



City of Conway, Arkansas
CITY COUNCIL
Agenda • September 12th, 2023
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

5:30pm:

No Committee Meeting

6:00pm:

City Council Meeting • City Council Chambers • 1111 Main Street

Call to Order:

Bart Castleberry, Mayor

Roll Call:

Michael O. Garrett, Clerk/Treasurer

Minutes Approval:

August 8, 2023

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

1. Resolution expressing the willingness of the City of Conway, in partnership with Conway Corporation, to apply for Economic Development Administration funds for offsite water improvements to facilitate the development of the South Conway Industrial Site.
2. Resolution expressing the intent of the City of Conway for the issuance of bonds to assist in financing the acquisition, construction, and equipping of an industrial facility for Westrock Beverage Company, LLC.
3. Resolution expressing the intent of the City of Conway for the issuance of bonds to assist in financing and refinancing of the acquisitions, renovation, rehabilitation, and equipping of an industrial facility for Westrock Beverage Company, LLC.

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

1. Consideration to approve waiving all three readings for the ordinances on the Sept. 12th, 2023, City Council agenda.
2. Resolution requesting the Faulkner County Tax Collector to place a lien on various properties for expenses incurred by the City.
3. Ordinance to approve the private club permit for Impact Golf Inc. located at 5150 John W. Allison Road, Suite B.
4. Ordinance appropriating insurance proceeds received from Progressive Insurance for the Conway Airport.
5. Ordinance appropriating funds from the Arkansas Community Foundation to the City of Conway.
6. Ordinance amending the recommendations for the operations of boards and commissions.
7. Resolution authorizing the Mayor to enter into an impact fee agreement for Centerstone Lot 8 and Moix Meadows Lot 8.
8. Resolution authorizing the Mayor to enter into an impact fee agreement for Lands End Subdivision Phase II.
9. Consideration to approve a conditional use permit for Braum's location with a drive-through for property located at 2505 & 2515 Prince Street and 963 Farris Road.

10. Consideration to approve a conditional use permit for Conway Ministry Center to allow for a shelter for the homeless on property located at 134 Harkrider Street.
11. Consideration to approve a major modification to the Sherman Heights PUD to allow a childcare facility use at 575 Club Lane.
12. Ordinance to rezone property located at 931 Faulkner Street from O-3 to C-1.
13. Ordinance to rezone property located at 203 Second Street from R-2 to MF-3.
14. Ordinance to rezone property located at 523 Polk Street from R-2A to R-2.
15. Ordinance to rezone property located at 505 Polk Street from R-2A to R-2.
16. Ordinance to rezone property located at 2730 Allyson Lane from O-2 to O-1.
17. Ordinance to rezone property located at 450 Corporate Drive from I-3 and PUD to S-1.

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

1. Ordinance appropriating donation funds received from Walmart to the Conway Fire Department.
2. Ordinance appropriating insurance proceeds for the Conway Fire Department.

D. New Business

1. Consideration to approve the retirement benefits payments as related to a retired employee.

Adjournment



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

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF CONWAY TO UTILIZE ECONOMIC DEVELOPMENT ADMINISTRATION PUBLIC WORKS/ECONOMIC ADJUSTMENT ASSISTANCE FUNDS FOR OFF-SITE WATER IMPROVEMENTS TO FACILITATE DEVELOPMENT OF CONWAY INDUSTRIAL SITE

Whereas, the Economic Development Administration provides funding for public works in communities that have experienced economic distress; and

Whereas, the City of Conway has experienced a loss of over 625 manufacturing jobs since 2019 with the closure of Kimberly-Clark and other facilities; and

Whereas, Westrock Beverage Company, LLC will invest or cause to be invested \$370 million in construction of manufacturing and distribution facilities, eventually providing 700 jobs that will more than replace recently lost manufacturing jobs; and

Whereas, other manufacturing and industrial concerns have expressed interest in development facilities in Conway; and

Whereas, substantial expensive upgrades of electricity, water and sewer will be required to accommodate operations of Westrock and other anticipated manufacturing and industrial concerns; and

Whereas, Conway Corp operates utilities for the City of Conway and will provide match for the grant; and

Whereas, Economic Development Administration funding will enable the full investment to be made without overburdening Conway Corp utility customers with the cost of major upgrades to the system.

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

Section 1. The City of Conway will partner with Conway Corp in making application for Economic Development Administration Public Works/Economic Adjustment Assistance funds for the project.

Section 2. The City Council does hereby authorize the Mayor to execute all agreements and contracts regarding this project.

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

PASSED this 12th day of September 2023.

Approved:

Mayor Bart Castleberry

Attest:

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



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

A RESOLUTION OF INTENT OF THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, REGARDING THE ISSUANCE OF BONDS FOR THE PURPOSE OF ASSISTING IN THE FINANCING OF THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF AN INDUSTRIAL FACILITY TO BE LOCATED WITHIN THE CITY

WHEREAS, the City of Conway, Arkansas (the “City”) is authorized under the provisions of Amendment 65 to the Constitution of the State of Arkansas (“Amendment 65”) and the Municipalities and Counties Industrial Development Revenue Bond Law, Arkansas Code Annotated §§14-164-201 *et seq.* (the “Act”), to own, acquire, construct, reconstruct, improve, equip and lease facilities to secure and develop industry and to assist in the financing thereof by the issuance of bonds payable from the revenues derived from such facilities; and

WHEREAS, as defined in the Act, “industry” includes manufacturing facilities, warehouses, distribution facilities, repair and maintenance facilities, and corporate and management offices for industry; and

WHEREAS, Tempus Conway DC, LLC, an Arkansas limited liability company (the “Company”), has evidenced its interest in acquiring, constructing and equipping a distribution facility (the “Project”) to be located on approximately 30.85 acres at 1430 William J. Clark Drive within the corporate boundaries of the City if permanent financing for the Project can be provided through the issuance of revenue bonds under the authority of Amendment 65 and the Act; and

WHEREAS, the Company’s leasehold interest in the Project facilities would be subleased by the Company to Westrock Beverage Company, LLC, an Arkansas limited liability corporation engaged in the production and sale of coffee, tea, liquid extracts and allied products (the “Sublessee”); and

WHEREAS, in order to secure and develop industry within the City in accordance with the provisions of the Act, the City desires to assist the Company and the Sublessee in the financing of the Project through the issuance of the City’s Not to Exceed \$75,000,000 Taxable Industrial Development Revenue Bonds (Tempus Conway DC, LLC Project), Series 2023 (the “Series 2023 Bonds”);

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

Section 1. It is the City’s present intention to assist the Company in the financing of the proposed Project through the issuance of industrial development revenue bonds under the authority of Amendment 65 and the Act. It is presently estimated by the Company that bonds in the aggregate principal amount of not to exceed \$75,000,000 would be required for this purpose. However, the City’s intent is to issue the bonds from time to time, pursuant to Amendment 65 and the terms of the Act, in

such amount as shall be requested by the Company for accomplishing all or any part of the Project, whether or not such amount is more or less than the above estimate and whether or not the facilities and improvements finally acquired, constructed and equipped are identical to or different from the facilities presently expected to constitute the Project.

Section 2. In conjunction with any issuance of bonds to assist in the financing of the Project, the City states its intention to enter into an agreement with the Company providing for annual payments by the Company in lieu of ad valorem taxes in an amount equal to thirty-five percent (35%) of the aggregate amount of ad valorem taxes that would otherwise be due with respect to the Project facilities but for the City's issuance of the bonds. It is the City's present intention that said bonds and the corresponding agreement for payments in lieu of ad valorem taxes would have a term of approximately thirty (30) years. Any payment made in lieu of ad valorem taxes would be distributed to the political subdivisions which would have received ad valorem tax payments with respect to the Project facilities in the proportion that the millage levied by each affected political subdivision bears to the total millage levied by all affected political subdivisions.

Section 3. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED this 12th day of September, 2023.

By: _____
Mayor Bart Castleberry

ATTEST:

By: _____
Michael O. Garrett
City Clerk/Treasurer

(SEAL)



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

**A RESOLUTION OF INTENT OF THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS
REGARDING THE ISSUANCE OF BONDS FOR THE PURPOSE OF ASSISTING IN THE
FINANCING AND REFINANCING OF THE ACQUISITION, RENOVATION, REHABILITATION
AND EQUIPPING OF AN INDUSTRIAL FACILITY LOCATED WITHIN THE CITY**

WHEREAS, the City of Conway, Arkansas (the “City”) is authorized under the provisions of Amendment 65 to the Constitution of the State of Arkansas (“Amendment 65”) and the Municipalities and Counties Industrial Development Revenue Bond Law, Arkansas Code Annotated §§14-164-201 *et seq.* (the “Act”), to own, acquire, construct, reconstruct, improve, equip and lease facilities to secure and develop industry and to assist in the financing thereof by the issuance of bonds payable from the revenues derived from such facilities; and

WHEREAS, as defined in the Act, “industry” includes manufacturing facilities, warehouses, distribution facilities, repair and maintenance facilities, and corporate and management offices for industry; and

WHEREAS, Westrock Beverage Company, LLC, an Arkansas limited liability corporation engaged in the production and sale of coffee, tea, liquid extracts, and allied products (the “Company”), has acquired and is in the process of renovating, rehabilitating, and equipping, a production facility (the “Project”) located on approximately 44 acres at 480 Exchange Avenue within the corporate boundaries of the City;

WHEREAS, in accordance with the Act, by the adoption of Ordinance No. O-21-125 on December 27, 2021, the City Council has previously authorized, and there has previously been issued the City’s Not to Exceed \$160,000,000 Taxable Industrial Development Revenue Bond (Westrock Beverage Company, LLC Project), Series 2021 (the “Series 2021 Bond”), for the purpose of financing acquisition, renovation, rehabilitation and equipment costs associated with the Project; and

WHEREAS, because the scope of the Project has expanded beyond the Company’s expectations at the time of issuance of the Series 2021 Bond, the Company has requested the City’s assistance in financing and refinancing the total costs of the Project through the issuance of a revenue bond under the authority of Amendment 65 and the Act; and

WHEREAS, in order to secure and develop industry within the City in accordance with the provisions of the Act, the City desires to assist the Company in the financing of the total costs of the Project and the refunding of the Series 2021 Bond through the issuance of the City’s Not to Exceed \$300,000,000 Taxable Industrial Development Revenue Improvement and Refunding Bond (Westrock Beverage Company, LLC Project), Series 2023 (the “Series 2023 Bond”);

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

Section 1. It is the City's present intention to assist the Company in the financing and refinancing of the total costs of the Project through the issuance of industrial development revenue bonds under the authority of Amendment 65 and the Act. It is presently estimated by the Company that bonds in the aggregate principal amount of not to exceed \$300,000,000 would be required for this purpose. However, the City's intent is to issue the bonds from time to time, pursuant to Amendment 65 and the terms of the Act, in such amount as shall be requested by the Company for refunding the Series 2021 Bonds and accomplishing all or any part of the Project, whether or not such amount is more or less than the above estimate and whether or not the facilities and improvements finally acquired, constructed and equipped are identical to or different from the facilities presently expected to constitute the Project.

Section 2. In conjunction with any issuance of bonds to assist in the financing and refinancing of the Project, the City states its intention to enter into an agreement with the Company providing for annual payments by the Company in lieu of ad valorem taxes in an amount equal to thirty-five percent (35%) of the aggregate amount of ad valorem taxes that would otherwise be due with respect to the Project facilities but for the City's issuance of the bonds. It is the City's present intention that said bonds and the corresponding agreement for payments in lieu of ad valorem taxes would have a term of approximately thirty (30) years. Any payment made in lieu of ad valorem taxes would be distributed to the political subdivisions which would have received ad valorem tax payments with respect to the Project facilities in the proportion that the millage levied by each affected political subdivision bears to the total millage levied by all affected political subdivisions.

Section 3. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED this 12th day of September 2023.

By: _____
Mayor Bart Castleberry

ATTEST:

By: _____
Michael O. Garrett
City Clerk/Treasurer

(SEAL)

City of Conway, Arkansas
Office of the Mayor

Memo:

To: Mayor Bart Castleberry
CC: City Council Members
From: Felicia Rogers
Date: September 7th, 2023
Re: September 12th, 2023 City Council Agenda

The following ordinances are included on the September 12th, 2023 agenda for consideration of waiving the three readings of each ordinance:

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

3. Ordinance to approve the permit club permit for Impact Golf.
4. Ordinance appropriating insurance proceeds received from Progressive Insurance for the Conway Airport.
5. Ordinance appropriating funds from the Arkansas Community Foundation to the City of Conway.
6. Ordinance amending the recommendations for the operations of boards and commissions.
12. Ordinance to rezone property located at 931 Faulkner Street from O-3 to C-1.
13. Ordinance to rezone property located at 203 Second Street from R-2 to MF-3.
14. Ordinance to rezone property located at 523 Polk Street from R-2A to R-2.
15. Ordinance to rezone property located at 505 Polk Street from R-2A to R-2.
16. Ordinance to rezone property located at 2730 Allyson Lane from O-2 to O-1.
17. Ordinance to rezone property located at 450 Corporate Drive from I-3 and PUD to S-1.

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

1. Ordinance appropriating donation funds received from Walmart to the Conway Fire Department.
2. Ordinance appropriating insurance proceeds for the Conway Fire Department.



MEMO

TO: Mayor Bart Castleberry
CC: City Council Members
FROM: Lily Couch
DATE: September 12th, 2023
SUBJECT: Certified Liens – Code Enforcement

The following resolutions are included for a request to the Faulkner County Tax collector to place a certified lien against real property as a result of incurred expenses by the City.

The properties & amount (plus a ten percent collection penalty) are as follows:

- | | |
|---------------------------|----------|
| 1. 26 Brierwood Cir | \$147.89 |
| 2. 602 5 th St | \$147.89 |
| 3. 2620 Donaghey Ave. | \$218.06 |

Please advise if you have any questions.

Thank you for your consideration.



City of Conway, Arkansas
Resolution No. R-23-__

A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY, AND FOR OTHER PURPOSES.

Whereas, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 26 Brierwood Circle, within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

Whereas, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$147.89 (\$107.17 + Penalty \$10.72 + filing fee \$30.00) to be thereafter certified to the Faulkner County Tax Collector; and

Whereas, a hearing for the purpose of determine such lien has been set for **September 12th, 2023** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Conway, Arkansas that:

Section 1: That after said public hearing the amount listed above is hereby certified and is to be forwarded to the Faulkner County Tax Collector and Assessor by the City of Conway.

Section 2: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 12th day of September, 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer

City of Conway
Code Enforcement &
Public Works
822 Locust Ave
Conway, Arkansas 72034
www.conwayarkansas.gov



Phone 501-450-6191
Fax 501-450-6144

Elizabeth M. Jackson
3820 Legacy Village Dr.
Benton AR 72015

Parcel # 710-09038-000

RE: Nuisance Abatement at 26 Brierwood Circle., Conway AR
Cost of Clean-Up, Amount Due: \$107.17

To whom it may concern:

Because you failed or refused to remove, abate, or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **September 12th, 2023 Meeting**, 6:30 p.m. located at 1111 Main Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **822 Locust Ave Conway Arkansas 72034** with the **attention** to **Lily Couch**. If you have any questions, please feel free to call me at 501-450-6191.

Respectfully,

City of Conway
Code Enforcement

INVOICE

City of Conway
Code Enforcement &
Public Works Dept.

