS WEST ALONG SAID RIGHT-OF-WAY, 45.28 FEET; THENCE RUN NORTH 87 DEGREES 26 MINUTES 49 SECONDS WEST, 6.91 FEET; THENCE NORTH 24 DEGREES 17 MINUTES 21 SECONDS WEST 62.78 FEET; THENCE NORTH 49 DEGREES 40 MINUTES 25 SECONDS WEST 35.84 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS 1.685 SQUARE FEET MORE OR LESS.

**963 FARRIS ROAD:**

PART OF THE NORTHEAST  $\frac{1}{4}$  NORTHWEST  $\frac{1}{4}$  OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY ARKANSAS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 989 FEET NORTH AND 21 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHEAST  $\frac{1}{4}$  NORTHWEST  $\frac{1}{4}$  OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, AND RUN THENCE WEST 180 FEET; THENCE NORTH 100 FEET; THENCE EAST 180 FEET; THENCE SOUTH 100 FEET TO THE POINT OF BEGINNING.

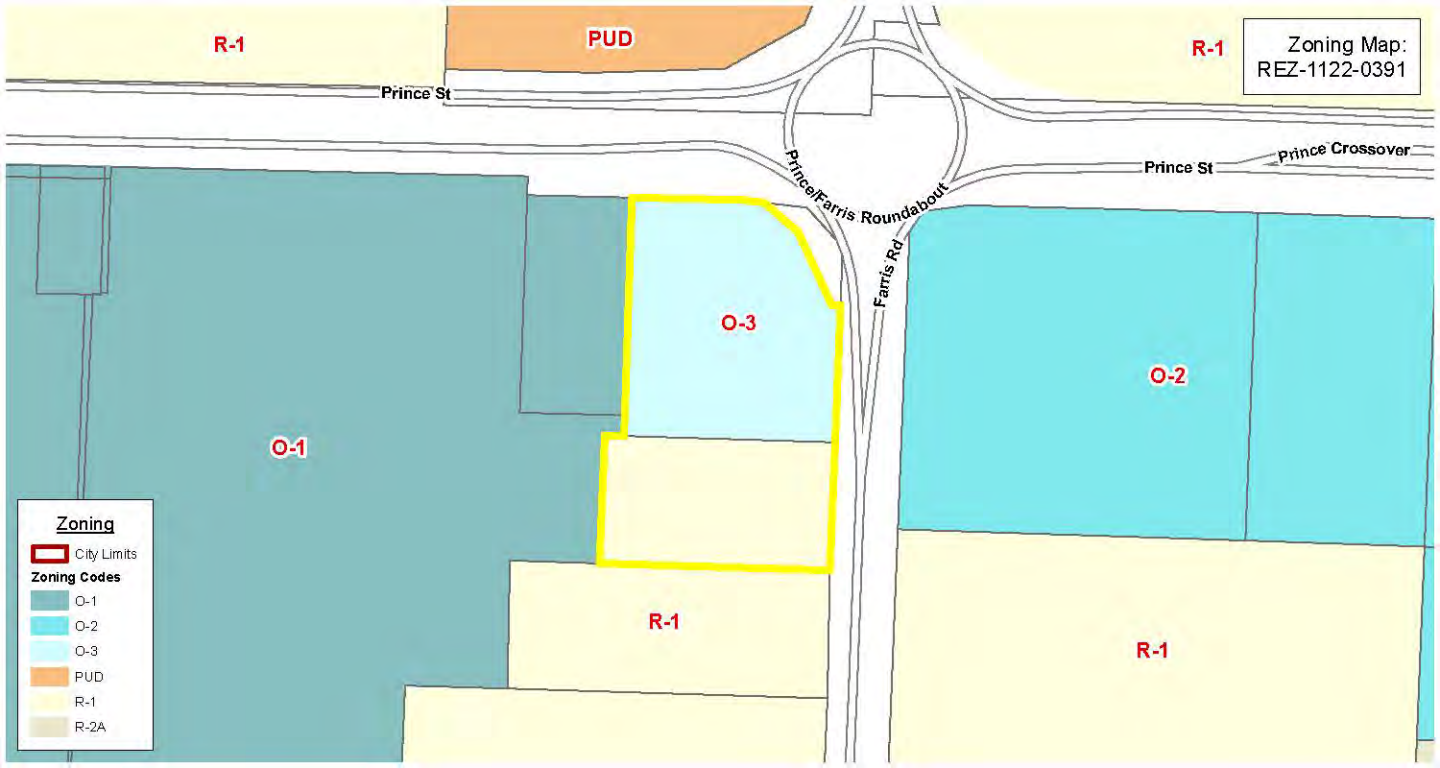
The applicant is requesting a rezoning from O-3 and R-1 to O-1 for the purpose developing an eating place with drive-through service via conditional use permit. These properties are surrounded by a mix of office, commercial, institutional, and residential developments with preliminary plans for future commercial growth along Prince St. Though the zoning change is not consistent with the land use plan, due to street improvements along Prince St over the past 10 years which have allowed development to shift to more of an office and commercial focus, a rezoning to O-1 is less intensive than rezoning to commercial and provides greater protection for neighboring properties.

Staff recommendation: Staff recommended approval of the rezoning as it would accommodate uses appropriate to the area and would not negatively impact adjacent property.

The Planning Commission reviewed the request at its regular meeting on December 19, 2022 and voted 6-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.

Zoning Map:  
REZ-1122-0391



R-1

PUD

R-1

Prince St

Prince/Farris Roundabout

Prince St

Prince Crossover

Farris Rd

O-3

O-2

O-1

R-1

R-1

**Zoning**

 City Limits

**Zoning Codes**

-  O-1
-  O-2
-  O-3
-  PUD
-  R-1
-  R-2A



1111 MAIN STREET • CONWAY, AR 72032  
 (501) 450-6105 • [planningcommission@conwayarkansas.gov](mailto:planningcommission@conwayarkansas.gov)

## MEMO

To: Mayor Bart Castleberry  
 cc: City Council Members

From: Rebekah Fincher, 2023 Planning Commission Chairman  
 Date: January 10, 2023

Re: Conditional Use request to allow an *Automobile Service Station* in the C-2 zone for property located at 3200 Dave Ward Drive

Brandon Rush, has requested to allow an *Automobile Service Station* in the C-2 zone for property located at 3200 Dave Ward Drive, with the legal description:

