

Mayor Bart Castleberry
Clerk/Treasurer Michael O. Garret
City Attorney Charles Finkenbinde



City Council Members

Ward 1 Position 1 – Andy Hawkins
Ward 1 Position 2 – David Grimes
Ward 2 Position 1 –
Ward 2 Position 2 – Shelley Mehl
Ward 3 Position 1 – Mark Ledbetter
Ward 3 Position 2 – Mary Smith
Ward 4 Position 1 – Theodore Jones Jr.
Ward 4 Position 2 – Shelia Isby

Tuesday, October 12th, 2021, City Council Agenda

Conway Municipal Building - City Council Chambers - 1111 Main Street, Conway, AR 72032

www.conwayarkansas.gov

5:30pm Committee:

6:00pm:

Call to Order:

Roll Call:

Minutes Approval:

No Committee Meeting

City Council Meeting

Bart Castleberry, Mayor

Michael O. Garrett, Clerk/Treasurer

September 28th, 2021

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

1. Consideration to approve the Impact Fee Credit Agreement for Blake Lane to Rivendale Cove (*first reading only*).
2. Ordinance rescinding O-21-27 that rezoned property located north of Gentry Lake, northwest of Lakefront Drive and West End Street from R-1 to PUD.
3. Ordinance amending the sign ordinance concerning automobile service stations for Planning & Development.

Adjournment

IMPACT FEE CREDIT AGREEMENT

THIS IMPACT FEE CREDIT AGREEMENT, (hereinafter referred to as this “Agreement”) is entered into between New Home Estates, an Arkansas corporation (hereinafter referred to as “New Home Estates”), and the City of Conway, Arkansas (hereinafter referred to as the “City”) to be effective as of _____, 2021 (the “Effective Date”).

WHEREAS,

A. New Home Estates is the developer of Rivendale Cove P.U.D. Subdivision, an addition to the City, which is created pursuant to the Plat recorded on 08-10-2020 at 11:38:22 am in the real estate records of Faulkner County, Arkansas, as Plat P202000045 (along with future phases, if any, hereinafter referred to as the Neighborhood”).

B. New Home Estates created and developed as part of the Neighborhood a new road and “collector” level street designated as Blake Lane of Rivendale Cove P.U.D. Subdivision (the “Road”), which will connect to another section of Blake Lane, run through the Neighborhood, and intersect with Bill Lucy Dr. across from Raymond and Phyllis Simon Middle School (hereinafter referred to as the “Road”) at approximately 1630 Bill Lucy Dr. The Road will include asphalt, curb, and gutter.

C. The City has enacted Ordinance O-03-98, levying road impact fees upon Impact-Generating Development within the City (hereinafter referred to as the “Ordinance”).

D. Pursuant to Section 12(K) of the Ordinance, developers of Major Roadway System Improvements (as defined by the Ordinance) are entitled to credits (hereinafter referred to as the “Credit”) for costs incurred in the construction of new roads against road impact fees otherwise payable under the Ordinance (“Road Impact Fees”).

E. The City and New Home Estates desire to enter into this Agreement to evidence their determination that the Road is a Major Roadway System Improvement, that the development within the Neighborhood is entitled to the Credit and the amount of the Credit.

NOW, THEREFORE, in consideration of the recitals herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The Road is a Major Roadway System Improvement (as defined by the Ordinance), qualifying the Neighborhood and New Home Estates for the Credit.

2. The City hereby acknowledged that New Home Estates is eligible for a Credit in the amount of \$83,182. The amount of the Credit is determined pursuant to Section 12(K)(2) of the Ordinance based on the cost of construction and development of the Road.

3. The City hereby acknowledges that New Home Estates is eligible for a Credit in the amount of \$83,182 (the “Awarded Credit”), otherwise applicable to Impact-Generating Development (as defined by the Ordinance) within the Neighborhood, in addition to current and

future phases of King's Ridge Estates Phases I, II, III, which are currently platted and approved under Twin Rivendale Phase I, and all property annexed by the City pursuant to O-21-15. New Home Estates shall have the exclusive right to use the designated amount of the Awarded Credit, provided that New Home Estates may in its sole discretion assign the right to use the designated amount of the Awarded Credit to offset the Road Impact Fee applicable to a project developed by the assignee within the Neighborhood, current and future phases of King's Ridge Estates Phases I, II, III, which are currently platted and approved under Twin Rivendale Phase I, and all property annexed by the City pursuant to O-21-15. Any such assignment shall be in writing signed by New Home Estates or its successors and assigns and delivered to the City Planning Department or other department serving as administrator of Road Impact Fees. The Awarded Credit shall also be available to New Home Estates and its designated successors and assigns to offset Road Impact Fees applicable to Impact-Generating Development in any and all future phases of the Neighborhood, in addition to current and future phases of King's Ridge Estates Phases I, II, III, which are currently platted and approved under Twin Rivendale Phase I, and all property annexed by the City pursuant to O-21-15.