DATE: JULY 25TH, 2022

822 Locust St.
Conway, AR 72034
Phone: 501-450-6191
Fax 501-450-6144
Lily.couch@conwayarkansas.gov

TO ELIZABETH M. JACKSON
3820 LEGACY VILLAGE DR
Benton AR 72015

Description: Mowing/Clean-up/Admin Fees
associated with the nuisance abatement at
26 Brierwood Circle. Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Michael Davis	710-09038-000		September 12th, 2023

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	MOWING & DEBRIS REMOVAL BY C.E.P.P.	32.41	32.41
	Maintenance Fee (Mower/bush hog/weed eat)	25.00	25.00
1	Administrative Fee (Code Enforcement)	20.00	20.00
1	Administrative Fee (Code Officer)	17.46	17.46
2	Regular Letter	.55	1.10
2	Certified Letter	5.60	11.20
	(10% penalty + \$30.00 filing fees= \$40.72)		

TOTAL \$107.17

- **Total amount due after September 12th, 2023 includes collection penalty & filing fees**

TOTAL WITH PENALTY & FILING FEES \$147.89

Make all checks payable to City of Conway Code Enforcement @ 822 Locust St. Conway Arkansas 72032



CODE CASE HISTORY REPORT RESPROP-0723-0488 FOR CITY OF CONWAY

Changed On	User	Description	Before	After	Additional Info
07/13/2023	Michael Davis	Code Case added			Code Case (RESPROP-0723-0488)
07/13/2023	Michael Davis	Due Date	[none]	7/13/2023	Code Case Workflow Step (Notice of Violation)
	Michael Davis	Step Workflow Status	Not Started	Started	Code Case Workflow Step (Notice of Violation)
	Michael Davis	Due Date	[none]	7/13/2023	Code Case Workflow Step (Violations)
	Michael Davis	Step Workflow Status	Not Started	Started	Code Case Workflow Step (Violations)
	Michael Davis	Code Case Workflow Step Action added			Code Case Workflow Step Action (3.2.4 Grass or Weeds)
	Michael Davis	Code Case Workflow Step Action added			Code Case Workflow Step Action (3.5.3 Appliance/Furniture)
07/20/2023	Michael Davis	Due Date	[none]	7/13/2023	Code Case Workflow Step (Letter Phase)
	Michael Davis	Code Case Workflow Step Start Date	[none]	7/20/2023	Code Case Workflow Step (Letter Phase)
	Michael Davis	Step Workflow Status	Not Started	Started	Code Case Workflow Step (Letter Phase)
	Michael Davis	Inspection added			Inspection ([Auto])
	Michael Davis	Action Workflow Status	Not Started	Failed	Code Case Workflow Step Action (Code Enforcement Final Investigation)
	Michael Davis	Due Date	7/13/2023	7/13/2023	Code Case Workflow Step (Notice of Violation)
	Michael Davis	Code Case Workflow Step Start Date	[none]	7/20/2023	Code Case Workflow Step (Notice of Violation)
	Michael Davis	Inspection added			Inspection ([Auto])
	Michael Davis	Action Workflow Status	Not Started	Failed	Code Case Workflow Step Action (Property Maintenance Follow-up Investigation)
07/20/2023	Michael Davis	Violation Compliance Date	7/17/2023	7/24/2023	Violation (3.2.4 Grass or Weeds)
	Michael Davis	Violation Compliance Date	7/17/2023	7/24/2023	Violation (3.5.3 Appliance/Furniture)
07/24/2023	Michael Davis	Code Case Status	Open	Schedule City Clean up	Code Case (RESPROP-0723-0488)
07/25/2023	Michael Davis	Inspection Actual Arrival Date	7/17/2023	[none]	Inspection (ICODE-3296-2023)
	Michael Davis	Inspection Status	In Violation	City Cleanup Performed	Inspection (ICODE-3296-2023)
	Michael Davis	Action Workflow Status	Failed	Started	Code Case Workflow Step Action (Code Enforcement Final Investigation)
	Michael Davis	Inspection Actual Arrival Date	7/17/2023	[none]	Inspection (ICODE-3297-2023)
	Michael Davis	Inspection Status	In Violation	City Cleanup Performed	Inspection (ICODE-3297-2023)
	Michael Davis	Action Workflow Status	Failed	Started	Code Case Workflow Step Action (Property Maintenance Follow-up Investigation)
	Michael Davis	Due Date	7/13/2023	7/20/2023	Code Case Workflow Step (Violations)
	Michael Davis	Step Workflow Status	Started	Passed	Code Case Workflow Step (Violations)
	Michael Davis	Violation Resolved Date	[none]	7/25/2023	Violation (3.2.4 Grass or Weeds)
	Michael Davis	Violation Status	In Violation	Resolved	Violation (3.2.4 Grass or Weeds)
	Michael Davis	Action Workflow Status	Started	Passed	Code Case Workflow Step Action (3.2.4 Grass or Weeds)
	Michael Davis	Violation Resolved Date	[none]	7/25/2023	Violation (3.5.3 Appliance/Furniture)
	Michael Davis	Violation Status	In Violation	Resolved	Violation (3.5.3 Appliance/Furniture)

CODE CASE HISTORY REPORT RESPROP-0723-0488

Changed On	User	Description	Before	After	Additional Info
	Michael Davis	Action Workflow Status	Started	Passed	Code Case Workflow Step Action (3.5.3 Appliance/Furniture)
07/25/2023	Michael Davis	Date Closed	[none]	7/25/2023	Code Case (RESPROP-0723-0488)
	Michael Davis	Code Case Status	Schedule City Clean up	Closed - Resolved	Code Case (RESPROP-0723-0488)
	Michael Davis	Complete	No	Yes	Code Case (RESPROP-0723-0488)



City of Conway, Arkansas
Resolution No. R-23-___

A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY, AND FOR OTHER PURPOSES.

Whereas, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 602 5th St., within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

Whereas, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$147.89 (\$107.17 + Penalty \$10.72 + filing fee \$30.00) to be thereafter certified to the Faulkner County Tax Collector; and

Whereas, a hearing for the purpose of determine such lien has been set for **September 12th, 2023** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Conway, Arkansas that:

Section 1: That after said public hearing the amount listed above is hereby certified and is to be forwarded to the Faulkner County Tax Collector and Assessor by the City of Conway.

Section 2: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 12th day of September, 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer

City of Conway
Code Enforcement &
Public Works
822 Locust St.
Conway, Arkansas 72034
www.conwayarkansas.gov



Phone 501-450-6191
Fax 501-450-6144

SELECT PORTFOLIO SERVICING
1495 STONY POINT RD
HOUSTON, AR 72070

Parcel # 710-03597-000

RE: Nuisance Abatement at 602 5th St., Conway AR
Cost of Clean-Up, Amount Due: \$107.17

To whom it may concern:

Because you failed or refused to remove, abate, or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **September 12th, 2023 Meeting**, 6:30 p.m. located at 1111 Main Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **822 Locust St., Conway Arkansas 72034** with the **attention to Lily Couch**. If you have any questions, please feel free to call me at 501-450-6191.

Respectfully,

City of Conway
Code Enforcement

INVOICE

City of Conway
Code Enforcement &
Public Works Dept.

DATE: JULY 25TH, 2022

822 Locust St.
Conway, AR 72034
Phone: 501-450-6191
Fax 501-450-6144
Lily.couch@conwayarkansas.gov

TO Select Portfolio Servicing
1495 STONY POINT RD
Houston AR 72070

Description: Mowing/Clean-up/Admin Fees
associated with the nuisance abatement at
602 5th St. Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Charles Gann	710-03597-000		September 12th, 2023

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	MOWING & DEBRIS REMOVAL BY C.E.P.P.	32.41	32.41
	Maintenance Fee (Mower/bush hog/weed eat)	25.00	25.00
1	Administrative Fee (Code Enforcement)	20.00	20.00
1	Administrative Fee (Code Officer)	17.46	17.46
2	Regular Letter	.55	1.10
2	Certified Letter	5.60	11.20
	(10% penalty + \$30.00 filing fees= \$40.72)		

TOTAL \$107.17

- Total amount due after September 12th, 2023 includes collection penalty & filing fees

\$147.89

Make all checks payable to City of Conway Code Enforcement @ 822 Locust St. Conway Arkansas 72032



CODE CASE HISTORY REPORT RESPROP-0623-0436 FOR CITY OF CONWAY

Changed On	User	Description	Before	After	Additional Info
06/16/2023	Charles Gann	Code Case added			Code Case (RESPROP-0623-0436)
06/16/2023	Charles Gann	Due Date	[none]	6/16/2023	Code Case Workflow Step (Violations)
	Charles Gann	Step Workflow Status	Not Started	Started	Code Case Workflow Step (Violations)
	Charles Gann	Code Case Workflow Step Action added			Code Case Workflow Step Action (3.2.4 Grass or Weeds)
	Charles Gann	Code Case Workflow Step Action added			Code Case Workflow Step Action (3.5.1 Accumulation of Rubbish or Garbage)
06/28/2023	Charles Gann	Violation Compliance Date	6/23/2023	7/5/2023	Violation (3.2.4 Grass or Weeds)
	Charles Gann	Violation Compliance Date	6/23/2023	7/5/2023	Violation (3.5.1 Accumulation of Rubbish or Garbage)
07/06/2023	Charles Gann	Code Case Status	Open	Schedule City Clean up	Code Case (RESPROP-0623-0436)



City of Conway, Arkansas
Resolution No. R-23-___

A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY, AND FOR OTHER PURPOSES.

Whereas, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 2620 Donaghey Ave., within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

Whereas, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$218.06 (\$170.96 + Penalty \$17.10 + filing fee \$30.00) to be thereafter certified to the Faulkner County Tax Collector; and

Whereas, a hearing for the purpose of determine such lien has been set for **September 12th, 2023** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Conway, Arkansas that:

Section 1: That after said public hearing the amount listed above is hereby certified and is to be forwarded to the Faulkner County Tax Collector and Assessor by the City of Conway.

Section 2: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 12th day of September, 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer

City of Conway
Code Enforcement &
Public Works
822 Locust Ave
Conway, Arkansas 72032
www.conwayarkansas.gov



Phone 501-450-6191
Fax 501-450-6144

North Market Plaza LLC
P. O. Box 241323
Little Rock AR 72223

Parcel # 711-08853-154

RE: Nuisance Abatement at 2620 Donaghey Ave., Conway AR
Cost of Clean-Up, Amount Due: \$170.96

To whom it may concern:

Because you failed or refused to remove, abate, or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **September 12th, 2023 Meeting**, 6:30 p.m. located at 1111 Main Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **822 Locust Ave Conway Arkansas 72032** with the **attention** to **Lily Couch**. If you have any questions, please feel free to call me at 501-450-6191.

Respectfully,

City of Conway
Code Enforcement

INVOICE

City of Conway
Code Enforcement &
Public Works Dept.

DATE: JULY 27TH, 2022

822 Locust St.
Conway, AR 72034
Phone: 501-450-6191
Fax 501-450-6144
Lily.couch@conwayarkansas.gov

TO North Market Plaza
P. O. Box 241323
Little Rock AR 72223

Description: Mowing/Clean-up/Admin Fees
associated with the nuisance abatement at
2620 Donaghey Ave Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Michael Davis	710-08853-154		September 12th, 2023

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
2	MOWING & DEBRIS REMOVAL BY C.E.P.P.	48.10	96.20
	Maintenance Fee (Mower/bush hog/weed eat)	25.00	25.00
1	Administrative Fee (Code Enforcement)	20.00	20.00
1	Administrative Fee (Code Officer)	17.46	17.46
2	Regular Letter	.55	1.10
2	Certified Letter	5.60	11.20
	(10% penalty + \$30.00 filing fees= \$47.10)		

- **Total amount due after September 12th, 2023 includes collection penalty & filing fees**

TOTAL	\$170.96
TOTAL WITH PENALTY & FILING FEES	\$218.06

Make all checks payable to City of Conway Code Enforcement @ 822 Locust St. Conway Arkansas 72032



CODE CASE HISTORY REPORT COMPROP-0723-0467 FOR CITY OF CONWAY

Changed On	User	Description	Before	After	Additional Info
07/10/2023	Michael Davis	Code Case added			Code Case (COMPROP-0723-0467)
07/10/2023	Michael Davis	Due Date	[none]	7/10/2023	Code Case Workflow Step (Violations)
	Michael Davis	Step Workflow Status	Not Started	Started	Code Case Workflow Step (Violations)
	Michael Davis	Code Case Workflow Step Action added			Code Case Workflow Step Action (3.2.4 Grass or Weeds)
07/10/2023	Michael Davis	Contact deleted			Contact ()
	Michael Davis	Contact added			Contact ()
07/20/2023	Michael Davis	Due Date	[none]	7/10/2023	Code Case Workflow Step (Letter Phase)
	Michael Davis	Code Case Workflow Step Start Date	[none]	7/20/2023	Code Case Workflow Step (Letter Phase)
	Michael Davis	Step Workflow Status	Not Started	Started	Code Case Workflow Step (Letter Phase)
	Michael Davis	Inspection added			Inspection ([Auto])
	Michael Davis	Action Workflow Status	Not Started	Failed	Code Case Workflow Step Action (Code Enforcement Final Investigation)
	Michael Davis	Due Date	[none]	7/10/2023	Code Case Workflow Step (Notice of Violation)
	Michael Davis	Code Case Workflow Step Start Date	[none]	7/20/2023	Code Case Workflow Step (Notice of Violation)
	Michael Davis	Step Workflow Status	Not Started	Started	Code Case Workflow Step (Notice of Violation)
	Michael Davis	Inspection added			Inspection ([Auto])
	Michael Davis	Action Workflow Status	Not Started	Failed	Code Case Workflow Step Action (Property Maintenance Follow-up Investigation)
	Michael Davis	Violation Compliance Date	7/17/2023	7/24/2023	Violation (3.2.4 Grass or Weeds)
07/24/2023	Michael Davis	Code Case Status	Open	Schedule City Clean up	Code Case (COMPROP-0723-0467)
07/28/2023	Michael Davis	Inspection Actual Arrival Date	7/10/2023	[none]	Inspection (ICODE-3309-2023)
	Michael Davis	Inspection Status	In Violation	City Cleanup Performed	Inspection (ICODE-3309-2023)
	Michael Davis	Action Workflow Status	Failed	Started	Code Case Workflow Step Action (Code Enforcement Final Investigation)
	Michael Davis	Inspection Actual Arrival Date	7/10/2023	[none]	Inspection (ICODE-3310-2023)
	Michael Davis	Inspection Status	In Violation	City Cleanup Performed	Inspection (ICODE-3310-2023)
	Michael Davis	Action Workflow Status	Failed	Started	Code Case Workflow Step Action (Property Maintenance Follow-up Investigation)
	Michael Davis	Due Date	7/10/2023	7/20/2023	Code Case Workflow Step (Violations)
	Michael Davis	Step Workflow Status	Started	Passed	Code Case Workflow Step (Violations)
	Michael Davis	Violation Resolved Date	[none]	7/28/2023	Violation (3.2.4 Grass or Weeds)
	Michael Davis	Violation Status	In Violation	Resolved	Violation (3.2.4 Grass or Weeds)
	Michael Davis	Action Workflow Status	Started	Passed	Code Case Workflow Step Action (3.2.4 Grass or Weeds)
07/28/2023	Michael Davis	Date Closed	[none]	7/28/2023	Code Case (COMPROP-0723-0467)
	Michael Davis	Code Case Status	Schedule City Clean up	Closed - Resolved	Code Case (COMPROP-0723-0467)
	Michael Davis	Complete	No	Yes	Code Case (COMPROP-0723-0467)



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

AN ORDINANCE APPROVING THE PRIVATE CLUB PERMIT FOR IMPACT GOLF 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, Impact Golf 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 Impact Golf Inc. located at 5150 John W. Allison Road, Suite B Conway, AR 72034; and

Whereas, the applicant has provided all the information required in the 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 Impact Golf Inc. located at 5150 John W. Allison Road, Suite B Conway, AR 72034.

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 12th day of September, 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 PROCEEDS RECEIVED FROM PROGRESSIVE INSURANCE FOR THE AIPORT DEPARTMENT, AND FOR OTHER PURPOSES

Whereas, the City of Conway received insurance proceeds in the amount of \$10,682 from Progressive Insurance for damages to the airport fence due to a single car wreck and;

Whereas, the Airport department requests the acceptance and appropriation of these funds to help pay for building repairs and maintenance.

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

Section 1. The City of Conway shall appropriate \$10,682.00 from the Airport Fund Insurance Proceeds account (550-109-4360) to the Building Maintenance account (550-109-5410).