PART OF THE S1/2 NW 1/4 OF SECTION 15, T-5-N, R-14-W, FAULKNER COUNTY, ARKANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NE COMER OF SAID S1/2 NW 1/4; THENCE N88°07'07"W 1260.00 FEET; THENCE S01 °49'46"W 839.42 FEET TO A FOUND 3/8" RE BAR; THENCE S88°07'11"E 665.96 FEET TO A SET 1/2" RE BAR (APLS #1243), SAID POINT BEING THE POINT OF BEGINNING; THENCE S88°07'11"E 563.74 FEET TO A FOUND CAGIS MONUMENT #1029-06 ON THE WEST RIGHT OF WAY OF COUNTRY CLUB LANE; THENCE ALONG SAID RIGHT OF WAY, S01 °50'24"W 310.88 FEET TO A FOUND 2" ALUMINUM RIGHT OF WAY MONUMENT; THENCE CONTINUING ALONG SAID RIGHT OF WAY, N88°40'33"W 9.85 FEET TO A FOUND 2" ALUMINUM RIGHT OF WAY MONUMENT; THENCE S01 °25'07"W 80.00 FEET TO A FOUND 2" ALUMINUM RIGHT OF WAY MONUMENT, SAID POINT LYING ON THE NORTH RIGHT OF WAY OF DAVE WARD DRIVE; THENCE LEAVING THE WEST RIGHT OF WAY OF COUNTRY CLUB LANE, ALONG THE NORTH RIGHT OF WAY OF DAVE WARD DRIVE, S54°16'42"W 49.67 FEET TO A FOUND 2" ALUMINUM RIGHT OF WAY MONUMENT; THENCE CONTINUING ALONG SAID RIGHT OF WAY, S88°09'19"W 225.37 FEET TO A 2" ALUMINUM RIGHT OF WAY; THENCE N88°22'14"W 292.25 FEET TO A SET 1/2" REBAR (APLS #1243); THENCE LEAVING SAID RIGHT OF WAY, N02°06'35"E 437.20 FEET TO THE POINT OF BEGINNING, CONTAINING 5.56 ACRES MORE OR LESS.

SUBJECT TO ALL ROADWAYS, EASEMENTS AND RESERVATIONS THAT ARE OF RECORD OR PHYSICALLY IN PLACE.

and

PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION FIFTEEN (15), TOWNSHIP FIVE (5) NORTH, RANGE FOURTEEN (14) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CONWAY, FAULKNER COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE S 1/2 OF THE NW 1/4 OF SAID SECTION 15; THENCE N88°07'37"W A DISTANCE OF 1260.00 FEET; THENCE S01°49'16"W A DISTANCE OF 839.25 FEET; THENCE S88°07'41"E A DISTANCE OF 665.96 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A FOUND IRON PIN WITH CAP "PLS 1156";

THENCE S02°06'05"W A DISTANCE OF 437.38 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF ARKANSAS HIGHWAY 60; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE N88°22'44"W A DISTANCE OF 50.00 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE N02°06'05"E A DISTANCE OF 437.59 FEET; THENCE S88°07'41"E A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.50 ACRES (21,874 SQUARE FEET).

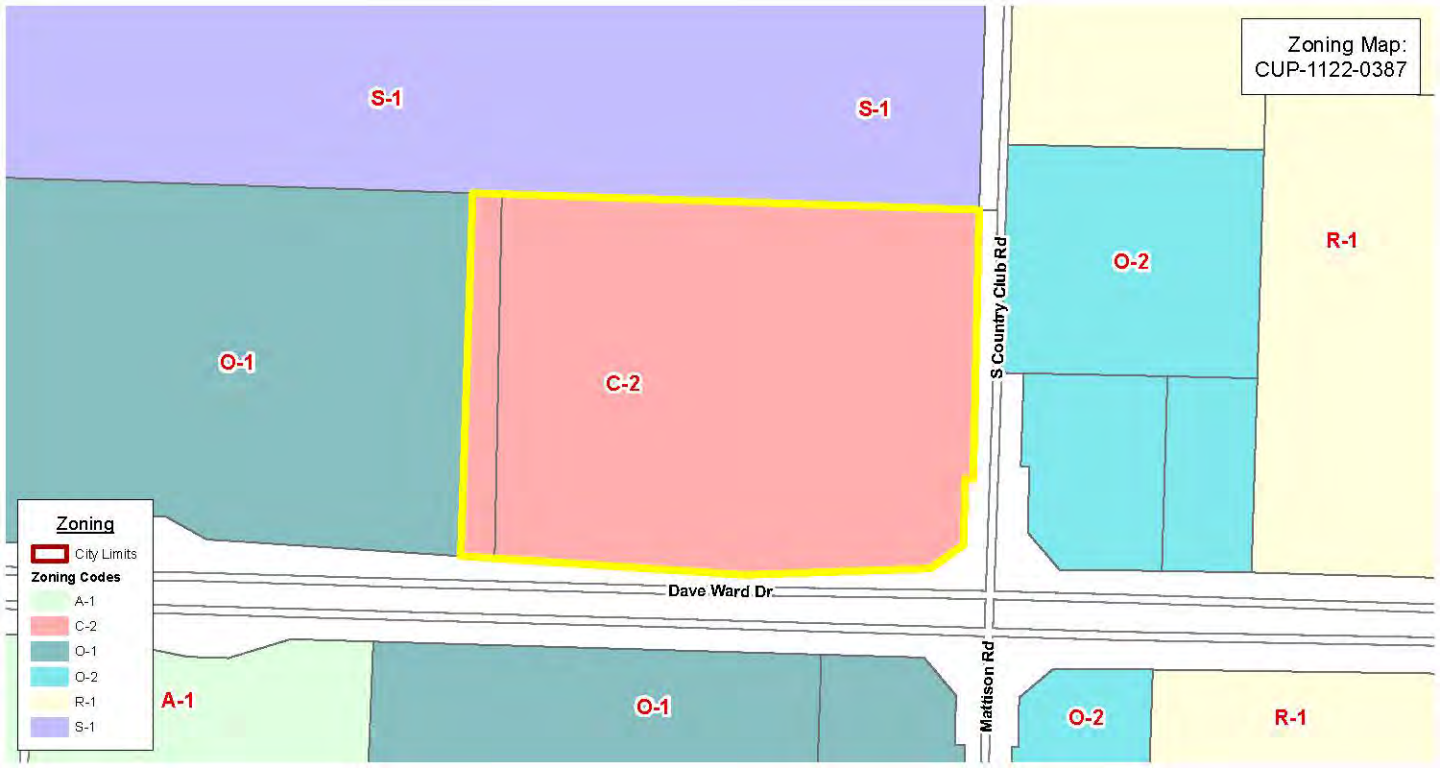
The applicant is requesting to develop a food store with a fueling station in a C-2 zoning district. While this intersection does not fall within a commercial node in the Land Use Plan, the area is in the Transitional Zone, which allows for more intense land uses (multi family, professional offices, limited commercial) when deemed appropriate only when sensitivity to adjoining residential areas is taken into account.