4. New Home Estates will not be reimbursed for any excess Credit beyond the Road Impact Fees that would otherwise be due from New Home Estates or its assigns from Impact Generating Development in the Neighborhood and any and all current and future phases of King's Ridge Estates Phases I, II, III, which are currently platted and approved under Twin Rivendale Phase I, and all property annexed by the City pursuant to O-21-15.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date and year first written above.

New Home Estates,

By: _____
Tim Files, Operating Manager

City of Conway, Arkansas

By: _____
Bart Castleberry, Mayor

ATTEST:

By: _____
City Clerk/Treasurer

THIS INSTRUMENT PREPARED BY:

Debby L. Ferguson
Ark. Bar No. 2001146
Gill Ragon Owen
425 W. Capitol Ave., Ste. 3800
Little Rock, Arkansas 72201
(501) 376-3800



**City of Conway, Arkansas
Ordinance No. O-21-**

AN ORDINANCE RESCINDING O-21-27 THAT REZONED PROPERTY LOCATED NORTH OF GENTRY LAKE, NORTHWEST OF LAKEFRONT DRIVE AND WEST END STREET FROM R-1 TO PUD:

WHEREAS, The developer of Lakecrest PUD has stated an intention not to develop the site;

WHEREAS, The site was previously zoned R-1 for single-family use;

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

Section 1. That Ordinance O-21-27 is hereby rescinded.

Section 2. That the property described below:

COMMENCING AT THE NW CORNER OF SAID SW¼ NW¼, THENCE ALONG THE WEST LINE THEREOF S 01°34'05" W 314.83 FEET TO A FOUND IRON PIN, THENCE S 87°58'26" E 315.20 FEET TO A FOUND IRON PIN FOR THE TRUE POINT OF BEGINNING, THENCE S 02°02'49" W 73.29 FEET TO A POINT, THENCE S 81°00'37" E 156.04 FEET TO A POINT, THENCE S 69°37'37" E 161.79 FEET TO A POINT, THENCE S 53°20'48" E 46.25 FEET TO A POINT, THENCE N 52°55'36" E 87.02 FEET TO A POINT, THENCE S 87°31'52" E 103.34 FEET TO A POINT, THENCE N 02°28'08" E 85.47 FEET TO A FOUND IRON PIN, THENCE S 87°22'27" E 2.67 FEET TO A FOUND IRON PIN ON THE WEST LINE OF THE ROBBINSWOOD SUBDIVISION THENCE N 02°04'40" E 344.99 FEET TO A FOUND CHAIR LEG FOR THE NW CORNER OF SAID ROBBINSWOOD SUBDIVISION, THENCE N 88°02'19" W 523.51 FEET TO A FOUND IRON PIN, THENCE S 01°34'02" W 314.51 FEET TO THE POINT OF BEGINNING, CONTAINING 5.11 ACRES MORE OR LESS, SUBJECT TO ANY EASEMENTS OR RIGHTS OF WAY OF RECORD.

Shall no longer be zoned PUD, and the Official Zoning Map of the City of Conway shall indicate **R-1** for the property, and the corresponding use district is hereby established in the area above described.

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

PASSED this 12th day October 2021.

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

MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Planning and Development
Date: October 12, 2021

Re: Request to rescind O-21-27 that rezoned property located north of Gentry Lake, northwest of Lakefront Drive from R-1 to PUD back to the original R-1 zoning

Skip Colvin, has request to rescind O-21-27 that rezoned property located north of Gentry Lake, northwest of Lakefront Drive from R-1 to PUD back to the original R-1 zoning, for property with the legal description:

COMMENCING AT THE NW CORNER OF SAID SW $\frac{1}{4}$ NW $\frac{1}{4}$, THENCE ALONG THE WEST LINE THEREOF S 01°34'05" W 314.83 FEET TO A FOUND IRON PIN, THENCE S 87°58'26" E 315.20 FEET TO A FOUND IRON PIN FOR THE TRUE POINT OF BEGINNING, THENCE S 02°02'49" W 73.29 FEET TO A POINT, THENCE S 81°00'37" E 156.04 FEET TO A POINT, THENCE S 69°37'37" E 161.79 FEET TO A POINT, THENCE S 53°20'48" E 46.25 FEET TO A POINT, THENCE N 52°55'36" E 87.02 FEET TO A POINT, THENCE S 87°31'52" E 103.34 FEET TO A POINT, THENCE N 02°28'08" E 85.47 FEET TO A FOUND IRON PIN, THENCE S 87°22'27" E 2.67 FEET TO A FOUND IRON PIN ON THE WEST LINE OF THE ROBBINSWOOD SUBDIVISION THENCE N 02°04'40" E 344.99 FEET TO A FOUND CHAIR LEG FOR THE NW CORNER OF SAID ROBBINSWOOD SUBDIVISION, THENCE N 88°02'19" W 523.51 FEET TO A FOUND IRON PIN, THENCE S 01°34'02" W 314.51 FEET TO THE POINT OF BEGINNING, CONTAINING 5.11 ACRES MORE OR LESS, SUBJECT TO ANY EASEMENTS OR RIGHTS OF WAY OF RECORD.