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

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



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

AN ORDINANCE APPROPRIATING FUNDS FROM THE ARKANSAS COMMUNITY FOUNDATION FOR SHELTER SUPPLIES FOR THE CITY OF CONWAY; AND FOR OTHER PURPOSES

Whereas, during emergencies and disasters the Don Owen Sports Complex and McGee Center are facilities that can be utilized for overnight stays as needed; and

Whereas, the facilities are not equipped with cots or bedding to assist in immediate emergencies that may not have been declared a state of emergency; and

Whereas, \$3,000 has been received from the Arkansas Community Foundation to assist with shelter bedding.

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

Section 1. The City of Conway shall appropriate \$3,000 from the General Fund Balance Appropriation Account (001.119.4900) to Administration Misc. Account (001.101.5799).

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

PASSED this the 12th day of September, 2023.

Approved:

Mayor Bart Castleberry

Attest:

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



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

AN ORDINANCE REPEALING ORDINANCE NO. O-05-50, O-08-47, O-11-75, AND HEREBY READOPTING ADOPTING VARIOUS RECOMMENDATIONS FOR THE OPERATIONS AND REGULATIONS OF THE SPECIFIC BOARDS AND COMMISSIONS OF THE CITY OF CONWAY; AND FOR OTHER PURPOSES

Whereas, the Blue Ribbon Commission was established by Resolution R-87-45 to review the operations and regulations of the city boards and commissions; and

Whereas the Office of the Mayor would establish the same rules and regulations for all city boards and commissions; and

Whereas, the City of Conway City Council recognizes three different types of Boards, Committees, and Commissions; and

Whereas, the City of Conway City Council intends to ensure that all boards, committees, and commissions are aligned with best practices, state statutes, and federal laws.

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

Section 1: Nomination & Selection Procedures:

The City of Conway adopts the following procedures for the nomination and selection of new members for all city boards and commissions:

Step 1: *Opening of Nomination Period.* The nomination period will start on October 1 through October 31 every year. The Office of the Mayor will publish a legal notice in a newspaper in the local newspaper and on the city's website to include the following information for all city boards and commissions for whom new members must be selected in the upcoming year:

- Name of board or commission
- Purpose of board or commission
- Names of members of boards or commissions and the dates of their terms
- Statement encouraging nominations from each of the diverse segments of the population served
- Closing date of the nomination period
- Name and mailing address of where to submit the nomination
- Notification of how to obtain nomination forms

Step 2: *Closing of Nomination Period.*

- The nomination period will close.
- The Office of the Mayor will begin the review of nominations.
- November 1-30

Step 3: Nominations. The Office of the Mayor will choose the nominee(s), submit the name of the nominee(s) in writing to the city council, and include the name in the agenda.

Step 4: Membership Selection. After taking the nominee(s) under advisement, the city council shall approve or reject the submitted nominee(s) from the Office of the Mayor at the first regular scheduled meeting in the December meeting or as soon as possible after the nomination period.

If the nominee(s) is rejected by the city council, the Mayor's Office shall immediately return to the original pool of nominees or reopen the application process for 10 to 15 days.

After the period closes, the Office of the Mayor should resubmit in writing the name of another nominee(s). This procedure may be repeated until a member is duly qualified.

Step 5: Notifications. The Office of the Mayor shall notify the staff person and chairperson of each board or commission of the city council's action in writing by email once a selection has been approved.

MISC Steps: In the event that a vacancy occurs on a board or commission before the expiration of a term, the same nomination and selection procedure shall apply with the Mayor's Office implementing STEP 1 within ten (days) after the vacancy is declared. The Mayor's Office shall have (15) fifteen to thirty (30) days to accept nominations, and the Mayor's Office shall have fifteen (15) to thirty (30) days to review nominations.

The new nominee shall be chosen and submitted to the city council for approval. The Mayor's Office shall notify the staff person and chairperson for the board or commission of its action in writing. If the nominee(s) is rejected, the same procedure for rejected nominations as provided above shall apply.

If sufficient time to complete this procedure is not available before the expiration of a term of office after the passage of this ordinance, the proper body may apply to fill any vacancy so occurring by adhering as closely to these procedures as possible.

The Conway Corporation Board of Directors, because of its "arm length" relationship with the city, will be exempt from the provisions of this section regarding the date and time of the process and shall handle its own nomination process. They are encouraged to follow the same procedures for notice, nomination, and selection if not at the same date and time.

Section 2: Boards, Committees, & Commissions:

1. The City of Conway recognizes the following Primary City Boards and Commissions, which shall adhere to Standard Commission Bylaws Article 1, or amendments thereof as approved by City Council, as adopted by reference herein:
 - a. Planning Commission
 - b. Civil Service Commission
 - c. Advertising and Promotion Commission
 - d. Public Facilities Board

- e. Hospital Facilities Board
 - f. Historic District Commission
2. The City of Conway recognizes the following Secondary City Boards and Commissions which shall adhere to Standard Committee Bylaws Article 1, or amendments thereof as approved by City Council, as adopted by reference herein:
- a. Airport Advisory Committee
 - b. Bicycle and Pedestrian Advisory Board
 - c. Conway Tree Board
 - d. Diversity Advisory Council
 - e. Oak Gove Cemetery Board
 - f. Public Art Advisory Committee
 - g. Robinson Cemetery Board
3. The City of Conway recognizes the following Special Boards and Commissions, which may establish their own rules and bylaws and shall adhere to local, state, or federal laws:
- a. Conway Corporation Board of Directors
 - b. Conway Housing Authority Board of Directors
 - c. Central Business Improvement District

Section 3: Regulations for Primary Board.

The City of Conway further formally adopts the following regulations for all Primary City Boards and Commissions:

1. *Standard Commission Bylaws, Article 1* is hereby adopted by reference by the City Council. Three copies of referenced *Standard Commission Bylaws, Article 1* shall be maintained in the office of the City Clerk Treasurer and may be amended from time to time by the City Council by resolution as necessary. Amendment procedures shall be defined within Article 1. In any conflict with existing City of Conway ordinance, resolution, policy, or procedure, Article 1 and any amendments approved by the City Council thereof shall repeal and replace to the extent in which no conflict shall be present.
2. *Standard Commission Bylaws, Article 2*, shall be for the purpose of boards and commissions to establish their own rules and bylaws and shall be adopted and amended through procedures defined within *Standard Commission Bylaws, Article 1*.
3. Expiration dates of terms on all boards and commissions shall be staggered except as provided otherwise by law.
4. All boards and commissions shall have a minimum of five (5) to seven (7) members except as otherwise provided by law or enacting ordinance
5. The length of term in years shall be no longer than the number of members on the board, with multiple terms expiring at the same time being allowable if the terms are staggered such that no more than half of the member's terms expire at the same time except as otherwise provided by law.

6. Service on all boards and commissions shall be limited to one (1) term with two exceptions. 1.) Members who are appointed to serve the remainder of an unexpired term are eligible for appointment to a full term. 2.) Former members are eligible to serve another term on the same board or commission once they have been off that board or commission for a length of time equal to one standard term of service on that same body.
7. Members of Primary or Secondary City Boards or Commissions can serve only on one (1) Primary or Secondary City Board or Commission or Local Community Boards or Commissions at the time of their appointment except as otherwise provided by law. Primary or Secondary City Board or Commission members can not be appointed to other Primary or Secondary City Boards or Commissions during their service.
8. Each board and commission should have written bylaws or operating procedures that outline how that board or commission conducts its basic operations – a copy of which should be on file with the assigned staff person and the Office of the Mayor. The Staff person for each board and commission is responsible for providing the City Clerk/Treasurer with an updated copy of the bylaws.
9. Each board and commission shall be responsible for filing an annual report with the Office of the Mayor and City Clerk's Office, which may include the following information but is not limited to:
 - a. Summary of yearly activities and operations, goals, and major decisions made by the board.
 - b. Financial audits where applicable.
 - c. Budget where applicable.
10. The Office of the Mayor shall keep an up-to-date set of records on all boards and commissions to include such information as a current list of all members and membership dates of boards and commissions and specific locations appropriate for each board shall be deemed the repository of the board's minutes, audits, bylaws and procedures, and annual reports.

Section 3: Regulations for Secondary Board:

The City of Conway further formally adopts the following regulations for all Secondary City Boards, Committees, and Commissions:

1. *Standard Committee Bylaws, Article 1* is hereby adopted by reference by the City Council. Three copies of referenced *Standard Committee Bylaws, Article 1* shall be maintained in the office of the City Clerk Treasurer and may be amended from time to time by the City Council by resolution as necessary. Amendment procedures shall be defined within Article 1. In any conflict with existing City of Conway ordinance, resolution, policy, or procedure, Article 1 and any amendments approved by the City Council thereof shall repeal and replace to the extent in which no conflict shall be present.
2. *Standard Committee Bylaws, Article 2*, shall be for the purpose of boards, committees, and commissions to establish their own rules and bylaws, and shall be adopted and amended through procedures defined within *Standard Committee Bylaws, Article 1*.

Section 4: That for purposes of these regulations, ordinances by which these boards or commissions are created and/or by which their operations are governed shall be deemed law.

Section 5. Severability. Any section, subsection, subdivision, paragraph, sentence, clause, or phrase that contradicts, challenges, alters, amends, changes, disputes, or conflicts with any established state or federal law shall be declared invalid herein. If any phrase, clause, sentence, paragraph, section, or subsection of this ordinance shall be declared invalid, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections, or subsections herein. The City Council declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase herein, irrespective of the fact that any one or more subsections, subdivision, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

PASSED this 12th day of September 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Resolution No. R-23-___

A RESOLUTION AUTHORIZING THE MAYOR OF CONWAY TO SIGN AN AGREEMENT FOR AN IMPACT FEE CREDIT AGREEMENT BETWEEN SALTER ACQUISITIONS, LLC, AND THE CITY OF CONWAY, ARKANSAS FOR CENTERSTONE LOT 8 AND MOIX MEADOWS LOT 8; AND FOR OTHER PURPOSES

WHEREAS, the Impact Fee Ordinance as amended by Ordinance No. O-04-38, passed on the 27th day of April 2004 states that “All impact fee credits shall have a reading at one regularly scheduled City Council meeting prior to its passage and approval at any subsequent regularly scheduled City Council meeting”; and

WHEREAS, the Impact Fee Credit Agreement was presented and provided to the City Council of the City of Conway on the 8th day of August, 2023 at a regularly scheduled meeting; and

WHEREAS, the applicant has requested said impact fees to be payable to be applicable to another development pursuant to the City of Conway, Subdivision Ordinance Section 12.K.5; and

WHEREAS, the Impact Fee Credit Agreement was reviewed by the City Engineer, Director of Planning and Development, and the City Attorney, and appears to demonstrate all minimum requirements as defined in Section 12 of the City of Conway Subdivision Code.

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

Section 1. The City Council of the City of Conway authorizes the Mayor of Conway to sign said agreement to authorize said Impact Fee Credit Agreement.

Section 2. The Director of Permitting or a representative thereof, in conjunction with the Director of Planning and Development, shall maintain a record of impact fees credited and notify the developer, or subsequent owner of the development as defined within Section 12 of the City of Conway Subdivision Code, when all fees are expended.

Section 3. Herein authorized is the use of impact fee credits for the CENTERSTONE LOT 8 AND MOIX MEADOWS LOT 8 which may be utilized for impact fees of a similar type, for which any such use shall be deducted from the total impact fees for CENTERSTONE LOT 8 AND MOIX MEADOWS LOT 8 impact fee credit until exhausted.

Section 4. The maximum impact fees credited per this contract shall be \$75,000 as identified in Exhibit A as attached to this resolution. Exhibits A, B, C, D, and E herein attached for reference.

PASSED this 12th day of September 2023.

APPROVED:

Mayor Bart Castleberry

ATTEST:

Michael O. Garrett
City Clerk/Treasurer



MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Kris Paxton – Planning Director
Date: September 12, 2023

Re: Impact fee credit agreement for Centerstone Lot 8 and Moix Meadows Lot 8

The impact fee credit agreement for Centerstone Lot 8 and Moix Meadows Lot 8 was brought to the City Council for a first reading at the August 8th Council meeting. The item is currently on the agenda for final approval of the impact fee credit agreement.

A developer is entitled to impact fee credits when park improvements are made to the city. The developer must submit an impact fee credit agreement for approval by City Council. The impact fee credit is only valid once full construction of the improvements are complete or dedication of all park lands is made.

The City and Salter Acquisitions, LLC, desire to enter into this agreement as evidence that the lots are park system improvements. The value of any land required to be dedicated shall be based upon "fair market value" of the land. Based on the submitted documentation, the developer is requesting a credit totaling \$75,000, the appraisal value of the dedicated land.

Please advise if you have any questions.

Kris Paxton, MGIS, CARPO, CFM
Director of Planning & Development
City of Conway, Arkansas

IMPACT FEE CREDIT AGREEMENT

THIS IMPACT FEE CREDIT AGREEMENT, (the "Agreement") is entered into between SALTER ACQUISITIONS, LLC, an Arkansas Limited Liability Company ("SA"), and the CITY OF CONWAY, ARKANSAS (the "City") to be effective as of _____, 2023 (the "Effective Date").

A. SA is the developer of (i) Lot 8 ("Centerstone Lot 8") of the Centerstone Subdivision, Phase IV, an addition to the City of Conway, which was created pursuant to the Plat recorded on November 16, 2012 in the real estate records of Faulkner County, Arkansas, as Plat Book L, Page 133 (the "Centerstone Neighborhood") and (ii) Lot 8 ("Moix Meadows Lot 8") of the Moix Meadows Subdivision, an addition to the City of Conway, which was created pursuant to the Plat recorded on May 5, 2004 as Plat Book K, Page 34 ("the "Moix Meadows Neighborhood",), which, together with the Centerstone Neighborhood and any future phases, if any, are collectively referred to as the "Neighborhoods").

B. Centerstone Lot 8 is approximately 1.52 acres and Moix Meadows Lot 8 is approximately 1.08 acres and each of the Lots is a natural area and preserve appropriate for public recreational purposes..

C. Contemporaneously herewith, SA has donated Centerstone Lot 8 and Moix Meadows Lot 8 (individually a "Lot" and collectively, the "Lots") via Warranty Deed in fee simple to the City for the benefit of the public (hereinafter referred to as the "Deed"). The Deed is effective as of _____, 2023 and is recorded in the real estate records of Faulkner County, Arkansas as Document No. _____.

D. The City has enacted Ordinance O-03-98, as amended, levying road and park impact fees upon Impact-Generating Development within the City of Conway (hereinafter referred to as the "Ordinance").

E. Pursuant to Section 12(K) of the Ordinance, developers of Park System Improvements (as defined by the Ordinance) are entitled to credits (hereinafter referred to as the "Credit") against park impact fees otherwise payable under the Ordinance ("Park Impact Fees").

F. The City and SA desire to enter into this Agreement to evidence their determination that the Lots are Park System Improvements, that development within the Neighborhoods 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 are hereby acknowledged, the parties hereto agree as follows:

1. Each Lot is a Park System Improvement (as defined by the Ordinance), qualifying it for the Credit.

2. The City hereby acknowledges that SA is eligible for a Credit in the amount of \$75,000.00. The amount of the Credit is determined pursuant to Section 12(K)(2) of the Ordinance based on its appraised value.

3. The City hereby approves awarding SA a Credit to offset Park Impact Fees, not to exceed \$75,000.00 (the "Awarded Credit"), otherwise applicable to Impact-Generating Development (as defined by the Ordinance) within the Neighborhoods, in addition to current and future phases of Brentwood Village. SA shall have the exclusive right to use the Awarded Credit, provided that SA may in its sole discretion assign the right to use all or a portion of the designated amount of the Awarded Credit to offset the Park Impact Fee applicable to a project developed by the assignee within the Neighborhoods, or current and future phases of Brentwood Village. Any such assignment shall be in writing signed by SA or its successors and assigns and delivered to the City Planning Department or other department serving as administrator of Park Impact Fees.