Staff recommendation: Staff recommends approval of the conditional use permit, with the following 13 conditions:

1. Platting of the property in accordance with the Subdivision Regulations shall be required prior to the issuance of building permits.
2. Conditional Use is limited to an Automobile Service Station as part of a food store development.
3. Private drive access off Dave Ward Dr will be subject to an agreement between adjoining property owners.
4. All proposed site improvements shall be subject to development standards in accordance with Article 10 of the Conway Zoning Code, unless otherwise noted in permit conditions.
5. Any new fencing shall comply with Article 10, Development Review Standards, of the Zoning Code. Fencing type and placement shall be approved by Planning Staff prior to installation.
6. Any new lighting shall be inward, downcast, and shrouded to prevent light trespass onto adjacent property and shall comply with Article 10, Development Review Standards, of the Zoning Code.
7. Development of the use shall be arranged in a manner to provide adequate buffering and screening to adjacent uses. The Planning Director shall be empowered to determine, in consultation with the applicant, appropriate screening and buffering requirements.
8. No variance of any kind may be subsequently requested.
9. Upon development review approval, any expansions or additions to the fueling structure as well as any changes to the use shall require an amended or new conditional use permit.
10. The conditional use shall automatically expire if the approved use ceases for more than 18 consecutive months.
11. The conditional use shall become null and void if construction for the site is not commenced within 18 months of approval.
12. With the approval of this Conditional Use request, Permit No. 1154 shall be revoked for 3200 Dave Ward Dr and replaced by this new permit.
13. Development of the use shall be arranged in a manner to provide adequate buffering and screening to adjacent uses. The Planning Director shall be empowered to determine, in consultation with the applicant, appropriate screening and buffering requirements.

The Planning Commission reviewed the request at its regular meeting on December 19, 2022 and voted 6-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.



**Zoning**

- City Limits

**Zoning Codes**

- A-1
- C-2
- O-1
- O-2
- R-1
- S-1



1111 MAIN STREET • CONWAY, AR 72032  
 (501) 450-6105 • [planningcommission@conwayarkansas.gov](mailto:planningcommission@conwayarkansas.gov)

## MEMO

To: Mayor Bart Castleberry  
 cc: City Council Members

From: Rebekah Fincher, 2023 Planning Commission Chairman  
 Date: January 10, 2023

Re: Conditional Use request to allow an *Eating Place with Drive Through* in the O-1 zone for property located at 2515 and 2505 Prince Street & 963 Farris Road

Landon Sanders, has requested to allow an *Eating Place with Drive Through* in the O-1 zone for property located at 2515 and 2505 Prince Street & 963 Farris Road, with the legal descriptions:

### **2515 PRINCE STREET:**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND PK NAIL FOR THE NORTH QUARTER CORNER OF SAID SECTION 11 THENCE NORTH 88 DEGREES 19 MINUTES 36 SECONDS WEST ALONG THE NORTH SECTION LINE A DISTANCE OF 186.57 FEET TO A POINT; THENCE LEAVING SAID SECTION LINE SOUTH 02 DEGREES 29 MINUTES 03 SECONDS WEST A DISTANCE OF 41.85 FEET TO AN EXISTING RIGHT-OF-WAY MONUMENT LOCATED ON THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY #60 FOR THE POINT OF BEGINNING; THENCE SOUTH 02 DEGREES 29 MINUTES 03 SECONDS WEST A DISTANCE OF 170.54 FEET TO A SET ½ INCH REBAR WITH CAP (PLS 1363); THENCE NORTH 88 DEGREES 59 MINUTES 46 SECONDS WEST DISTANCE OF 81.58 FEET TO A SET ½ INCH REBAR WITH CAP (PLS 1363); THENCE NORTH 02 DEGREES 29 MINUTES 03 SECONDS EAST A DISTANCE OF 170.38 FEET TO A SET ½ INCH REBAR WITH CAP (PLS 1363) ON THE SOUTH RIGHT-OF-WAY OF STATE HIGHWAY #60; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 88 DEGREES 59 MINUTES 49 SECONDS EAST A DISTANCE OF 81.58 FEET TO THE POINT OF BEGINNING, CONTAINING 13,908.06 SQUARE FEET OR 0.32 ACRES MORE OR LESS.

### **2505 PRINCE STREET:**

PART OF THE NORTHEAST ¼ NORTHWEST ¼ SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY, ARKANSAS, DESCRIBED AS BEGINNING AT A POINT 25 FEET SOUTH AND 108 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHEAST ¼ NORTHWEST ¼ SECTION 11, TOWNSHIP 3 NORTH, RANGE 14 WEST, RUN THENCE WEST 78 FEET; THENCE SOUTH 206 FEET; THENCE EAST 78 FEET; THENCE NORTH 206 FEET TO THE POINT OF BEGINNING.

A PARCEL OF LAND IN PART OF THE NORTHEAST ¼ OF THE NORTHWEST ¼, SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS: BEGINS 25 FEET SOUTH AND 20 FEET WEST OF THE NORTHEAST CORNER OF THE SAID NORTHEAST ¼ OF THE NORTHWEST ¼ RUNNING THENCE SOUTH 170 FEET TO

THE POINT OF BEGINNING; THENCE WEST 88 FEET; THENCE SOUTH 36 FEET; THENCE EAST 88 FEET; THENCE NORTH 36 FEET TO THE POINT OF BEGINNING. ALSO, PART OF THE NORTHEAST  $\frac{1}{4}$  NORTHWEST  $\frac{1}{4}$ , SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY, ARKANSAS, DESCRIBED AS BEGINNING 25 FEET SOUTH AND 20 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHEAST  $\frac{1}{4}$  NORTHWEST  $\frac{1}{4}$  SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST; THENCE WEST 88 FEET; THENCE SOUTH 170 FEET; THENCE EAST 88 FEET; THENCE NORTH 170 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACTS OF LAND:

PART OF THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY, ARKANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS: STARTING AT THE SOUTHEAST CORNER OF THE E  $\frac{1}{2}$  OF THE NW  $\frac{1}{4}$  OF SECTION 11; THENCE NORTH 02 DEGREES 04 MINUTES 31 SECONDS EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 2566.19 FEET TO A POINT; THENCE SOUTH 82 DEGREES 59 MINUTES 58 SECONDS WEST A DISTANCE OF 21.18 FEET TO A POINT ON THE SOUTHERLY PROPOSED RIGHT-OF-WAY LINE OF STATE HIGHWAY 60 FOR THE POINT OF BEGINNING;

THENCE NORTH 42 DEGREES 27 MINUTES 55 SECONDS WEST ALONG SAID PROPOSED RIGHT-OF-WAY LINE A DISTANCE OF 41.42 FEET TO A POINT; THENCE NORTH 83 DEGREES 09 MINUTES 58 SECONDS WEST ALONG SAID PROPOSED RIGHT-OF-WAY LINE A DISTANCE OF 50.25 FEET TO A POINT; THENCE NORTH 88 DEGREES 52 MINUTES 36 SECONDS WEST ALONG SAID PROPOSED RIGHT-OF-WAY LINE A DISTANCE OF 86.70 FEET TO A POINT; THENCE NORTH 02 DEGREES 36 MINUTES 16 SECONDS EAST A DISTANCE OF 15.00 FEET TO A POINT ON THE SOUTHERLY EXISTING RIGHT-OF-WAY LINE OF STATE HIGHWAY 60; THENCE SOUTH 88 DEGREES 52 MINUTES 36 SECONDS EAST ALONG SAID EXISTING RIGHT-OF-WAY LINE OF DISTANCE OF 165.82 FEET TO A POINT ON THE WESTERLY EXISTING RIGHT-OF-WAY LINE OF FARRIS ROAD; THENCE SOUTH 02 DEGREES 13 MINUTES 21 SECONDS WEST ALONG SAID EXISTING RIGHT-OF-WAY LINE 2 DISTANCE OF 50.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.07 ACRES MORE OR LESS.