This PUD development was rezoned from R-1 to PUD in February of 2021 by O-21-27 for the property owners to construct a private, gated drive serving 4 lake front properties. Since approval of this rezoning, the property owners have moved out of state and will not be developing the property. The property owners have had issues selling the property as potential buyers have not been interested in constructing a neighborhood that fits into the confines of the final PUD development plan. Therefore, it is the owners wish for the property to revoke the PUD zoning and revert the property back to the previous R-1 zoning.

Please advise if you have any questions.



**City of Conway, Arkansas
Ordinance No. O-21-**

AN ORDINANCE AMENDING SECTION 1301 OF CONWAY ZONING CODE KNOWN AS THE SIGN ORDINANCE CONCERNING AUTOMOBILE SERVICE STATIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

WHEREAS, The City of Conway has adopted reasonable regulations concerning the display of signage;

WHEREAS, The purpose of these regulations was established by O-06-134 and Section 1.01 of the Sign Ordinance;

WHEREAS, It is desirable to amend these regulations concerning signage for Automobile Service Stations;

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

Section 1.

- A) That Section 1301 of the Conway Zoning Code, Signs, Section 2.01 – Sign Prohibited be amended as follows:**

Alter item (7) as shown below.

Section 2.01- Signs Prohibited

The following types of signs are prohibited in all districts:

- (1) Abandoned signs.
- (2) Pylon or single pole signs with the exception of on-premise interstate signs as allowed in Section 3.05.
- (3) Festoons and search lights. (Except as allowed in Sections 2.0.4 and 3.0.1).
- (4) Signs imitating or resembling official traffic or government signs or signals.
- (5) Snipe signs or signs attached to trees, telephone poles, public benches, streetlights, or placed on any public property or public right-of-way.
- (6) Animated, moving, flashing, blinking, reflecting, revolving, or any other similar sign.
- (7) Electronic message boards and electrically activated signs with the exception of static LED fuel price signs as allowed in the interstate zone See Section 3.05.
- (8) Permanent sale or come-on signs.
- (9) Signs painted on fences or roofs.
- (10) Portable signs
- (11) Obscene signs
- (12) Inflatable Signs over ten (10) feet tall by ten (10) feet wide by ten (10) feet deep, or 1000 cubic feet.

- B) That Section 1301 of the Conway Zoning Code, Signs, Section 2.07 – Changeable Copy be amended as follows:**

Alter as shown below.

Section 2.07- Changeable Copy

Unless otherwise specified by this ordinance, any sign herein allowed may use manual changeable copy. Only one changeable copy area per sign is allowed. **Electronic message boards and electronic numeric**

displays are prohibited with the exception of static LED fuel price signs within the interstate zone. See Section 3.05.

C) That Section 1301 of the Conway Zoning Code, Signs, Section 3.03 – Commercial, Office, Institutional, and Industrial Zones: Sign Permit Required be amended as follows:

Alter as shown below.

Commercial, Office, Institutional, and Industrial Zones – Sign Permit Required

Section Number	Zone(s)	Signs Allowed	Limitations
3.03	Commercial, office, institutional, and industrial zones C-2, C-3, C-4, O-1, O-2, O-3, S-1, I-1, I-2, Tj, and I-3	All signs permitted in Sections 3.01 and 3.02	As shown in these sections
		Banner sign	=< 24 square feet in area per side One (1) banner sign is allowed per tenant or business location. Banners may be changed. Banners may not be placed within the street right of way. Banners may not be hung from awnings unless canopy sign requirements can be met. Banner permits must be renewed on an annual basis. (see Section 6.03 Permit Fees)
		A-frame sign No permit is required.	=< 3 feet in height =< 2 feet in width Allowed in commercial districts only. Allowed on a sidewalk immediately in front of the business, but not within street right of way. Must leave walkable sidewalk width. Must be readily movable. No permit is required.
		Monument sign or two-pole sign One (1) per street frontage	Lots or developments =< 5 acres in size =<64 square feet in area per side =< 8 feet in height Lots or developments > 5 and < 20 acres in size =< 64 square feet in area per side =< 10 feet in height Lots or developments > 20 acres in size =< 96 square feet in area per side =< 12 feet in height Street frontage must be => 325 feet in length. If frontage is < 325 feet, the 5-20 acre limits above apply. <u>Automobile Service Stations may utilize up to 40% of the sign area or 36 square feet, whichever is less with static, monochromatic direct illumination not changing its lighting arrangement more than</u>

once per hour and displaying only numeric characters such as fuel prices.