4. SA will not be reimbursed for any excess Credit beyond the Park Impact Fees that would otherwise be due from SA or its successors or assigns from Impact Generating Development in the Neighborhoods or the Assignee Real Estate.

5. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall together constitute the same instrument. For purposes of this Agreement, a facsimile or digital image of a signature shall be sufficient to bind that party.

6. This Agreement shall inure to the benefit of and shall be binding upon the successors and assigns of the parties hereto.

[This Space Intentionally Left Blank Signature Page Follows]

[Signature Page to Impact Credit Agreement]

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

Salter Acquisitions, LLC

By: _____
Brent Salter, Member

City of Conway, Arkansas

By: _____
Bart Castleberry, Mayor

ATTEST:

By: _____
City Clerk/Treasurer

THIS INSTRUMENT PREPARED BY:
Gill Ragon Owen, P.A.
425 West Capitol Ave., Suite 3800
Little Rock, Arkansas 72201
501-376-3800

Exhibit B

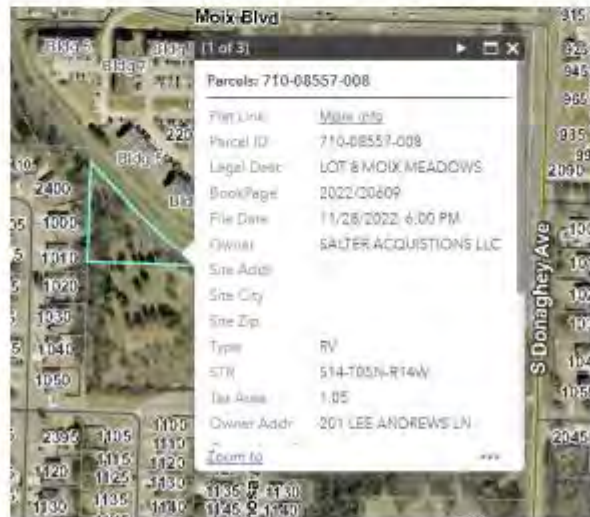
Parcel 1: 710-08554-108

Lot 8 of Re-Plat of Centerstone
Subdivision, Phase IV



Parcel 2: 710-08557-008

Lot 8 of Moix Meadows Subdivision



(shown on the following plats)

Exhibit C

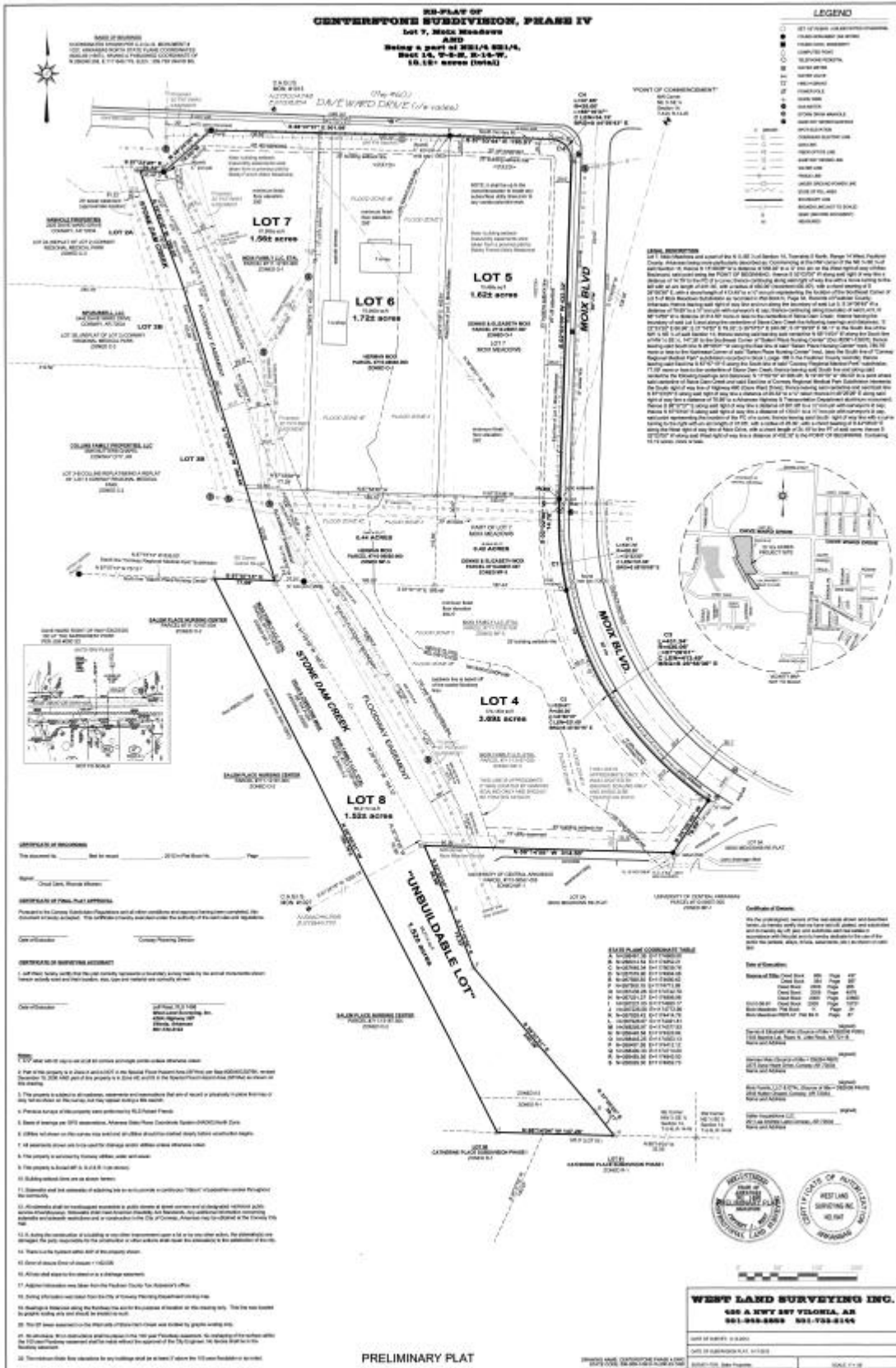
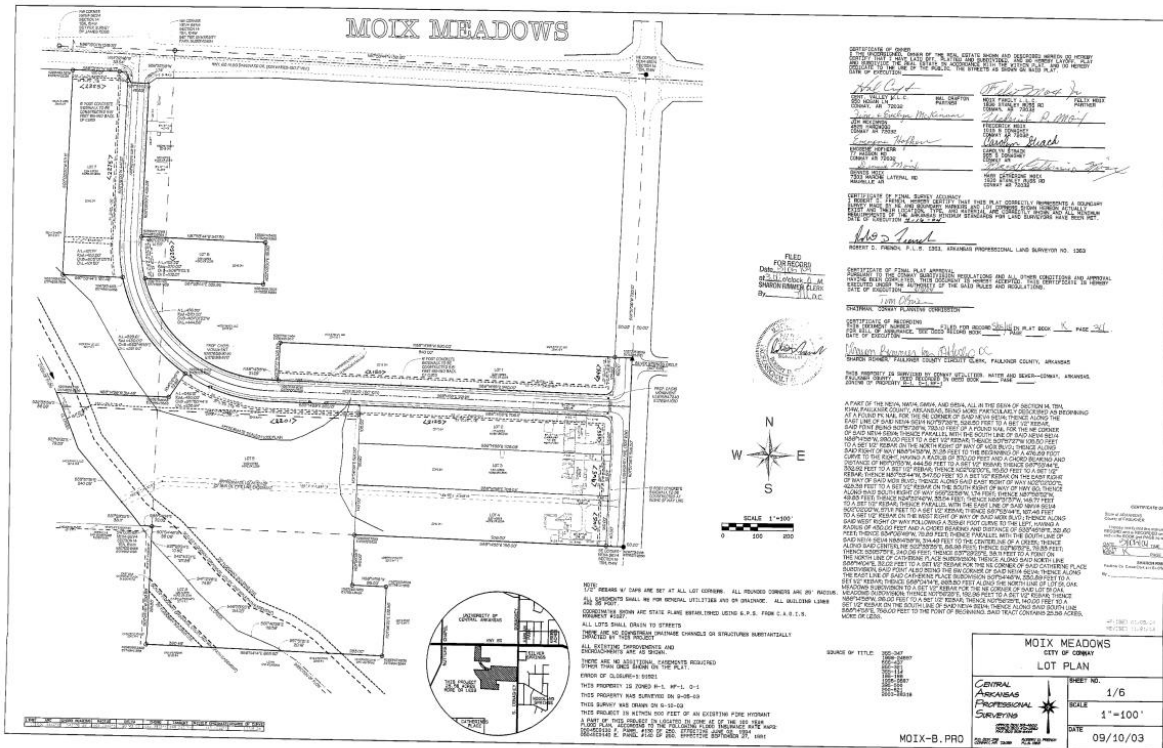


Exhibit D

Lot 8 of Moix Meadows Subdivision, as shown in Plat Book K on Page 34, records of Faulkner County, Arkansas.

(A/K/A Faulkner County Tax Parcel 710-08557-008)



DESCRIPTION OF WORK
 THIS SURVEY IS A PART OF THE SURVEY OF THE MOIX MEADOWS SUBDIVISION AS SHOWN IN PLAT BOOK K ON PAGE 34, RECORDS OF FAULKNER COUNTY, ARKANSAS. THIS SURVEY IS A PART OF THE SURVEY OF THE MOIX MEADOWS SUBDIVISION AS SHOWN IN PLAT BOOK K ON PAGE 34, RECORDS OF FAULKNER COUNTY, ARKANSAS.

DATE: 09/10/03
 COUNTY: ARKANSAS
 TOWNSHIP: 12 N. 10 E.
 RANGE: 10 E. 12 N.
 SECTION: 36

FILED FOR RECORD
 DATE: 09/10/03
 BY: J.L.L.C.

DESCRIPTION OF WORK
 THIS SURVEY IS A PART OF THE SURVEY OF THE MOIX MEADOWS SUBDIVISION AS SHOWN IN PLAT BOOK K ON PAGE 34, RECORDS OF FAULKNER COUNTY, ARKANSAS. THIS SURVEY IS A PART OF THE SURVEY OF THE MOIX MEADOWS SUBDIVISION AS SHOWN IN PLAT BOOK K ON PAGE 34, RECORDS OF FAULKNER COUNTY, ARKANSAS.

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 COUNTY: ARKANSAS
 TOWNSHIP: 12 N. 10 E.
 RANGE: 10 E. 12 N.
 SECTION: 36

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 TOWNSHIP: 12 N. 10 E.
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 TOWNSHIP: 12 N. 10 E.
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MOIX MEADOWS CITY OF COMBAT	
GENERAL ARKANSAS PROFESSIONAL SURVEYORS	SHEET NO. 1/6
SCALE 1" = 100'	DATE 09/10/03

THIS SURVEY IS A PART OF THE SURVEY OF THE MOIX MEADOWS SUBDIVISION AS SHOWN IN PLAT BOOK K ON PAGE 34, RECORDS OF FAULKNER COUNTY, ARKANSAS. THIS SURVEY IS A PART OF THE SURVEY OF THE MOIX MEADOWS SUBDIVISION AS SHOWN IN PLAT BOOK K ON PAGE 34, RECORDS OF FAULKNER COUNTY, ARKANSAS.

DATE: 09/10/03
 COUNTY: ARKANSAS
 TOWNSHIP: 12 N. 10 E.
 RANGE: 10 E. 12 N.
 SECTION: 36

Note for record: Extended Version of Appraisal Report Available in the Office of Planning & Development

July 29, 2023

Salter Properties
Attn: Mr. J. Brent Salter, Vice President
P.O. Box 11778
Conway, Arkansas 72034

RE: Two Vacant Tracts of Land
Salter Acquisitions, LLC
Lot 8 Centerstone Subdivision Phase IV
& Lot 8, Moix Meadows
Conway, Faulkner County, Arkansas

Dear Mr. Salter;

At your request, I have performed an Appraisal Analysis and prepared a Summary appraisal report in order to enable me to render my opinion of the Market Value of the fee simple estate interest in the above captioned property.

The following report includes my findings regarding the property and the neighboring area. The report summarizes the facts and analyses used to develop the value estimate. Based on these facts and analyses, it is my opinion that the "Market Value" of the fee simple estate interest in the subject property, "as is", as of July 28, 2023, was:

Seventy Five Thousand Dollars
\$75,000

This report has been prepared, to the best of my knowledge and ability, in conformity with the Code of Professional Ethics and Standards of Professional Practice of the Appraisal Institute and the Uniform Standards of The Appraisal Foundation.

No responsibility has been assumed for matters which are legal in nature, nor has any opinion on title been rendered, this appraisal assuming marketable title. Liens and encumbrances, if any, have been disregarded and the property appraised as though free of indebtedness. Employment in and compensation for making this report is in no way contingent upon the value reported, and I certify that I have no financial interest in the subject property.

Respectfully submitted,



Paul T. Chaplin
State Certified General Appraiser, CG0518



City of Conway, Arkansas
Resolution No. R-23-___

A RESOLUTION AUTHORIZING THE MAYOR OF CONWAY TO SIGN AN AGREEMENT FOR AN IMPACT FEE CREDIT AGREEMENT BETWEEN RUSH-HAL DEVELOPMENT, LLC, THE HAROLD HALTER CRAFTON REVOCABLE TRUST, AND THE CITY OF CONWAY, ARKANSAS FOR LANDS END SUBDIVISION PHASE II; AND FOR OTHER PURPOSES

WHEREAS, the Impact Fee Ordinance as amended by Ordinance No. O-04-38, passed on the 27th day of April 2004 states that “All impact fee credits shall have a reading at one regularly scheduled City Council meeting prior to its passage and approval at any subsequent regularly scheduled City Council meeting”; and

WHEREAS, the Impact Fee Credit Agreement was presented and provided to the City Council of the City of Conway on the 8th day of August, 2023 at a regularly scheduled meeting; and

WHEREAS, the Impact Fee Credit Agreement was reviewed by the City Engineer, Director of Planning and Development, and the City Attorney, and appears to demonstrate all minimum requirements as defined in Section 12 of the City of Conway Subdivision Code; and

WHEREAS, the applicant has requested said impact fees to be payable to be applicable to another development pursuant to the City of Conway, Subdivision Ordinance Section 12.K.5; and

WHEREAS, Land’s End is a multiphase development at the intersection of Padgett Road and Tyler Street for which the City requested full extension of Tyler Street to the west end of the Land’s End addition, lengthening the street to follow the Master Street Plan in which requisite ancillary construction of storm drain, sidewalks, etc. were also completed.

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

Section 1. The City Council of the City of Conway authorizes the Mayor of Conway to sign said agreement to authorize said Impact Fee Credit Agreement.

Section 2. The Director of Permitting or a representative thereof, in conjunction with the Director of Planning and Development, shall maintain a record of impact fees credited and notify the developer, or subsequent owner of the development as defined within Section 12 of the City of Conway Subdivision Code, when all fees are expended.

Section 3. Herein authorized is the use of impact fee credits for the Land’s End Subdivision Phase II which may be utilized for impact fees of a similar type within Charleston Place, a Rush-Hall development, for which any such use shall be deducted from the total impact fees for Land’s End Subdivision Phase II impact fee credit until otherwise exhausted.

Section 4. The maximum impact fees credited per this contract shall be defined herein as an attachment of this resolution, also known as “Exhibit A”. Also see Exhibits B & C herein.

PASSED this 12th day of September 2023.

APPROVED:

Mayor Bart Castleberry

ATTEST:

Michael O. Garrett
City Clerk/Treasurer



MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Kris Paxton – Planning Director
Date: September 12, 2023

Re: Impact fee agreement and improvements made to Lands End Subdivision Phase 2

The impact fee credit agreement for Lands End Subdivision Phase 2 was brought to the City Council for a first reading at the August 8th Council meeting. The item is currently on the agenda for final approval of the impact fee credit agreement.