PART OF THE NORTHEAST  $\frac{1}{4}$  NORTHWEST  $\frac{1}{4}$  OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST  $\frac{1}{4}$  NORTHWEST  $\frac{1}{4}$  AND RUNNING THENCE NORTH 88 DEGREES 43 MINUTES 51 SECONDS WEST ALONG THE NORTH LINE OF SAID NORTH  $\frac{1}{4}$  NORTHWEST  $\frac{1}{4}$ , 83.97 FEET; THENCE RUN SOUTH 01 DEGREES 16 MINUTES 09 SECONDS WEST, 42.06 FEET TO A POINT ON THE EXISTING RIGHT-OF-WAY OF PRINCE STREET AND THE POINT OF BEGINNING; RUN THENCE SOUTH 82 DEGREES 54 MINUTES 38 SECONDS EAST, ALONG SAID RIGHT-OF-WAY 33.57 FEET TO AN EXISTING RIGHT-OF-WAY MARKER; THENCE RUN SOUTH 42 DEGREES 25 MINUTES 18 SECONDS EAST 42.45 FEET TO THE WEST RIGHT-OF-WAY OF FARRIS ROAD; THENCE RUN SOUTH 02 DEGREES 24 MINUTES 31 SECONDS WEST ALONG SAID RIGHT-OF-WAY, 45.28 FEET; THENCE RUN NORTH 87 DEGREES 26 MINUTES 49 SECONDS WEST, 6.91 FEET; THENCE NORTH 24 DEGREES 17 MINUTES 21 SECONDS WEST 62.78 FEET; THENCE NORTH 49 DEGREES 40 MINUTES 25 SECONDS WEST 35.84 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS 1.685 SQUARE FEET MORE OR LESS.

**963 FARRIS ROAD:**

PART OF THE NORTHEAST  $\frac{1}{4}$  NORTHWEST  $\frac{1}{4}$  OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, FAULKNER COUNTY ARKANSAS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 989 FEET NORTH AND 21 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHEAST  $\frac{1}{4}$



NORTHWEST ¼ OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 14 WEST, AND RUN THENCE WEST 180 FEET; THENCE NORTH 100 FEET; THENCE EAST 180 FEET; THENCE SOUTH 100 FEET TO THE POINT OF BEGINNING.

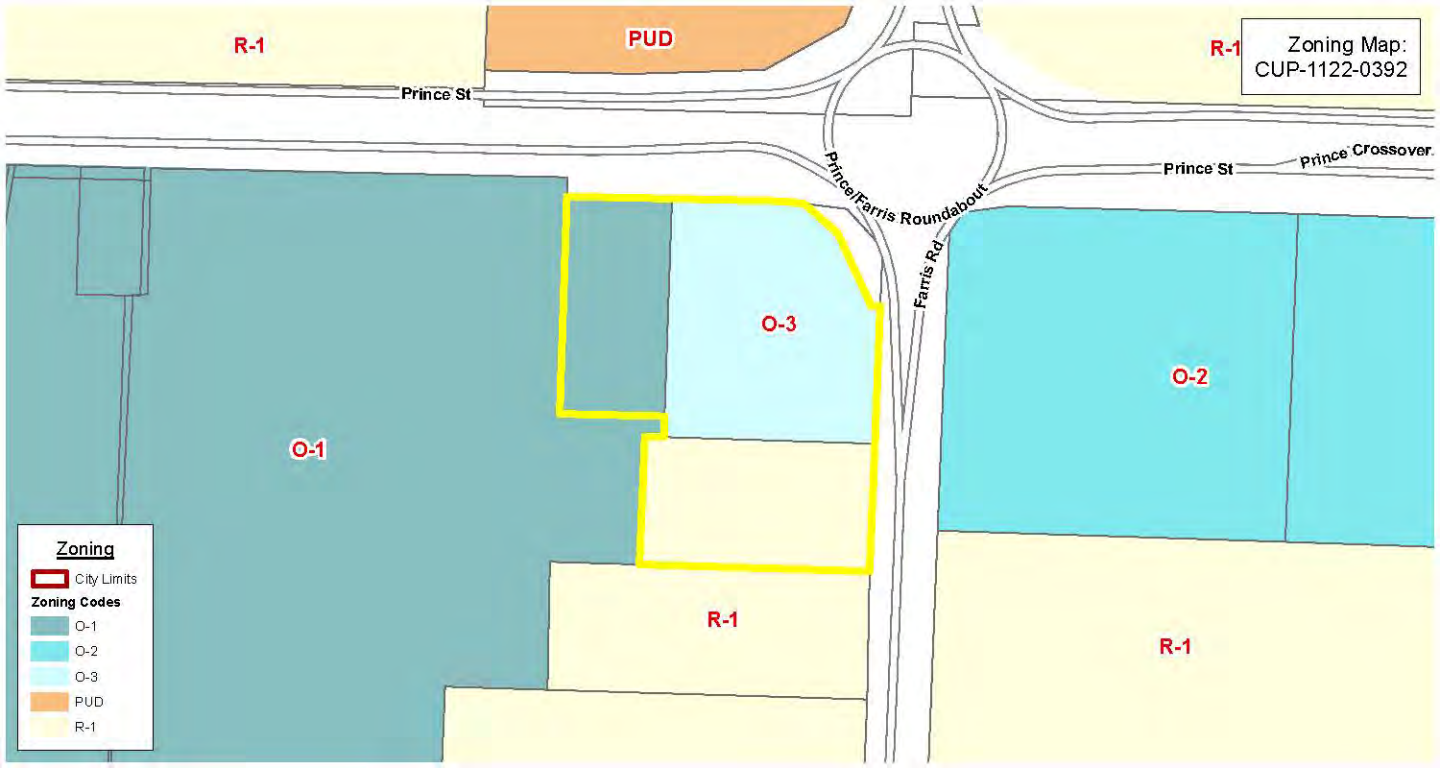
The applicant intends to develop an eating place with drive-through service, which is only allowed in the O-1 zoning district as a conditional use. The applicant has proposed the lobby will close at 11:00 pm daily, but the drive-through will operate 24 hours/day. As conditioned, the negative impact to adjacent properties will be mitigated through the use of screening and landscaping and the site will be subject to the commercial development standards in accordance with Article 10 of the Zoning Code.