Only allowed in C-3 and O-1 zones on lots without street frontage as allowed by the Zoning Ordinance

Off-premise directional signs

=< 48 square feet in area per side
=< 8 feet in height
Located outside the public right-of-way with the property owner's permission. No closer than 100 feet from the nearest other off-premise directional sign.

Wall signs
May be used in lieu of a projecting sign

=< 10% of aggregate area of building or elevation on which the sign(s) are installed.
The total of all wall and awning signs can be no more than the 10% aggregate area

Awning Sign

=< 10% of aggregate area of building elevation on which the sign(s) are installed
The total of all wall and awning signs can be no more than the 10% aggregate area.

Under canopy sign

=< 8 sq. ft. => 7 ft. clearance to grade
1 sign for each separate occupancy or entrance.
External illumination only.

Projecting sign (Blade Sign)
May be used in lieu of a wall sign

May not project more than 8 feet from the side of a structure
=< 10% of aggregate area of building elevation on which the sign(s) are installed
=> 10 ft. Clearance to grade over pedestrian walkway
=> 14 ft. clearance over vehicular right of way.
External illumination only.
1 sign for each separate occupancy or entrance.

Incidental signs

=< 4 sq. ft. per occupancy

Window signs
No permit is required

Window signs are limited to 25% of the total window area of the primary entrance frontage. **No permit is required.**

D) That Section 1301 of the Conway Zoning Code, Signs, Section 3.05 – Interstate Signage: Permit Required be amended as follows:

Alter as shown below.

Interstate Signage: Sign Permit Required			
Section Number	Zone(s)	Signs Allowed	Limitations
3.05	Within 1000 feet of the centerline of Interstate 40 between the future Highway 25 exit and Exit 129 (Dave Ward Drive)	All signs permitted in Sections 3.01 and 3.02, and 3.03 with the below additional allowances for interstate and static LED fuel price signs On-premise interstate sign May be used in lieu of monument or two pole sign Static LED fuel price sign Billboard Must be on property abutting Interstate 40	As shown in these sections =< 300 sq. ft. =< 75 feet in height or =<25 feet above the freeway grade, whichever is higher. Principal purpose must be to address interstate traffic. <u>Automobile Service Stations may utilize up to 40% of the sign area with static, monochromatic direct illumination not changing copy more than once per hour and displaying only numeric characters such as fuel prices.</u> Static light emitting diode sign for fuel pricing purposes only. Must be a numeric display only. No messages may be displayed only fuel prices. Subject to a cap of 32 billboards within the interstate zone. No additional billboards may be constructed without loss of a billboard. Double stacked billboards count as one billboard. =< 672 sq. ft. =< 35 feet in height => 50 feet from the nearest free standing sign => 1000 feet from the nearest other billboard on the same side of the interstate. Must be mounted on a single pole and shall not be double stacked. Billboards shall not consist of, nor utilize electronic message boards.

E) That Section 1301 of the Conway Zoning Code, Signs, Section 8.0 – Definitions be amended as follows:

Alter as shown below due to the definition no longer being needed.

~~**LED Sign**— A sign composed of alphanumeric characters composed of light emitting diodes. LED signs are prohibited with the exception of static LED fuel price signs within the interstate sign zone.~~

Section 2. That all ordinances in conflict herewith are hereby repealed to the extent of that conflict.

Section 3. That this ordinance is necessary for the protection of the public peace, health and safety, and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 12th day of October 2021.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



CITY OF CONWAY
Planning and Development

1111 Main Street
Conway, AR 72032

T 501.450.6105
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www.conwayarkansas.gov

October 6th, 2021

Re: Sign Ordinance Amendment

Mayor and Council Members,

Enclosed with this memo is an ordinance to amend the sign regulations to allow what are commonly called electronic fuel price signs where automobile service stations are allowed.

Last year the Planning Department undertook an effort to revise the sign ordinance to address the issue that "electronic fuel price signs" are only allowed in the interstate sign zone. This change was taken to Planning Commission on June 15th, 2020, for a public hearing and passed by the Planning Commission. The item was referred to the City Council. Concern was raised that identified a need to review the broader sign ordinance.

Work continues to revise the entire sign ordinance. However, it has been identified that the change enclosed will be included in the revised sign ordinance. The language previously considered has been tweaked to remove any confusion or references to electronic message boards, etc.

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