A developer is entitled to impact fee credits for road impact fees when improvements are made to the city's major roadway system. The developer must submit an impact fee credit agreement for approval by City Council prior to construction of the improvements. The impact fee credit is only valid once full construction of the improvements are complete.

Lands End is a multiphase development at the intersection of Padgett Road and Tyler Street. The city is requesting full extension of Tyler Street to the west end of the Lands End addition, lengthening the street to follow the Master Street Plan. Requisite ancillary construction of storm drain, sidewalks, etc. are also required.

The street work on Tyler Street is a major roadway system improvement. Based on the submitted documentation the developer is requesting a credit totaling \$210,038.81 for Phase 2.

Please advise if you have any questions.

Kris Paxton, MGIS, CARPO, CFM
Director of Planning & Development
City of Conway, Arkansas

IMPACT FEE CREDIT AGREEMENT

THIS IMPACT FEE CREDIT AGREEMENT, (hereinafter referred to as this “*Agreement*”) is entered into between **Rush-Hal Development, LLC**, an Arkansas Limited Liability Company, the **Crafton-Fowler Family Limited Partnership LLLP**, an Arkansas Limited Liability Limited Partnership, and **Harding-Crafton Investment Properties, LLC**, an Arkansas Limited Liability Company (hereinafter collectively referred to as “*the Applicant*”), and the **City of Conway, Arkansas** (hereinafter referred to as the “*City*”) to be effective as of _____, 2023 (the “*Effective Date*”).

RECITALS:

A. The applicant is the developer of Lands End Phases I & II, an addition to the City of Conway, Phase II of which is recorded on Deed of Record filed on January 24, 2023, in the real estate records of Faulkner County, Arkansas, as Document Number P202300992 (along with future phases, if any, hereinafter referred to as the “*Neighborhood*”

B. Lands End is a multiphase development at the intersection of Padgett Road and Tyler Street. The city requested full extension of Tyler Street to the west end of the Lands End addition, lengthening the street to follow the Master Street Plan. Requisite ancillary construction of storm drain, sidewalks, etc. are agreed to be completed as demonstrated in Exhibit “A” as attached and incorporated hereto. The applicant has conveyed the roadways of the development in fee simple to the City.

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

D. Pursuant to Article VI. Section 12(K)(1)(a) of the Ordinance, developers of major roadway improvements (as defined by the Ordinance) are entitled to credits (hereinafter referred to as the “*Credit*”) against impact fees otherwise payable under the Ordinance (“*Impact Fees*” – both street and park).

E. The City and The Applicant desire to enter into this Agreement to evidence their determination that the street work on Tyler Street is a Major Roadway System Improvement, that

Exhibit A: Impact Fee Credit Agreement (2 of 3)

development within the Neighborhood and all properties included in Exhibit “B” as attached and incorporated hereto are 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 street work for Tyler Street with the subdivision of Lands End is a Major Roadway System Improvement (as defined by the Ordinance), qualifying the Neighborhood and The Applicant for the Credit;

2. The City hereby acknowledges that The Applicant is eligible for a Credit in the amount of \$210,038.81. 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 Roadway System;

3. The City hereby approves awarding the Applicant a Credit to offset Road Impact Fees, not to exceed \$210,038.81 (the “Awarded Credit”), otherwise applicable to Impact-Generating Development (as defined by the Ordinance) within the Subdivision, in addition to current and future phases of the real properties attached in Exhibit “B” as attached and incorporated hereto. The Applicant shall have the exclusive right to use the Awarded Credit, provided that the Applicant 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 Subdivision and current and future phases of the real properties attached in Exhibit “B” as attached and incorporated hereto. Any such assignment shall be in writing signed by the Applicant 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 the Applicant and its designated successors and assigns to offset Road Impact Fees applicable to Impact-Generating Development in any and all future phases of the Subdivision, in addition to current and future phases of the real properties attached in Exhibit “B” as attached and incorporated hereto.

4. The Applicant will not be reimbursed for any excess Credit beyond the Road Impact Fees that would otherwise be due from the Applicant or its assigns from Impact Generating Development in the above referenced property.

[Signature Page Follows]

Exhibit A: Impact Fee Credit Agreement (3 of 3)

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

Rush-Hal Development, LLC

Harding-Crafton Investment Properties, L.L.C.

By: _____
Harold H. Crafton, Operating Manger

By: _____
Harold H. Crafton, Manager

Crafton-Fowler Family Limited Partnership LLLP

By: _____
Harold H. Crafton, General Partner

City of Conway, Arkansas

By: _____
Bart Castleberry, Mayor

ATTEST:

By: _____
City Clerk/Treasurer

THIS INSTRUMENT PREPARED BY:

Landon T. Sanders
Ark. Bar No. 2016131
306 Salem Rd., Suite 106
Conway, Arkansas 72034



Landon T. Sanders, J.D. Attorney-at-Law
Preston T. Sanders, J.D. Attorney-at-Law

**Costs Incurred by Applicant,
Rush-Hal Development, LLC, Crafton-Fowler Family Limited Partnership
LLLP, and Harding-Crafton Investment Properties, LLC**

The Applicant incurred costs in the amount of \$210,038.81 for the following:

Street improvements for Tyler Street starting at the intersection of Tyler Street & Southwinds Drive; thence west to the intersection of Tyler Street & Lands End Drive. Project area as seen in **Exhibit B below.**



Exhibit B: Project Area



Landon T. Sanders, J.D. Attorney-at-Law

Preston T. Sanders, J.D. Attorney-at Law

Exhibit "C"
TO
IMPACT FEE CREDIT AGREEMENT

1. LANDS END SUBDIVISION – ALL PHASES, INCLUDING BUT NOT LIMITED TO THE THE FOLLOWING DESCRIPTION FOR PHASE 2;

A part of the E1/2 NE1/4, Section 06, T-05-N, R-14-W, Faulkner County, Arkansas, being more particularly described as follows:

Beginning at a set mag nail for the SW corner of said E1/2 NE1/4; Thence along the West line of said E1/2 NE1/4 N01°59'07"E a distance of 1363.10' to a set 1/2" rebar w/cap (1363); thence leaving said West line S88°00'37"E a distance of 330.99' to a set 1/2" rebar w/cap (1363); Thence N02°01'35"E a distance of 162.69' to a set 1/2" rebar w/cap (1363); Thence S88°25'04"E a distance of 98.88' to a set 1/2" rebar w/cap (1363); Thence N01°34'56"E a distance of 170.00' to a set 1/2" rebar w/cap (1363); Thence S88°25'04"E a distance of 221.32' to a found RDF cap for the NW corner of Lands End Subdivision Phase 1; Thence along the boundary of said subdivision the following calls: S02°01'35"W a distance of 1164.75' to a found RDF cap; Thence N88°11'34"W a distance of 106.33' to found RDF cap; Thence with a curve turning to the right with an arc length of 44.09', with a radius of 28.00', with a chord bearing of N43°04'59"W, with a chord length of 39.67' to a found RDF cap; Thence N02°01'35"E a distance of 4.79' to a found RDF cap; Thence N88°11'34"W a distance of 50.00' to a found RDF cap; Thence S02°01'35"W a distance of 5.00' to a found RDF cap; Thence with a curve turning to the right with an arc length of 43.88', with a radius of 28.00', with a chord bearing of S46°55'01"W, with a chord length of 39.52' to a found RDF cap; Thence N88°11'34"W a distance of 106.54' to a found RDF cap; Thence S02°01'35"W a distance of 491.23' to a found RDF cap; Thence S88°11'44"E a distance of 106.55' to a found RDF cap; Thence S01°48'16"W a distance of 40.00' found mag being on the South line of said E1/2 NE1/4; Thence leaving said boundary line and along said South line N88°11'44"W a distance of 436.71' to the point of beginning, containing 18.53 acres, more or less.

2. LUXE LANDING, otherwise described as:

Part of the Southeast Quarter of the Northeast Quarter of Section 21, Township 5 North, Range 14 West, Faulkner County, Arkansas, being more particularly described as follows: Commencing at the Southeast Corner of the Southeast Quarter Northeast Quarter, thence along the East line of said Southeast Quarter Northeast Quarter North 02 Degrees 10 Minutes 08 Seconds East a Distance of



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Preston T. Sanders, J.D. Attorney-at-Law

748.00 feet to the point of beginning, thence continue along said East Line North 02 Degrees 10 Minutes 08 Seconds East a distance of 467.94 feet, thence leaving said East Line North 87 degrees 38 Minutes 13 Seconds West a distance of 63.38 feet, thence South 76 Degrees 37 Minutes 35 Seconds West a Distance of 108.46 feet; Thence South 64 Degrees 23 Minutes 16 Seconds West a Distance of 306.43 feet, thence South 68 Degrees 06 Minutes 12 Seconds West a Distance of 69.23 feet, thence South 21 Degrees 36 minutes 41 Seconds East a Distance of 294.50 feet, Thence South 88 Degrees 03 Minutes 00 Seconds East a Distance of 383.45 feet to the point of beginning, containing 4.11 acres, more or less.

3. Part of the $W\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$; Section 33, T6N, R13W, Faulkner County, Arkansas being more particularly described as follows: Beginning at the Southwest corner of said $W\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$; thence North 01 degrees 35 minutes 38 seconds East along the West line of said $W\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$, a distance of 2089.55 feet to the center line of Lower Ridge Road; thence South 86 degrees 44 minutes 56 seconds East, along said center line, a distance of 659.53 feet to a point on the East line of said $W\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$; thence South 01 degrees 28 minutes 18 seconds West along said east line, a distance of 2071.22 feet to the Southeast corner of said $W\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$; thence North 88 degrees 20 minutes 29 seconds West along the South line of said $W\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$, a distance of 663.67 feet to the point of beginning.

4. 1550 Old Military Road - York Military Road Property.

Part of the $NW\frac{1}{4} SW\frac{1}{4}$ of Section 22, T5N, R14W, Faulkner County, Arkansas, being more particularly described as follows: Beginning at the West $\frac{1}{4}$ corner of said Section 22; thence run South 89 degrees 37 minutes 11 seconds East, 25.00 feet to the East right of way line of Old Military Road and also the point of beginning; thence continue South 89 degrees 37 minutes 11 seconds East, 466.69 feet; thence South 00 degrees 00 minutes 00 seconds West, 466.70 feet; thence North 89 degrees 37 minutes 11 seconds West, 466.69 feet to the East right of way line of Old Military Road; thence North 00 degrees 00 minutes 00 seconds East along said right of way line 466.70 feet to the point of beginning, containing 5 acres, more or less.



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Preston T. Sanders, J.D. Attorney-at-Law

5. Part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 5 North, Range 14 West, Faulkner County, Arkansas being more particularly described as follows: Commencing at the Northwest corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ run from thence South 87 degrees 39 minutes 07 seconds East, along the North line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, 491.69 feet to the point of beginning; thence continue along said North line, 663.35 feet; thence run South 01 degree 52 minutes 10 seconds West, parallel to the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1322.72 feet to the South line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence run North 87 degrees 35 minutes 32 seconds West, along said South line, 1130.05 feet to the East right of way line of Old Military Road; thence run North 01 degree 52 minutes 10 seconds East, parallel to the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, 854.84 feet; thence leaving said right of way, run South 87 degrees 39 minutes 07 seconds East, parallel to the North line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, 466.69 feet; thence run North 01 degree 52 minutes 10 seconds East parallel to the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, 466.70 feet to the point of beginning. Said tract contains 29.30 acres, more or less.

6. Lot 1-R Sunderlin Park Subdivision Replat as shown on plat of record in Faulkner County Plat Book J at Page 262.

AND

Part of the W $\frac{3}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, Township 5 North, Range 14 West, Faulkner County, Arkansas described as beginning at the Northwest corner of said W $\frac{3}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence along the North line of said W $\frac{3}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, North 89 degrees 52 minutes 18 seconds East 781.76 feet to the point of beginning; thence continuing North 89 degrees 52 minutes 18 seconds East 205.72 feet to the Northeast corner of said W $\frac{3}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence along the East line of said W $\frac{3}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, South 0 degrees 43 minutes 35 seconds West 620.69 feet; thence South 89 degrees 52 minutes 18 seconds West 184.72 feet; thence North 1 degree 12 minutes 45 seconds East 620.74 feet to the point of beginning.

(Commonly known as 4551 & 4553 W Tyler Street, Conway, AR 72034)

7. Tract 1: Part of the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6, Township 5 North, Range 14 West, Faulkner County, Arkansas, described as commencing at the Southeast Corner of said N $\frac{1}{2}$ NW $\frac{1}{4}$ and run North 89 degrees 54 minutes 49 seconds West along the South line of said N $\frac{1}{2}$ NW $\frac{1}{4}$ a distance of 877.3 feet to the point of beginning; thence continue North 89 degrees 54 minutes 49 seconds West 188.7 feet; thence



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North 02 degrees 53 minutes 39 seconds West 436.56 feet; thence South 89 degrees 54 minutes 49 seconds East 210.75 feet; thence South 436 feet to the point of beginning.

AND

Part of the NE 1/4 NW 1/4 of Section 6, Township 5 North, Range 14 West, Faulkner County, Arkansas, described as beginning at the Southwest corner thereof and run thence North 160 feet; thence North 69 degrees 07 minutes 55 seconds East 259.95 feet; thence South 2 degrees 53 minutes 40 seconds East 253.3 feet to the South line of the NE 1/4 NW 1/4; thence North 89 degrees 54 minutes 49 seconds West along the South line of said NE 1/4 NW 1/4 255.69 feet to the point of beginning.

AND

Part of the NE 1/4 NW 1/4 of Section 6, Township 5 North, Range 14 West, Faulkner County, Arkansas, described as beginning at the Southeast corner thereof, and run North 89 degrees 54 minutes 49 seconds West along the South line of said NE 1/4 NW 1/4 877.3 feet to a found pipe; thence North 329.97 feet; thence North 69 degrees 09 minutes 46 seconds East 816.25 feet; thence North 74 degrees 56 minutes 56 seconds East to the East line of the NE 1/4 NW 1/4, Section 6; thence South to the point of beginning.

AND

SE 1/4 NW 1/4 of Section 6, Township 5 North, Range 14 West, Faulkner County, Arkansas.

AND

Part of the W 1/2 NE 1/4 of Section 6, Township 5 North, Range 14 West, Faulkner County, Arkansas, described as commencing at the Northeast corner of the NW 1/4 NE 1/4, Section 6, Township 5 North, Range 14 West and run thence South 375.0 feet along the East line of said NW 1/4 NE 1/4 to the point of beginning; thence South 78 degrees 00 minutes 54 seconds West 547.87 feet; thence South 74 degrees 56 minutes 56 seconds West to the West line of said NW 1/4 NE 1/4; thence South along the West line to the Southwest corner of the W 1/2 NE 1/4; thence East along the South line of the W 1/2 NE 1/4 to the Southeast corner of said W 1/2 NE 1/4; thence North along the East line of said W 1/2 NE 1/4 to a point which is 375.0 feet South of the Northeast corner of said W 1/2 NE 1/4, which point is the point of beginning.



Landon T. Sanders, J.D. Attorney-at-Law
Preston T. Sanders, J.D. Attorney-at-Law

Tract 2:

All that part of the SE 1/4 SE 1/4 Section 31, T6N, R14W, Faulkner County, Arkansas, lying South of State Hwy #319.

Tract 3:

A tract of land lying in the SW 1/4 NW 1/4 Section 5, T5N, R14W, Faulkner County, Arkansas better described as beginning at the Northwest corner of said SW 1/4 NW 1/4 thence along the North line of said SW 1/4 NW 1/4 North 89 degrees 03 minutes 58 seconds East 30.00 feet; thence leaving said North line South 00 degrees 10 minutes 55 seconds East 777.29 feet; thence North 83 degrees 49 minutes 46 seconds West 30.19 feet to the West line of said SW 1/4 NW 1/4; thence along said West line North 00 degrees 10 minutes 55 seconds West 773.56 feet to the true point of beginning.