Staff recommendation: Staff recommends approval of the conditional use permit, with the following 12 conditions:

1. Platting of the property in accordance with the Subdivision Regulations shall be required, prior to the issuance of building permits.
2. Conditional Use is limited to an eating place with drive-through service.
3. Lobby hours of operation shall be 6 am.-11 pm.; drive-through hours of operation shall be 6 am-1 am.
4. A perimeter landscape strip of at least 20' in width shall be provided along all property lines adjoining any residential area. Landscaping abutting residential areas should consist of trees, bushes, etc. of evergreen species to provide additional buffering/screening to the neighboring residence. An installation diagram and list of proposed species shall be submitted for approval by the Planning staff prior to installation.
5. An 8' wooden privacy fence shall be constructed on the south residential property line. All fencing shall comply with Article 10, Development Review Standards, of the Zoning Code. Fencing placement shall be approved by Planning Staff prior to installation.
6. Any new lighting shall be inward, downcast, and shrouded to prevent light trespass onto adjacent property and shall comply with Article 10, Development Review Standards, of the Zoning Code.
7. All signage shall be permitted and installed in accordance with Article 1301 of the Conway Zoning Code.
8. No variance of any kind may be subsequently requested.
9. Upon development review approval, any expansions or additions to the drive-through structure as well as any changes to the use shall require an amended or new conditional use permit.
10. The conditional use shall automatically expire if the approved use ceases for more than 18 consecutive months.
11. The conditional use shall become null and void if construction for the site is not commenced within 18 months of approval.
12. With the approval of this Conditional Use request, Permit No. 1364 and any additional prior conditional use permits shall be revoked for 2505 Prince St, 2515 Prince St, and 963 Farris Rd and replaced by this new permit.

The Planning Commission reviewed the request at its regular meeting on December 19, 2022 and voted 6-0 that the request be forwarded to the City Council with a recommendation for approval. Please advise if you have any questions.

Zoning Map:  
CUP-1122-0392



**Zoning**

 City Limits

**Zoning Codes**

-  O-1
-  O-2
-  O-3
-  PUD
-  R-1



**City of Conway, Arkansas**  
**Ordinance No. O-23- \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CONWAY ZONING CODE O-94-54, AS AMENDED FOR THE PURPOSES OF REGULATING ACCESSORY DWELLING UNITS; AND FOR OTHER PURPOSES:**

**Whereas**, the City Council of the City of Conway wishes to regulate accessory dwelling units, which are currently allowed as caretaker quarters, in order to better protect the public welfare;

**Whereas**, in accordance Arkansas Code Annotated § 14-56-416 has the City Council of City of Conway adopted a Zoning Code and Arkansas Code Annotated § 14-56-423 provides for the amendment of such regulations; and

**Whereas**, the Conway Planning Commission has prepared amendments to the Conway Zoning Code, gave proper notice in accordance with Arkansas Code Annotated § 14-56-422, held a duly authorized public hearing on December 19th, 2022, and adopted the prepared amendments.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:**

**Section 1:** That these amendments to the Conway Zoning Code are hereby adopted by reference, and included as exhibit "A" to this ordinance, as Section 503, additions for Section 1202, and changes to Appendix A. of O-94-54, as amended and also known as the Conway Zoning Code.

**Section 2:** That any ordinances in conflict herewith are hereby repealed to the extent of the conflict. The Planning and Development Director shall be empowered to recodify the Zoning Code as necessary to update the code with the amendments.

**PASSED** this 10<sup>th</sup> day of January, 2023.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

\_\_\_\_\_  
**Michael O. Garrett**  
**City Clerk/Treasurer**

## EXHIBIT "A"

### **SECTION 503 – ACCESSORY DWELLING UNITS**

---

#### **503.1 – GENERAL AND APPROVAL**

- A. Allowance: Accessory dwellings units shall only be allowed on conforming platted lots where there is an existing single-family residence locating in a zoning district where it is conditionally permitted or permitted by-right. An existing single-family dwelling may be converted to an accessory dwelling unit.
- B. Approval: Approval shall require zoning review by the Administrative Official in addition to building permitting requirements.
- C. Existing Nonconforming Structures: Existing accessory dwelling units permitted or constructed prior to January 31, 2023, made non-conforming by these regulations shall be considered legal and conforming and may be reconstructed, but not expanded if demolished or destroyed for any reason.

#### **503.2 – STANDARDS**

- D. Owner Occupancy: The property owner must maintain permanent residence in either the principal structure or the accessory dwelling unit and shall provide proof of property tax records demonstrating the redemption of an Arkansas Homestead Tax Credit for the property prior to approval of permits for the accessory dwelling unit.
- E. Maximum Occupancy: Occupancy of the accessory dwelling unit shall be limited to one (1) family with no more than one (1) bedroom.
- F. Number Allowed: One (1) accessory dwelling unit per principal structure.
- G. Size Limits: The accessory dwelling unit must be less than forty (40) percent of the size of the principal structure or one thousand (1,000) square feet in gross floor area, whichever is less. It must also be at least three hundred sixty (360) square feet in gross floor area. The area requirements for accessory structures shall additionally apply.
- H. Location: The unit must be placed within the rear yard of the lot, behind the principal structure.
- I. Design: The façade materials of the unit must match or complement the façade materials of the principal structure or meet the requirements of the district, if more stringent. The applicant shall provide a materials list at the time of approval for the structure.
- J. Living Quarters: The accessory dwelling unit shall include its own independent living facilities with provisions for sleeping, cooking, and sanitation which is designed for residential occupancy independent of the primary dwelling unit.

- K. Parking: One (1) paved parking space shall be provided adjacent and abutting the existing required parking area for the principal structure, unless the unit is placed within a structure that includes a garage. Existing parking or on-street parking directly adjacent to the property may be counted to meet this requirement. If the unit is placed along an alley, the required parking may be placed adjacent to the alley.
- L. Utilities: Separately metered utilities shall be required for the accessory dwelling unit.
- M. Accessory Structure Conversion: An existing accessory structure may be converted in whole or in part to an accessory dwelling unit provided the accessory structure is conforming and the structure or portion of the structure deemed an accessory dwelling unit meets the requirements of this section and all applicable building codes.

Section 1202 - Definition

Accessory Dwelling Unit: A smaller, secondary site-built detached dwelling unit on the same lot as an existing single-family dwelling.