AND

Part of the SE 1/4 of the NE 1/4 of Section 6, Township 5 North, Range 14 West, Faulkner County, Arkansas, more particularly described as follows: Beginning at a point 903.5 feet West of the Southeast corner of said SE 1/4 NE 1/4 and running thence West 150 feet; thence North 290.4 feet; thence East 150 feet; thence South 290.4 feet to the point of beginning.

AND

Part of the SE 1/4 NE 1/4, Section 6, Township 5 North, Range 14 West, Faulkner County, Arkansas, described as beginning at the Southeast corner of said SE 1/4 NE 1/4; thence South 89 degrees 35 minutes 00 seconds West along the South line of said SE 1/4 NE 1/4 828.50 feet to the point of beginning; thence continuing South 89 degrees 35 minutes 00 seconds West 75.0 feet; thence North 00 degrees 25 minutes 00 seconds West 290.40 feet; thence South 89 degrees 35 minutes 00 seconds West 150.0 feet; thence North 00 degrees 25 minutes 00 seconds West 850.0 feet; thence North 89 degrees 35 minutes 00 seconds East 350.0 feet; thence South 00 degrees 25 minutes 00 seconds East 390.40 feet; thence South 89 degrees 35 minutes 00 seconds West 125.0 feet; thence South 00 degrees 25 minutes 00 seconds East 750.0 feet to the point of beginning.

AND

Part of the E 1/2 NE 1/4, Section 6, Township 5 North, Range 14 West, Faulkner County, Arkansas, described as beginning at the Southeast corner of the SE 1/4 NE



Landon T. Sanders, J.D. Attorney-at-Law
Preston T. Sanders, J.D. Attorney-at-Law

1/4, Section 6; thence along the South line of said SE 1/4 NE 1/4 South 89 degrees 35 minutes 00 seconds West 420.30 feet to the point of beginning; thence continue South 89 degrees 35 minutes 00 seconds West 408.20 feet; thence North 00 degrees 25 minutes 00 seconds West 750.0 feet; thence North 89 degrees 35 minutes East 125.0 feet; thence North 00 degrees 25 minutes 00 seconds West 390.40 feet; thence South 89 degrees 35 minutes 00 seconds West 350.0 feet; thence South 00 degrees 25 minutes 00 seconds East 1,140.40 feet to the South line of said SE 1/4 NE 1/4; thence South 89 degrees 35 minutes 00 seconds West along the South line 274.20 feet to the Southwest corner of said SE 1/4 NE 1/4; thence North 00 degrees 02 minutes 15 seconds East 2,697.20 feet to the Northwest corner of the NE 1/4 NE 1/4 Section 6; thence North 89 degrees 12 minutes 14 seconds East along the North line of said NE 1/4 NE 1/4, 1,326.01 feet to the Northeast corner of said NE 1/4 NE 1/4; thence South 2,394.97 feet to a point 311.0 feet North of the Southeast corner of said SE 1/4 NE 1/4; thence South 89 degrees 35 minutes 00 seconds West 420.30 feet; thence South 311.0 feet to the point of beginning.

LESS AND EXCEPT THE FOLLOWING DESCRIBED LANDS:

Part of the SE 1/4 NE 1/4 of Section 6, Township 5 North, Range 14 West, Faulkner County, Arkansas, more particularly described as beginning at the Southeast corner of said SE 1/4 NE 1/4; thence along the East line of said SE 1/4 NE 1/4 North 00 degrees 10 minutes 55 seconds West 311.00 feet to the point of beginning; thence leaving said East line South 89 degrees 23 minutes 57 seconds West 98.62 feet; thence North 00 degrees 13 minutes 48 seconds West 233.62 feet; thence North 89 degrees 21 minutes 00 seconds East 98.82 feet to the East line of said SE 1/4 NE 1/4; thence along said East line South 00 degrees 10 minutes 55 seconds East 233.70 feet to the point of beginning.

8. CHARLESTON PLACE SUBDIVISION - \$13,281.00 of Credits may be assigned to Charleston Place Subdivision.



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

MEMO

To: Mayor Bart Castleberry
 cc: City Council Members

From: Rebekah Fincher, 2023 Planning Commission Chairman
 Date: September 12, 2023

Re: Conditional use request to allow *Eating Place with Drive-Through Service & Food Store* in the O-1 zoning district for property located at 2505 & 2515 Prince Street and 963 Farris Road

Braums, has requested to allow *Eating Place with Drive-Through Service & Food Store* in the O-1 zoning district for property located at 2505 & 2515 Prince Street and 963 Farris Road, with the legal description:

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.

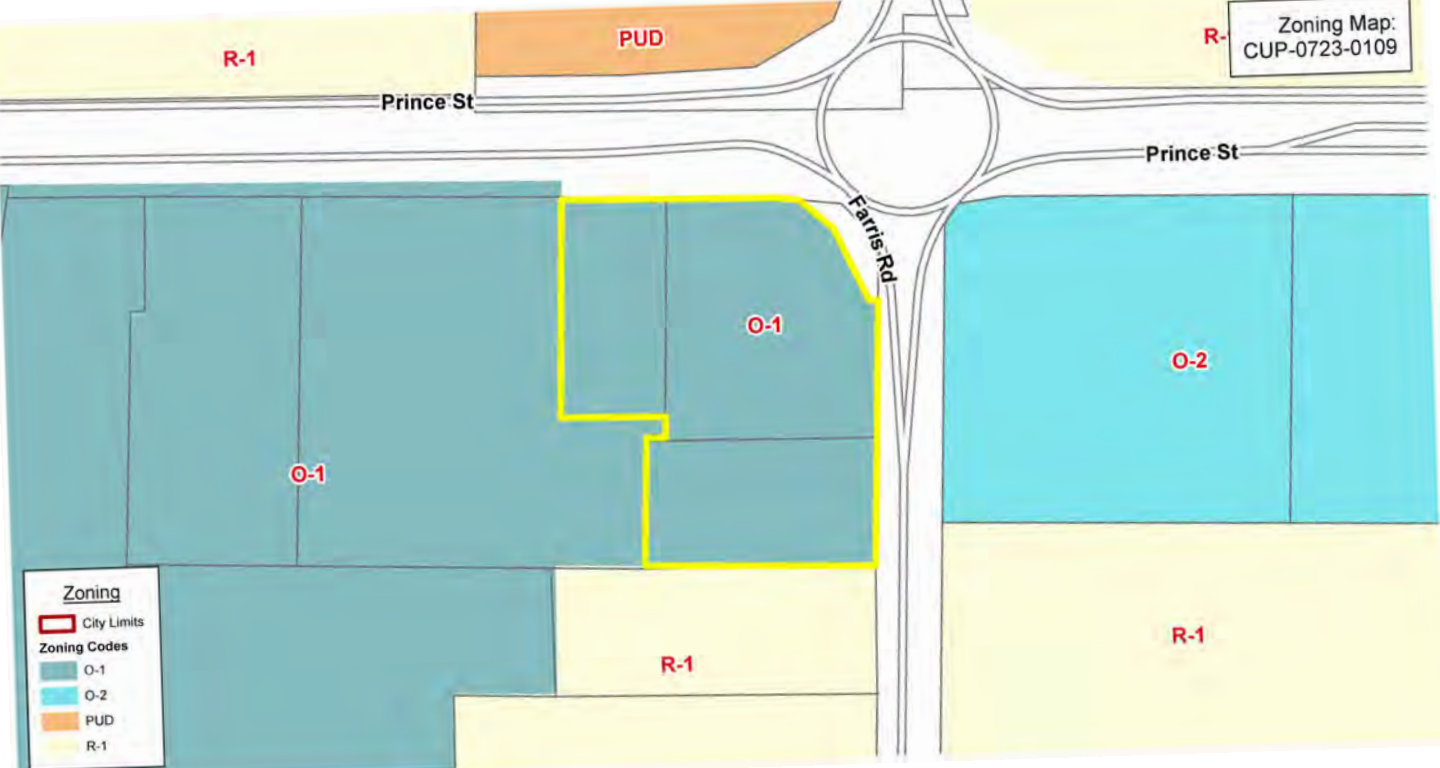
The applicant is requesting conditional use approval to operate an Eating Place with Drive-Through Service and Food Store. As conditioned, the negative impact to adjacent properties will be mitigated through the use of screening and landscaping and the site will be subject to the commercial development standards in accordance with Article 10 of the Zoning Code.

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

1. Operating hours are limited to 5:00am – 12:00am.
2. Approved uses are limited to eating place with drive-through service and food store.
3. Any changes to or expansion of the approved use shall require an amended or new conditional use permit.
4. Development of the site is subject to site development review, in accordance with Article 10 of the Conway Zoning Code, prior to the issuance of building permits.
5. A perimeter landscape strip 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 Planning staff prior to installation. The Director of Planning & Development may require additional screening (e.g. 8' wood privacy fence and evergreen vegetation) along adjacent residential areas to reduce the impact of the proposed use.
6. All exterior 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. Extra caution shall be taken for lighting around boundaries adjacent to residential uses.
7. 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.
8. The property shall be platted in accordance with the Subdivision Regulations, prior to issuance of building permits.
9. No zoning variance, required as a result of the commencement of the conditional use, may be requested.
10. The conditional use permit shall expire if the use is not commenced within 18 months of approval.
11. The conditional use permit shall expire if the use ceases for a consecutive period of greater than 18 months. The Director of Planning & Development shall be authorized herein to grant an extension of no more than 90 days beyond said 18-month period to accommodate the applicant's identified construction and engineering timeline if necessary.
12. Any new signage shall be permitted and installed in accordance with the Conway Zoning Code.
13. With the approval of this conditional use permit request any 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 August 21, 2023 and voted 10-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.



R-1

PUD

R-

Prince St

Prince St

Farris Rd

O-1


O-2

O-1





R-1

R-1

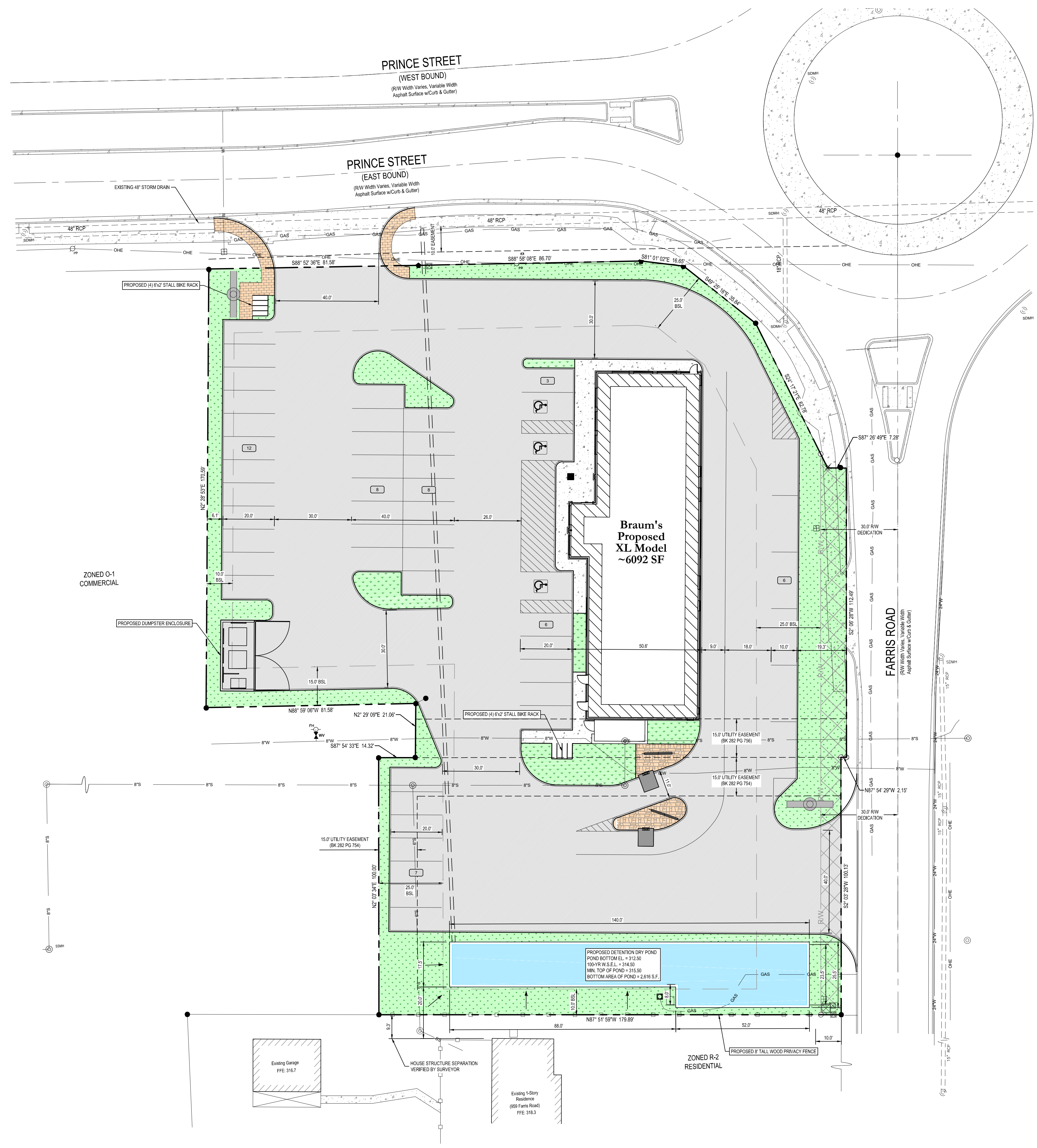
Zoning

 City Limits

Zoning Codes

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

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LEGEND

ALL UTILITIES ARE EXISTING UNLESS NOTED OTHERWISE	INDICATES PROPOSED	INDICATES TYPE OF LINE	INDICATES SIZE OF LINE
WM	WATER METER		
WV	WATER VALVE		
FR	FIRE HYDRANT		
SC	SEWER CLEANOUT		
MH	SEWER MANHOLE		
GM	GAS METER		
BM	BOUNDARY MARKER IRON PIPE		
XX	NUMBER OF PARKING SPACES PER ROW		
W	WATER LINE		
S	SANITARY SEWER		
CG	CURB AND GUTTER		
SS	STORM SEWER		
OHE	OVERHEAD ELECTRIC LINE		
GAS	GAS LINE		
→	DRAINAGE FLOW DIRECTION		

PARKING REQUIREMENT INFORMATION

BLDG USE	BLDG AREA	MIN. REQUIRED PARKING RATIO	MAX. REQUIRED PARKING RATIO	PARKING REQUIRED
RESTAURANT	6,092 S.F.	9 per 1,000 S.F.	12 per 1,000 S.F.	55-74
TOTAL REQUIRED				55
PARKING PROVIDED				
STANDARD SPACES				48
ACCESSIBLE SPACES				3
TOTAL PARKING PROVIDED				51

JOHNSON & PACE INCORPORATED
 ENGINEERING - ARCHITECTURE - SURVEYING
 121 NW LOOP #6, SUITE 101
 CONWAY, ARKANSAS 72034
 (501) 325-8667 FAX (501) 325-8663
 website: www.johnsonpace.com

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 07/19/2023

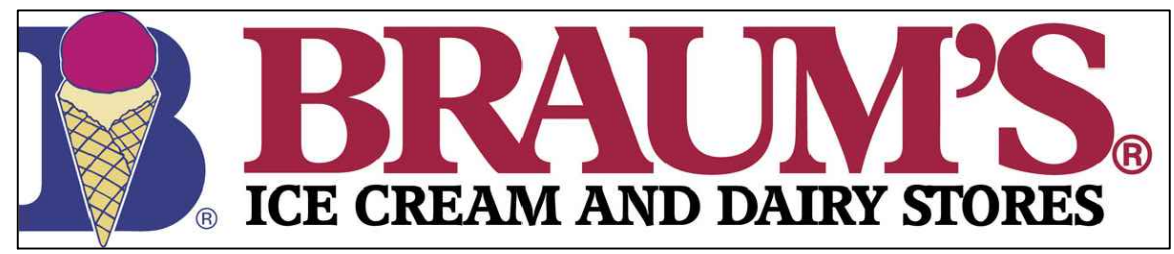
BRAUM'S ICE CREAM AND DAIRY STORE
 PRINCE STREET AND FARRIS ROAD,
 CONWAY, ARKANSAS

REVISIONS

NO.	DESCRIPTION	BY	DATE

SITE PLAN EXHIBIT
 ISSUED FOR REVIEW

APP. NO.	428-010	ISSUE DATE	07/19/2023
PROJECT NO.	428-010	PROJECT TITLE	PROJECT TITLE
DATE	JMC	SCALE	1"=20'
SHEET NO.	TKC	REVISION NO.	
C1.0			



Project: Farris Road Development Braum's Ice Cream and Dairy Stores, Conway, Arkansas
 Date: 07/19/2023
 Drawn by: JMC
 Checked by: TKC
 Title: SITE PLAN EXHIBIT
 Scale: 1"=20'
 Revision: C1.0
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 (501) 450-6105 • planningcommission@conwayarkansas.gov

MEMO

To: Mayor Bart Castleberry
 cc: City Council Members

From: Rebekah Fincher, 2023 Planning Commission Chairman
 Date: September 12, 2023

Re: Conditional use request to allow *Shelter for the Homeless* in the C-3 zoning district for property located at 134 Harkrider Street

Conway Ministry Center, has requested to allow *Shelter for the Homeless* in the C-3 zoning district for property located at 134 Harkrider Street, with the legal description:

PART OF LOT 4 OF THE S1/2 OF THE SW1/4 OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 13 WEST, AS SHOWN ON B.G. WILSON'S MAP OF THE CITY OF CONWAY, ARKANSAS, DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4 AND RUN THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 4 TO THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY #65; THENCE NORTHWESTWARDLY ALONG THE RIGHT OF WAY LINE OF SAID U.S. HIGHWAY #65 A DISTANCE OF 300 FEET; THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID LOT 4 TO THE EAST LINE OF SAID LOT 4; THENCE SOUTH ALONG THE EAST LINE OF LOT 4, TO THE POINT OF BEGINNING, LESS AND EXCEPT A TRACT DESCRIBED AS FOLLOWS: BEGIN AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF SAID LOT 4 WITH THE EAST RIGHT OF WAY OF U.S. HIGHWAY #65 AND RUN THENCE NORTHWESTWARDLY ALONG THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY #65 A DISTANCE OF 190 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREBY EXCEPTED THENCE CONTINUE NORTHWESTWARDLY ALONG THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY #65 A DISTANCE OF 110 FEET; THENCE EAST A DISTANCE OF 264.7 FEET; THENCE SOUTH TO A POINT WHICH IS DUE EAST OF THE POINT OF BEGINNING; THENCE WEST TO THE POINT OF BEGINNING OF SAID EXCEPTION, SUBJECT TO AN EASEMENT FOR DRIVEWAY PURPOSES OVER AND ACROSS A TRACT OF LAND DESCRIBED AS BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF SAID LOT 4 WITH THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY #65, AND RUN THENCE NORTHWESTWARDLY ALONG SAID HIGHWAY RIGHT OF WAY 190 FEET TO THE POINT OF BEGINNING OF SAID EASEMENT; THENCE RUN EAST 222.5 FEET; THENCE SOUTH 20 FEET; THENCE WEST TO THE EAST LINE OF SAID RIGHT OF WAY OF SAID HIGHWAY #65; THENCE NORTHWESTWARDLY ALONG SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING OF SAID EASEMENT, FAULKNER COUNTY, ARKANSAS.

The applicant is requesting conditional use approval to operate a Shelter for the Homeless, which is not allowed in the current zoning (C-3) but is allowed as a conditional use. The center will operate 24 hours a day, seven days a week due to the care needed by some residents. The Case Management/Administration office will be open 9:00am – 5:00pm, Monday – Friday. The current office area will be used as the residence of the property manager and the 22 room motel will house those in need.

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

1. Operating hours for the Case Management/Administration office are limited to Monday – Friday, 9:00 am – 5:00 pm.
2. The facility may not house any registered sex offenders, individuals with a recent violent criminal history, or anyone with a no contact order or restraining order with someone currently in the facility. Violent crimes include battery, domestic battery, assault, aggravated assault, non-negligent manslaughter, or murder. Anyone with a misdemeanor conviction of the above listed crimes within the past 2 years may not be housed at the facility. Anyone with a felony conviction of the above listed crimes within the past 5 years may not be housed at the facility.
3. The facility is limited to 22 units. Any expansions or additions to the structures, as well as any changes to the use shall require an amended or new conditional use permit.
4. Fencing with coded entry is required and must meet Fire Department standards and standards outlined in Article 10. Barbed wire and razor wire are prohibited.
5. 24 hour surveillance of site is required.
6. Exterior speakers and/or public address system is prohibited.
7. Any playground or community garden must be screened from view from the public right-of-way.
8. Manufactured home in rear of property must be removed prior to Certificate of Completion. Certificate of Completion can be issued prior to construction of manager/caregiver home. However, manager/caregiver home must go through Site Development Review if not included in initial Site Development Review process.
9. Site Development Review required and shall be subject to development standards as outlined in Article 10 of the Conway Zoning Code, unless otherwise noted in permit conditions.
10. Parking area must be striped and ADA accessible parking requirements for parking must be met.
11. All signage shall be permitted and installed in accordance with Article 12 of the Conway Zoning Code.
12. The conditional use shall automatically expire if the approved use is not commenced within 18 months or if it ceases for more than 18 consecutive months.
13. No variance related to the approved conditional use shall be granted.

The Planning Commission reviewed the request at its regular meeting on August 21, 2023 and voted 10-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.

The Refuge Shelter By Conway Ministry Center Program Operational Plan

The Refuge Family and Recuperative Care Shelter will be the first of its kind in Central Arkansas. This shelter will provide temporary emergency housing to the most vulnerable families and individuals in our city while providing excellent programming tailored to each household's unique strengths, abilities, and needs.

Through nearly a decade of providing a broad scope of services to the homeless population of Faulkner county, the Conway Ministry Center has collected valuable data that now informs our Refuge program model. In addition, our Leadership Team has traveled to other cities in the south to learn from similar organizations that have a wealth of experience to share with Conway.

The cumulation of this research has resulted in the operational plan outlined in this document.

The Target Population

The Refuge Shelter will provide temporary housing to three vulnerable sectors of the homeless population.

1. Families with children under the age of 18.
 - a. Families now make up 40% of America's homeless population.
 - b. Children experiencing homelessness are at a significantly increased risk for trauma such as assault, witnessing violence, and family separation. Homeless children have twice the rate of learning disabilities and three times the rate of emotional and behavioral problems of non homeless children. Half of school-age homeless children experience anxiety, depression, or withdrawal compared to 18% of non homeless children.
 - c. Families with children need targeted interventions to meet individual family needs for housing and community based care and support systems for children and infants.
 - d. Families need to be able to stay together in shelter spaces that allow caregivers to stay with their children with private bathrooms and areas to prepare meals when needed.
2. Families with adult children with intellectual delays.
 - a. Research suggests that 12%-34% of the homeless population may have intellectual disabilities compared to 1%-3% of the general population.
 - b. Persons with intellectual disabilities are at an increased risk for abuse and exploitation.
 - c. Families caring for special needs adults need targeted interventions to meet individual family needs for housing and community based support for disabled children.

- d. Caregivers of special needs adults need to be able to stay with their special needs child rather than separate into gender based dormitories.
3. Individuals who are seniors, physically disabled, or ill.
 - a. Older adults, those age 65 and older, represent the fastest growing group of homeless, and by 2030 their numbers are expected to triple.
 - b. Over a period of three Winter Warming Stations, 19% of the individuals who stayed were discharged directly from the hospital. Many of those suffered from major chronic or terminal illnesses. Some were recent amputees. Others were recovering from a major illness.
 - c. Senior adults or individuals suffering from major illness or injury need targeted interventions to meet unique needs for housing and long-term care.

In order for each of these groups to successfully transition out of homelessness to stability, they need the ability to shelter over a longer period of time (rather than the 24 hour increments of a standard emergency homeless shelter) in a unit that meets their unique needs and allows for intensive individualized case management.

Exclusions

Due to the vulnerability of the people we plan to serve, we will NOT house:

- Registered sex offenders at any level
- Individuals with a recent violent criminal history (based on background search) defined as follows:
 - Violent Crimes include battery, domestic battery, assault, aggravated assault, non-negligent manslaughter, or murder.
 - Misdemeanor convictions more recent than 2 years
 - Felony convictions more recent than 5 years
 - In addition to these time limitations, potential residents must demonstrate their efforts to rehabilitate since the violent crime was committed. This might include anger management classes, counseling, mental health care, sobriety or completion of another rehabilitation program.
- Anyone with a no contact or restraining order with someone currently in the facility for any reason (even threats or harassment)

In order to keep families safe and focused, the expectations to remain in the shelter will be high. Households who are unwilling to engage in their case plan will not be able to remain in the program.

The Shelter Space

The Refuge Shelter will utilize a 22 unit repurposed motel. Rooms will be configured to allow up to three individuals in smaller rooms and up to five in larger rooms. The largest room (one unit) will hold a family of six. If a family exceeds six individuals, two rooms must be issued. Maximum occupancy is 75.

The shelter will reserve two rooms for emergency entry, specifically for after hours access. *See Intake section below.

Each room will have a private bathroom. Each room will have a meal prep area that consists of a small counter space with cabinets, a microwave, refrigerator, and other small appliances. Rooms will be furnished with queen over queen bunks in large rooms or queen beds with a crib/single bed in small rooms. At least one room will be fully ADA accessible.

The Shelter grounds will be fully fenced with coded entry and full surveillance system. Fencing will be constructed with a solid privacy fence material. Only current residents and pre registered, pre approved guests will be allowed onto the shelter grounds. Staff will be on site 24 hours a day while residents are present.

The main office will offer case management offices, an educational meeting space, and laundry facilities for guest use. The outdoor space will offer a deck with picnic area, community garden and playground for children.

The Refuge Program

The goal of the program will be to provide temporary housing for no longer than 90 days to those who meet the specific vulnerability criteria outlined above while going through an intensive assessment and case management process to secure long-term solutions to individual housing needs. Each individual or family will be required to meet with case managers twice per week as a part of this process.

Families with children will be required to engage in case management with the goal of securing stable income, connecting to resources the family needs (childcare, SNAP benefits, housing referrals, medical care, therapies, tutoring, prenatal care, etc.), and transitioning to permanent housing or the most appropriate transitional housing facility. Assessments will be given to identify abilities, strengths, needs, vulnerabilities, etc. Then the family will work through a highly individualized case plan to meet their specific family and housing goals.

Clients who have medical needs will also engage in intensive case management to identify the housing plans. Partners and Refuge staff will perform assessments to determine long-term care needs, abilities, vulnerabilities, etc. Then teams will work to secure long term housing/home health combinations or identify a nursing and rehab facility that will be an appropriate fit.

The Conway Ministry Center is already engaging in partnerships to provide services to these households such as:

- primary care
- physical therapy
- speech therapy
- occupational therapy
- counseling and behavioral health
- addiction treatment
- tutoring
- child care
- employment assistance
- housing assistance

Some of the providers we are working with include:

- UCA Interdisciplinary Clinic
- ARCare
- Headstart
- Goodwill Employment Services
- Department of Workforce Services
- Conway Public School Social Workers
- Conway Police Department Crisis Response Team
- Immerse Arkansas (Services for At-Risk Youth)
- Veterans Affairs
- Conway Public Housing Authority
- Bethlehem House
- City of Hope Outreach
- Our House
- Boys and Girls Club
- A variety of other nonprofits, local churches, and community members.

The Refuge Shelter seeks to connect clients with community based resources that will remain available to them long after their stay in the shelter. Developing a support network that will not be lost after housing is secured is key to the continued success of our clients and significantly reduces re-entry into homelessness.

Conway is uniquely equipped to offer an extensive variety of community based services due to the framework established by community partners for many years. *See Partners List above.

Staffing

The Refuge Shelter will employ several key staff roles to accomplish its program goals. The Conway Ministry Center currently operates a free grocery store, daily homeless outreach services, case management services, financial assistance programs, and rapid rehousing programs that will complement the shelter operation. Multiple administrators and program staff members are already in place to support the addition of a shelter. In addition to our current Executive Director, Senior Case Manager, StoreHouse Pantry Director, Facilities and Operations Manager, Outreach and Volunteer Coordinator, and Accounting Associate, the Refuge will add multiple team members in the following roles:

- Shelter Director
- Refuge Case Managers
- Overnight/Weekend Manager
- Overnight weekend shelter security attendants

In addition to an excellent staff team, the Conway Ministry Center has a long history of connecting high level volunteers with our programs. We currently have 214 volunteers registered in our volunteer database that serve in a broad scope of service areas and roles. These volunteers have followed the trajectory of the Conway Ministry Center's shelter plans for many years and are eager to engage with the families and individuals we will shelter.

Intake

For families with children or special needs adults, households will access the shelter as follows:

Monday- Friday 9am-4pm

- Families will be brought in for an intake appointment. In this appointment, potential residents will fill out intake forms outlining circumstances surrounding homelessness, identifying all household members, income, resources, health concerns, safety concerns, legal status, etc. Copies of identification will be taken, as well as other pertinent documents verifying the applicant's situation.
- Rules and regulations will be thoroughly discussed and signatures required.
- Background checks and sex offender registry checks will be performed.
- Applicants will be given the option to shelter in two ways.
 - a. Emergency 72 hour stay without case management
 - b. 30 day stay with full case plan (can be extended up to 90 days with case manager approval).
- Once approved by leadership, new residents will be issued the appropriate room based on family size. Codes will be created for each individual family that will expire once the family exits the program. Residents will not be allowed to have guests until the full case

management appointment has been completed (this is a much more in depth process than intake).

- Households that choose the short term option will be dismissed from the program with resource lists after 72 hours. They may request to enter into the 30 day program if space is available.

After hours/Weekends

- If a hospital, police officer, or other emergency service worker brings a family to the shelter outside of Case Management hours, they may be issued overnight emergency shelter with only a basic intake form, rules and regulations, background check and sex offender registry check. Full intake appointments must be completed immediately upon case management office reopening. Two rooms of the Refuge shelter will be reserved for this purpose.

For seniors, persons with significant physical/limiting disabilities, or persons with medical needs, the intake process is as follows:

- Hospitals or Nursing and Rehab facilities must submit a full intake packet to the Case Manager for approval prior to releasing the patient to the Refuge.
- The intake packet requires all the documentation outlined above plus a Recuperative Care referral form that provides detailed descriptions of the patient's medical condition, care needs, long term prognosis, medication requirements, etc.
- Based on the level of care needed and the ability of the Refuge leadership team to secure that level of care, the patient may be approved for up to 90 days in the Refuge shelter.
- Senior adults or persons with significant limiting disabilities that are not hospitalized may be considered, but will access shelter via the case management process outlined above for families with children. These individuals will only be considered if it is determined that their care needs exceed the services available through the City shelter.

Residency

We have high expectations of our residents to meaningfully engage in case management, as well as other services provided by the Conway Ministry Center or our Service Partners. This process starts with assessment.

Once a family or individual is settled into their assigned room and have had the opportunity to decompress for 24 to 48 hours, the resident will be expected to participate in a needs assessment to identify strengths, abilities, support systems, resources, needs, and vulnerabilities. The resident will work with the case manager to identify goals, develop a plan of action, and establish a preliminary timeline.

We understand that plans don't always come to fruition as expected. This is why we prioritize frequent meetings to ensure that goals are appropriate and achievable. In the event that an inappropriate goal was set, frequent check-ins allow the case plan to adapt with the resident.