Appendix A - Permitted Uses:

Permitted Uses	R-1	R-2A	R-2	SR	MF-1	MF-2	MF-3	RMH	HR	C-1	
Manager / caretaker residence		C	C		X	X	X	X			
Permitted Uses	C-2	C-3	O-1	O-2	O-3	I-1	RU-1	I-3	A-1	S-1	TJ
Manager / caretaker residence	X	X				X	X	X		X	



CITY OF CONWAY | 1111 Main Street  
Planning and Development | Conway, AR 72032  
T 501.450.6105  
F 501.450.6144  
www.conwayarkansas.gov

January 6, 2023

**MEMO - RE: Accessory Dwelling Units Zoning Change**

To: Mayor, Council Members

The following code revisions are provided to reform current treatment of accessory dwelling units. Current code allows for manager or caretaker residences. While originally meant for things like on-site managers of self-storage and apartments, this allowance has served as a loophole to allow accessory dwelling units (ADUs) with few restrictions. ADUs are incredibly popular because of the housing affordability crisis nationwide and the silver tsunami. Cities across the US and state have legalized ADUs, as they are way of allowing increased density with minimal impacts on neighborhood character, often being described as "invisible density". They additionally provide a means for providing long-term care to aging relatives, allow multi-generational housing with less friction, help curb rising rents, and provide important income producing opportunities for homeowners. These provisions would close the current loophole while providing reasonable restrictions on the allowances of ADUs.

Please contact me at (501) 450-6105 or [james.walden@conwayarkansas.gov](mailto:james.walden@conwayarkansas.gov) if you have any questions or concerns.

Respectfully,

James P. Walden, AICP  
Director of Planning and Development



**City of Conway, Arkansas  
Ordinance No. O-23- \_\_\_\_\_**

**AN ORDINANCE AMENDING THE SPECIAL PROVISIONS AND CONDITIONS APPLYING TO USES FOR HOSPITAL SERVICES IN THE CONWAY ZONING CODE O-94-54, AS AMENDED; AND FOR OTHER PURPOSES:**

**Whereas**, the City Council of the City of Conway wishes to amend the special conditions applying to hospital service uses;

**Whereas**, in accordance Arkansas Code Annotated § 14-56-416 has the City Council of City of Conway adopted a Zoning Code and Arkansas Code Annotated § 14-56-423 provides for the amendment of such regulations; and

**Whereas**, the Conway Planning Commission has prepared amendments to the Conway Zoning Code, gave proper notice in accordance with Arkansas Code Annotated § 14-56-422, held a duly authorized public hearing on December 19th, 2022, and adopted the prepared amendments;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:**

**Section 1:** That the existing Section 515A of the Conway Zoning Code is hereby repealed.

**Section 2:** That any ordinances in conflict herewith are hereby repealed to the extent of the conflict.

**PASSED** this 10<sup>th</sup> day of January, 2023.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

\_\_\_\_\_  
**Michael O. Garrett  
City Clerk/Treasurer**



CITY OF CONWAY | 1111 Main Street  
Planning and Development | Conway, AR 72032  
T 501.450.6105  
F 501.450.6144  
www.conwayarkansas.gov

January 6, 2023

**MEMO - RE: Hospital Services Zoning Change**

To: Mayor, Council Members

The following language is being considered for removal from the Zoning Code. The language does not appear to have been utilized and would stand as a major impediment to local hospitals, if enforced. Additionally, the enforcement of the Old Conway Design Overlay District provides protection of neighboring property for the lone hospital campus near residential.

Please contact me at (501) 450-6105 or [james.walden@conwayarkansas.gov](mailto:james.walden@conwayarkansas.gov) if you have any questions or concerns.

Respectfully,

James P. Walden, AICP  
Director of Planning and Development





**City of Conway, Arkansas**  
**Ordinance No. O-23- \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CONWAY ZONING CODE O-94-54, AS AMENDED FOR THE PURPOSES OF ALLOWING ADMINISTRATIVE WAIVERS AND REESTABLISHING THE BOARD OF ZONING ADJUSTMENT; AND FOR OTHER PURPOSES:**

**Whereas**, the City Council of the City of Conway wishes to allow authorization for the granting of certain administrative waivers;

**Whereas**, in accordance Arkansas Code Annotated § 14-56-416 has the City Council of City of Conway adopted a Zoning Code and Arkansas Code Annotated § 14-56-423 provides for the amendment of such regulations; and

**Whereas**, the Conway Planning Commission has prepared amendments to the Conway Zoning Code, gave proper notice in accordance with Arkansas Code Annotated § 14-56-422, held a duly authorized public hearing on December 19th, 2022, and adopted the prepared amendments;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:**

**Section 1:** That these amendments to the Conway Zoning Code are hereby adopted by reference and included as exhibit "A" to this ordinance, as Article VII of O-94-54, as amended and also known as the Conway Zoning Code.

**Section 2:** That any ordinances in conflict herewith are hereby repealed to the extent of the conflict. The Planning and Development Director shall be empowered to recodify the Zoning Code as necessary to update the code with the amendments.

**PASSED** this 10<sup>th</sup> day of January, 2023.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

\_\_\_\_\_  
**Michael O. Garrett**  
**City Clerk/Treasurer**

## EXHIBIT "A"

---

### **ARTICLE VII. BOARD OF ZONING ADJUSTMENT**

#### ***SECTION 701 – CREATION, APPOINTMENT, AND MEETINGS***

---

##### ***701.1 – CREATION AND APPOINTMENT***

The Board of Zoning Adjustment (Board) is established and shall consist of the membership of the Planning Commission. The officers of the Planning Commission shall hold the same offices on the Board.

##### ***701.2 – RULES AND MEETINGS***

The Board shall hold all meetings in conjunction with regular or special called meeting dates of the Planning Commission. All rules for the conduct of its business, establishment of a quorum, and procedures shall follow such rules established for the Planning Commission unless separate bylaws are formed. Each session of the Board is a public meeting and public notice of the meeting and agenda must be published in a newspaper of general circulation in the City of Conway, at least one (1) time fifteen (15) days prior to the meeting.

#### ***SECTION 702 – POWERS AND DUTIES***

---

The Board shall have all the powers and duties prescribed by law and by this ordinance, which are more particularly described as follows:

##### ***702.1 – ADMINISTRATIVE REVIEW APPEALS***

Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrative Official in the enforcement of the Zoning Code. The Board may affirm or reverse, in whole or in part, said decision of the Administrative Official.

##### ***702.2 – VARIANCES***

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.

##### ***702.3 – SPECIAL EXCEPTIONS***

Hear and decide requests on interpreting zoning district boundaries where uncertainty exists as to the boundaries of the zoning districts or when the street or property lines existing on the ground are at variance with those shown on the Zoning District Map.

#### ***SECTION 703 – ADMINISTRATIVE REVIEW APPEALS***

---

Appeals of any decision or determination of the Administrative Official may be made by any person aggrieved by the decision or determination within thirty (30) days of the decision or determination. Appeals shall be made in writing by means provided by the City of Conway. No appeal shall be accepted and processed without all required materials and payment of fees.

##### ***703.1 – APPLICATION***

The appeal shall include the following information and documents:

- A. Applicant Information. The name and address of the person making the appeal.
- B. Decision. Information detailing the decision or determination made by the Administrative Official which is being appealed. Such information shall include the specific code provision.
- C. Justification. Applicant's justification for why the decision or determination by the Administrative Official was made in error.
- D. Additional Information. The applicant may include additional information supporting the appeal, as may be desired.
- E. Fee. Payment of the prescribed nonrefundable fee as indicated in the Schedule of Fees adopted by the City Council. The fee shall be at least three hundred twenty-five (\$325) dollars.

### **703.2 - HEARING AND REVIEW**

- A. Application Acceptance. Upon receipt of the application, the appeal shall be placed on the agenda for the next regular meeting of the Board following the Planning Commission calendar.
- B. Administrative Official Report. The Administrative Official shall prepare a written report detailing why the decision or determination was made and the relevant code provisions related to the decision. The written report shall be provided to the appeal applicant at least seven (7) days prior to the hearing at which the appeal shall be heard.
- C. Hearing. At the hearing the applicant shall demonstrate why he/she believes the Administrative Official was incorrect in his/her decision or determination based upon the facts of the case and provisions of the Zoning Code. The Board may question the appeal applicant or Administrative Official to determine additional facts in the case.
- D. Decision. Following the hearing, the Board shall render a decision on the appeal within thirty (30) days of the commencement of the hearing. The Board may uphold, partially uphold, or reverse the decision of the Administrative Official. The Board shall consider all the facts presented in determining whether the Administrative Official was correct in carrying out the provisions of the Zoning Code.
- E. Final Action. The appeal applicant or a member of the City Council may appeal the decision of the Board to the City Council within thirty (30) days of the decision of the Board. If no appeal is made, the action of the Board shall be considered final.

## **SECTION 704 - VARIANCES AND SPECIAL EXCEPTIONS**

---

### **704.1 - APPLICATION**

An application for a variance or special exception shall be made by the property owner/authorized agent. The application may accompany a rezoning request and shall be made by means provided by the City of Conway in accordance with the Planning Commission calendar. No application shall be accepted and processed without all required materials and payment of fees.

The application shall include the following information and documents:

- A. Applicant Information. The name and address of the applicant.
- B. Property Owner/Authorized Agent Form. Form indicating that the applicant is the owner(s) of the property or the applicant is authorized to apply and act on behalf of the owner(s).
- C. Location Information. Address and accurate legal description of the property.
- D. Variance Request. Information detailing the variance being requested citing the specific code provisions from which variance relief is sought.
- E. Scaled Site Plan. A scaled site plan showing property boundaries, building locations, building outlines, driveways, parking, screening, abutting streets, north arrow, and other pertinent information as may be required by the Administrative Official. The Administrative Official shall have the authority to require plans prepared and stamped by a licensed design professional.
- F. Fee. Payment of the prescribed nonrefundable fee as indicated in the Schedule of Fees adopted by the City Council. The fee shall be at least three hundred twenty-five (\$325) dollars.

**704.2 – PUBLIC NOTICE**

Public notice for variance and special exception applications shall consist of public notice signs on the property and mailed notice to property owners within two hundred (200) feet. No application may be heard for a public hearing by the Board until all forms of public notice have been made. The following requirements shall satisfy public notice requirements:

A. Public Notice Signs

The applicant shall be responsible for posting a sign or signs of public notice on the property at least fifteen (15) days prior to the public hearing. Sign posting shall meet the following requirements:

- 1. One (1) sign for each five hundred (500) feet of street frontage with at least one (1) sign per street frontage.
- 2. Signs shall be placed at the property line nearest the street, and be clearly visible to passing vehicle and pedestrian traffic.

Signs shall be supplied by the City of Conway and the Administrative Official shall determine the number of required signs. The applicant shall pay a nonrefundable fee established by the Schedule of Fees adopted by the City Council. The fee shall be at least ten (\$10) dollars per sign.

Photographic proof of posting of the required public notice signs shall be provided to the Administrative Official at least ten (10) days prior to the public hearing.

B. Letters of Public Notice

The applicant shall mail, by USPS First Class mail with Certificates of Mailing, a notice of the public hearing to all property owners within two hundred (200) feet of the property as well as all school board members and the school superintendent of the school district in which the property is located. Notice must be mailed at least fifteen (15) days prior to the public hearing. The City of Conway shall supply the required mailing list.

Notice shall be made using a completed form provided by the City of Conway which shall at least include a description of the variance being sought, location, and date/time/location of the public hearing. The applicant may include additional information regarding the application.

Proof of mailing, including Certificates of Mailing and a copy of notice letter, shall be provided to the Administrative Official at least ten (10) days prior to the public hearing.

#### **704.3 - REVIEW PROCEDURE**

A. Staff Review

The Administrative Official shall review the application and may provide a recommendation for action on the item.

B. Board of Zoning Adjustment Review

The Board shall hold a public hearing on the application and render a decision within at least forty-five (45) days following the closing of the public hearing.

1. Approval: If the Board approves the application, this action shall be considered final, and the Administrative Official shall issue the variance or special exception permit.
2. Denial: If a variance or special exception application is denied by the Board, written notice of denial shall be provided to the applicant within fifteen (15) days of the decision being rendered. Such written notice shall include the reasons for denial of the application. The applicant may appeal the denial to the City Council in writing, stating why they consider the Board's findings and decision to be in error. The appeal must be filed with the Administrative Official within thirty (30) days of receiving the written notice of denial and shall be subject to a public hearing before the City Council. The applicant must complete the public notice requirements indicated in § 704.2 and pay a nonrefundable fee prescribed in a Schedule of Fees adopted by the City Council. The fee shall be at least three hundred twenty-five (\$325) dollars.

If no appeal is filed, the decision of the Board shall be final and no further action on the application shall take place.

#### **704.4 - STANDARDS OF APPROVAL**

The Board shall not approve a variance unless making a finding of fact that affirms the following:

- A. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, the strict application of this Zoning Code would result in an undue hardship to the owner, as distinguished from a mere inconvenience.
- B. The conditions causing the need for a variance are unique to the property and are not applicable, generally, to other property within the same zoning classification.
- C. The literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Code.

- D. The granting of the variance will not harm the public welfare, other property, or improvements in the area in which the property is located.
- E. The proposed variance complies with the spirit and intent of restrictions imposed by this code and is the minimum variance necessary to make reasonable use of the property.

No variance may be approved that would allow a use that is not permitted or that is implicitly or expressly prohibited. The Board may provide conditions on the approval of a variance. Violation of these conditions shall be considered a violation of this Zoning Code.

**704.5 - CONDITIONS OF APPROVAL**

The Board may require such conditions or restrictions upon the construction, location, and operation of a variance, as deemed necessary to secure the general objectives of this code.

**704.6 - LAPSE OF VARIANCE**

A variance shall become lapse and void under the following:

- A. The use for which the variance is tied is not commenced within eighteen (18) months.
- B. The building or structure that caused the need for the variance has not begun construction within eighteen (18) months.

**SECTION 705 - ADMINISTRATIVE WAIVERS**

---

The Administrative Official shall have the authority to grant administrative waivers with any application administered through this code for the following circumstances:

**705.1 - AREA REQUIREMENTS**

Administrative waivers may be granted for any area requirements such as setbacks, height, lot size, or lot coverage established within Article III of this code, where such action will not be harmful to the public welfare. No administrative waiver may be granted for more than ten percent (10%) of the numerical standards, and no administrative waiver for a requirement that does not have a numerical standard.

**705.2 - EXISTING STRUCTURES**

Administrative waivers may be granted where approval of a variance for any area requirements established within Article III of this code, excluding lot size, would be necessary to allow the approval of a minor subdivision. In such cases the waiver shall only apply to the existing structure any not any reconstructed or future structures. No waiver may be approved that would result in a condition which could not meet setbacks required by the Arkansas Fire Prevention Code.

**705.3 - REPORTING**

Granting of all administrative waivers shall be reported to the Planning Commission within thirty (30) days of being approved.

**SECTION 706 - BOARD OF ZONING ADJUSTMENT APPEALS**

---

Decisions of the Board may be appealed to the City Council in accordance with the Arkansas Code Annotated § 14-56-416. Such appeals shall follow the procedures established in this article.



CITY OF CONWAY | 1111 Main Street  
Planning and Development | Conway, AR 72032  
T 501.450.6105  
F 501.450.6144  
www.conwayarkansas.gov

January 6, 2023

**MEMO - RE: Board of Zoning Adjustments Zoning Change**

To: Mayor, Council Members

#O-11-97 replaced the Board of Zoning Adjustment with the Planning Commission. Previously, the Board of Zoning Adjustment was separately appointed from the Planning Commission with an independent membership. Arkansas Code Annotated § 14-56-416 requires a board of zoning adjustment, but allows the membership of the Planning Commission to "sit" as the Board of Zoning Adjustment rather than replace it. As such, while the intent of O-11-97 is very much consistent with state law, but likely not fully following state law requirements. The amendments are provided to correct that issue as well allow for small special exceptions and provide enhanced review criteria for variances.

Please contact me at (501) 450-6105 or james.walden@conwayarkansas.gov if you have any questions or concerns.

Respectfully,

James P. Walden, AICP  
Director of Planning and Development



**City of Conway, Arkansas  
Ordinance No. O-23-\_\_\_\_**

**AN ORDINANCE APPROPRIATING FUNDS FOR THE CONWAY PARKS AND RECREATION  
DEPARTMENT; AND FOR OTHER PURPOSES:**

**Whereas**, The Conway Parks and Recreation Department has received a check in the amount of \$750,000.00 from Conway Advertising and Promotion Commission for artificial turf for Conway Station Park; and

**Whereas**, The City of Conway has receipted this check on November 17<sup>th</sup>, 2022, to the Parks A&P Miscellaneous Revenue Account (252.000.4799); and

**Whereas**, The Conway Parks Department will use these funds to purchase artificial turf at Conway Station Park.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:**

**Section 1.** The City of Conway shall appropriate funds in the amount of \$750,000 from the Parks A&P Miscellaneous Revenue Account (252.000.4799) to the Conway Parks Department A&P Miscellaneous Account (252.156.5990) in the fiscal year 2022.

**Section 2.** All ordinances in conflict herewith are repealed to the extent of the conflict.

**PASSED** this 10<sup>th</sup> day of January, 2023.

**Approved:**

\_\_\_\_\_  
**Mayor Bart Castleberry**

**Attest:**

\_\_\_\_\_  
**Michael O. Garrett  
City Clerk/Treasurer**



Division of Building Authority  
 STATE OF ARKANSAS  
 COUNTY OF PULASKI

Lease Term: 04/01/23 to 3/31/28  
 Annual Rent: \$20,000.00  
 Square Feet: n/a Rate: \$n/a  
 Type: Renewal  
 Worked By: Chris Bell  
 County: 23 Agency: 000  
 Lease #: N9304 CB

**STATE OF ARKANSAS  
 THIRD LEASE AMENDMENT**

This Agreement is made and entered into as of the 5<sup>th</sup> day of January, 2023, by and between UNIVERSITY OF CENTRAL ARKANSAS, hereinafter referred to as “Lessor”, and CITY OF CONWAY, ARKANSAS, hereinafter referred to as “Lessee”.

WITNESSETH

Whereas, by Lease Agreement dated March 18, 2008, and First Lease Amendment dated April 26, 2013, and Second Lease Amendment dated March 9, 2018, Lessor leased to Lessee real property located at 1835 South Donaghey Avenue; all situated in the City of Conway, County of Faulkner, Arkansas (the “Lease”); and

Whereas, the parties hereto have hereby agreed to extend the term of the Lease and to amend and modify the Lease as hereinafter set out.

Now, therefore, for and in consideration of the Premises and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto hereby agree that the term of the Lease is hereby amended for a period commencing on April 1, 2023 and continuing through March 31, 2028, upon the same terms and conditions except the Lease shall be amended and modified as follows:

1. Term. LESSEE is extending its term by exercising the Third (3<sup>rd</sup>) of Three (3) Options to Renew, with the amended term beginning on April 1, 2023 and ending on March 31, 2028; and
2. Special Provisions. Special Provisions 3(a) of the Lease is hereby amended and modified as follows:
  - (a) The LESSOR, LESSEE and DBA agree that should the Lease and any applicable amendments expire prior to the execution of this amendment agreement, the parties agree that the Lease and any applicable previous amendments are hereby reinstated and ratified upon this Amendment Agreement being fully executed by the parties. The provisions, terms, and conditions of this Amendment Agreement shall govern in the event of conflict or inconsistencies, or both.

The Lease Agreement as hereby amended, modified, and extended is hereby ratified and confirmed by the parties hereto as being in full force and effect.

This Agreement shall be binding on the parties hereto and their respective heirs, successors, and assigns.

Executed as of the date first hereinabove set out.

LESSOR:

UNIVERSITY OF CENTRAL ARKANSAS

By: \_\_\_\_\_  
Houston D. Davis, President

Date: \_\_\_\_\_

LESSEE:

CITY OF CONWAY, ARKANSAS

By: \_\_\_\_\_  
Bart Castleberry, Mayor

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Allen Dodson, County Judge

Date: \_\_\_\_\_

DIVISION OF BUILDING AUTHORITY  
As Agent for the University of Central Arkansas

By: \_\_\_\_\_  
Chris Bell, Administrator of  
Real Estate Services

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Anne W. Laidlaw, Director

Date: \_\_\_\_\_