Case plans will outline a variety of targets. These may include:

- Setting employment goals
- Securing other income (SSI/VA Pensions)
- Enrolling in child support enforcement
- Identifying transitional housing programs
- Identifying permanent housing options
- Securing childcare
- Accessing healthcare/ therapies/ treatment
- Applying for government benefits (SNAP, medicaid, childcare voucher)
- Accessing counseling services
- Accessing tutoring or educational interventions
- Identifying long term residential nursing care
- Accessing home health providers
- Other individualized targets or goals

In addition to case management and supportive services provided by Refuge staff and Service Partners, residents will be able to access a variety of household necessities through other Conway Ministry Center programs. Groceries, toiletries, baby supplies, and more are available at the StoreHouse pantry located in the Conway Ministry Center's current location at 225 E. Robins. Shelter rooms will be adequately equipped for families to reside with autonomy for as long as 90 days. In the event that seniors or persons with disabilities need daily prepared meals, the Conway Ministry Center also runs a homeless outreach program at the Robins St. location that is well supplied with fresh, nutritious ready-to-serve meals. The Conway Ministry Center is equipped with complimentary programs to meet the needs of Refuge residents during their shelter stay and beyond.

Residents that are meeting case plan goals will automatically be considered for an extension past the initial 30 day period if more time is needed to secure stable housing. Our program test pilot (conducted 11/01/22- 3/1/23 serving 29 families) indicated an average stay of 45-60 days depending on the severity of needs of the household. With this information, the Refuge program will set high expectations for the first 30 days. If a family is not making significant progress toward housing within the first 30 days, the family must begin the application process for transitional housing through one of our partners (Behlehem House, Our House, CoHO Hope Village, etc.)

Some residents will quickly identify the need for transitional housing or long term nursing and rehab at their initial intake appointment. For those residents, individual housing will not be included in their case plan. Success will be achieved by making rapid referrals/transfers to transitional or permanent supportive housing or long term medical facilities.

Families and individuals can leave of their own volition any time they feel ready, but the Conway Ministry Center has additional supportive programming to assist with rehousing costs for households that meet Refuge shelter case plan goals. Once income is secured, appropriate housing is identified and approved, and community based support systems are in place, residents can apply for financial assistance to cover security or utility deposits, or other rehousing costs.

In addition to financial assistance, residents can request assistance with furniture, household items, kitchen supplies, linens, and other necessities.

Once a household has been rehoused, staff will continue to assess ongoing needs at 30 days, three months, six months and one year to ensure continual success of residents.

Disciplinary Procedures

The following rules must be strictly adhered to during shelter residency:

- **No violence of any kind**
- **No weapons of any kind**
- **No theft of property** (Refuge property or other resident)
- Must observe quiet hours 8pm to 6am
- No visitors without prior approval and background check
- No visitors past 8pm
- Gate codes cannot be given to visitors.
- No pets (service or therapy pets will be considered with documentation)
- No alcohol or illegal substances
- No excessive noise or disturbances
- No verbal threats of harm
- No illegal activities
- Children cannot be left unattended

Disregarding these rules is considered a serious violation of Refuge shelter policy. There will be **ZERO** tolerance for **violence, weapons, or theft**. These offenses will result in immediate dismissal from the program. Remaining violations could result in immediate dismissal depending on severity, but no more than one written warning will be given for violation of these rules.

Additional program requirements are outlined below:

- Children must be enrolled in school or preschool
- 2 case management appointments required each week
- Must complete budget worksheets and financial planning
- Must be reachable. If we cannot make contact with a resident for 3 days, we will assume the resident has dropped from the program and the room will be cleared for another family.
- Must be willing to apply for any assistance services available. (SNAP, TEA, Medicaid, Section 8 Housing, Childcare Vouchers, etc.)
- Must not disclose the details of personal case plans to others (funding amounts, assistance provided, etc.)
- Must keep room clean and allow room checks weekly.
- Must continue to work toward goals outlined in case plan prioritizing income and housing, and provide updates, verifications, and details to the Case Manager when asked.
- Must report any legal charges or probation/parole violations immediately.
- Must report additional income such as tax returns, insurance settlements, or inheritance immediately
- Major expenditures that can have a negative impact on the success of the case plan must be discussed and preapproved by the case manager (purchases of cars, electronics, phones, furniture, trips, etc.)
- Resources such as food, SNAP benefits, cash, medications, or household necessities may not be shared between separate households. If a resident needs these resources, they must request assistance from Refuge staff.
- Residents may not watch each other's children without prior staff approval.
- Smoking is allowed in designated smoking areas only. No smoking in rooms or on the playground where children play.
- No candles.

While violation of these requirements are considered to be a lesser offense, continuous disregard for these rules could also result in program dismissal. The Refuge utilizes a "three-strikes" policy. Two written warnings will be issued for violating requirements. The third violation will result in a Notice to Vacate informing the resident they have 72 hours to vacate the premises.

If a resident is dismissed from the program for failure to adhere to rules and requirements OTHER THAN ZERO TOLERANCE policies, they may reapply for shelter 12 months after dismissal if the need still exists. Upon reapplication, the former resident would need to demonstrate reasons for Refuge staff reconsideration. These could include anger management classes, counseling, recovery programs, mental health care, etc.

The Conway Ministry Center and Refuge staff understand that some residents may not be ready for this level of commitment upon initial entrance into the program. If a family or individual becomes ready at a later date, it is important to allow another opportunity for transformation.

Additional Policies

The Conway Ministry Center and Refuge staff are mandated reporters of child and elder abuse in the state of Arkansas. We are required by law to report suspected or observed abuse, neglect, or exploitation of endangered or impaired adults.

Aside from the target population criteria outlined above, all applicants will be considered regardless of race, religion, ethnicity, national origin, sex, disability, gender identity, sexual orientation, or other status that may be legally protected at the time. It is within the Conway Ministry Center and Refuge Shelter's core values to show compassion and protect the dignity of all clients and residents.

Closing Statement

Conway, Arkansas is uniquely positioned to set the bar for excellence in providing services to homeless families and individuals with significant care needs. We are home to three colleges and two medical residency programs training the next generation of leaders in a variety of disciplines that include medical care, behavioral health, speech/occupational/physical therapy, addiction treatment, counseling services, early childhood development, special education, social work, and so much more. We have an army of local civic and faith groups who have a deep commitment to serve disadvantaged and vulnerable people in our community. Our Toadsuck homeless coalition strives for excellence in providing homeless services in Central Arkansas,

and we are called upon frequently by state leadership to demonstrate positive outcomes from our years of collaborative efforts and creative program models.

Conway Ministry Center has demonstrated commitment and leadership in the areas of crisis intervention, poverty reduction, rehousing, homeless services, food insecurity, and more. Our leadership team has been consulted in these areas by the Arkansas Balance of State Continuum of Care, Arkansas Community Foundation, Community Development Institute, Office of Emergency Management, Conway Police Department Crisis Intervention Team, and others. We have played a significant role in developing collaborative solutions to address multiple emergencies in Faulkner County including the immediate tornado relief efforts in 2014, relocation of the 110 families of Brookside Mobile Home Park, the Toadsuck flood of 2019, the COVID 19 financial assistance hotline in 2020, eight years of providing Winter Warming Station programs, and the Winter Homeless Hotline last winter.

We are excited to join hands with the incredible community of Conway to launch a truly one of a kind family and recuperative care shelter unlike any other in the south. We call it The Refuge.


I-3

PUD


C-3


Harkrider St


Zoning

 City Limits

Zoning Codes

 C-3

 I-3

 PUD



MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Kris Paxton – Planning Director
Date: September 12, 2023

Re: Objection to the Approval of a Major PUD Mod - Scherman Heights PUD Lot 7D, 575 Club Lane

The Director of Planning & Development notified the City Council of an approval for a Major PUD Modification on 07/17/2023. The Mayor is the City of Conway's Chief Executive Officer, conservator of its peace, and is an ex-officio member of the City Council by virtue of his executive position. The Mayor has objected to this consideration based on previous public concerns relative to the use at this location. While normal processes for objections to Major PUD Modifications would result in such items being forwarded to the Planning Commission, the Mayor has sponsored the item to move from the Planning Commission to the City Council for further consideration based on past public hearing item discussions for the use at this location by both the Council and the public.

The City Council may amend the request, approve the request, deny the request, or remit the Major PUD Modification to the Planning Commission for further consideration.

If the Major PUD Modification is remitted to the Planning Commission, the Commission would be able to amend, approve, or deny the request. A Planning Commission approval would be final. A Planning Commission denial of the request may be appealed to the City Council for further consideration.

Please advise if you have any questions.

A handwritten signature in black ink, appearing to read "Kris Paxton".

Kris Paxton, MGIS, CARPO, CFM
Director of Planning & Development
City of Conway, Arkansas



CITY OF CONWAY | 1111 Main Street
Planning and Development | Conway, AR 72032
T 501.513.3504
www.conwayarkansas.gov

August 22, 2023

From: Brent Salter
Project: Sherman Heights PUD

Mr. Salter:

This letter shall serve as a notice of approval of a Major Modification to the **Scherman Heights** Planned Unit Development. The following major modifications, as granted by Ordinance No. O-09-69, will apply:

1. Allow the use of Day Care Facility, Child Care Facility, and/or School on Lot 7D, 575 Club Lane pursuant to the use as described in Exhibit A herein.
2. This Major Modification shall be limited to the use. Any required additional site development review processes shall not be considered as a part of this request.
3. This approval shall not be considered approval in a manner to bypass any applicable state, federal or local law, inspection requirements, licensing requirements, or other applicable considerations deemed required for Day Care Facilities, Child Care Facilities, or Schools.
4. Owner or tenant shall consult with the City of Conway Fire Marshall prior to any intended use as a Day Care Facility, Child Care Facility, or School to verify site meets minimum standards for proposed use.
5. All conditions approved with original ordinance adoption and modifications since ordinance adoption shall be unaffected by this approval. All previous conditions of approval shall remain in effect.

The site has been continually used as a childcare facility or school since 2012, and this modification is to bring the site into compliance for future tenants with the same or similar uses.

Print - Owner/Developer

Date

Signature - Owner/Developer

Sincerely,

Kris Paxton, MGIS, CARPO, CFM
Director of Planning and Development

See attached Exhibits A and B.

Exhibit A – PUD Amendment Request



To: Kris Paxton
From: Brent Salter
Project: Sherman Heights PUD
Date: 6.30.2023
Sent Via: email

RE: PUD amendment request

Pursuant to the meeting I had with your staff, please accept this as formal request to amend the Sherman Heights PUD Plan to allow Child Care Facility on Lot 7D, 575 Club Lane.

To give some history, we were part of the original Sherman Heights development team, and constructed this property in 2007. At that time, and still today, any use allowable within the City's O-2 zoning is allowable per the PUD Plan. K&L Physical Therapy and Parisi Speed school were the tenants until early 2012.

In late 2012, Pediatrics Plus moved in. Due to their classification as a Day Care Center, in order for them to obtain their Department of Human Services approval, we spent considerable money remodeling the building. The approval was received, and they continued to occupy until 2016.

The suite sat vacant until 2018, when Conway Montessori School expressed interest in leasing. Unbeknownst to us, Ordinance was changed in 2014 requiring a conditional use permit for Child Care Facility in O-2. However, in this instance, we were able to establish that Conway Montessori School is in fact a School, which is allowable in O-2 by right. Conway Montessori will be vacating later this year. I ask for discretion of this fact as much as possible, as I do not know if the school has informed its students or parents.

We now have a prospect interested in leasing early next year. However, they must have a nursery to run in conjunction with their preschool. A nursery falls within the Child Care Facility definition in the Ordinance, which is no longer allowable due to the 2014 Ordinance change.

There have been many changes to the area since Sherman Heights was developed. But the original governing documents, which were crafted with considerable thought and planning, would have allowed the nursery. A letter in support of this amendment from original Sherman Heights developer Jim Rankin is included as well.

With that, we ask that you grant this request for an amendment to the Sherman Heights PUD Plan to allow Child Care Facility on Lot 7D.

Thank you for your consideration and please let me know if you have any questions.

Exhibit B – Support from Property Owners Association President



JIM RANKIN, JR.
President

Post Office Box 1735
Conway, Arkansas
72033

www.trinitydevelopmentinc.com
Phone (501) 336-0050
Fax (501) 327-3078

July 10, 2023

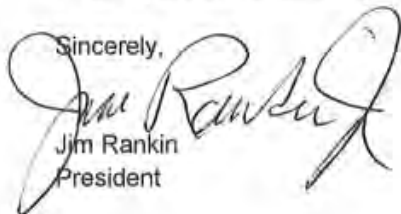
Conway Planning Department
Attn: Director Kris Paxton
1201 Oak Street
Conway, AR 72032

Dear Mr. Paxton,

As original developer, head of the Property Owners Association, and existing property owner within the Sherman Heights PUD, I am writing in support of the Child Care Facility use being allowed on Lot 7D.

Please grant Mr. Salter's request to amend the Sherman Heights PUD Plan.

Sincerely,



Jim Rankin
President

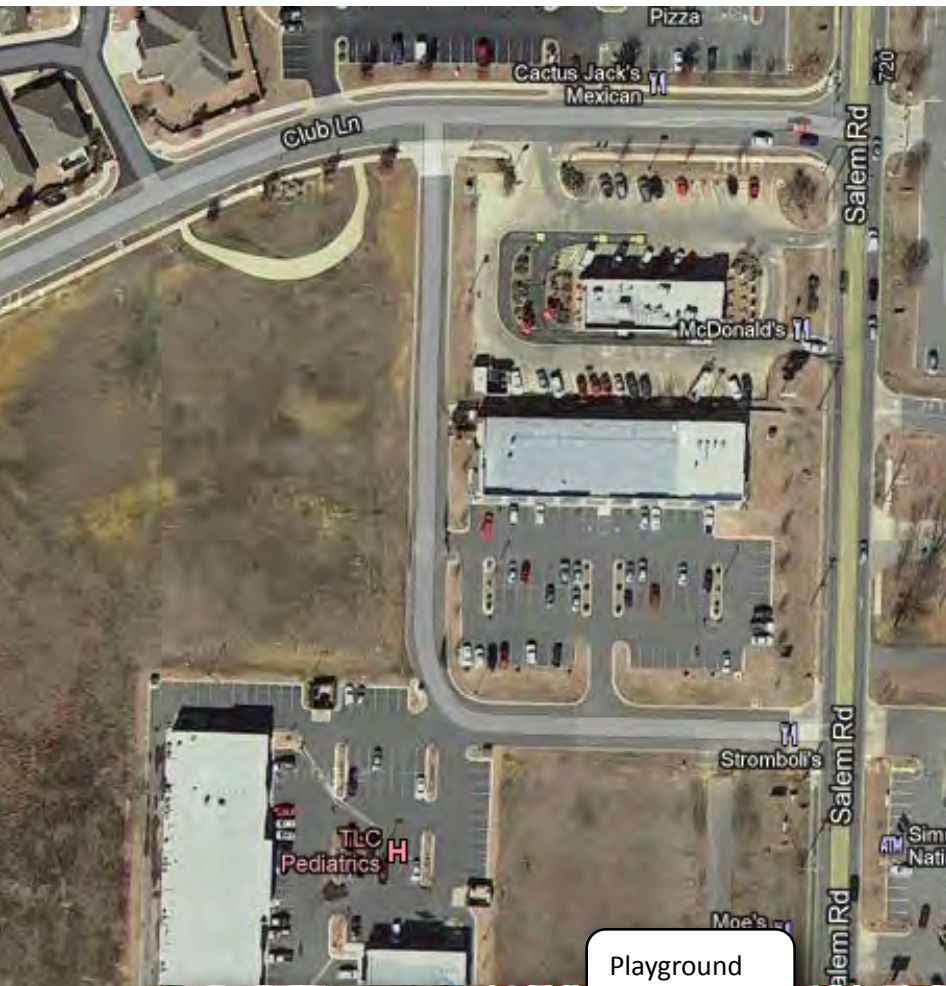


**Scherman Heights PUD
Implementation Status Compliance Report
575 Club Lane and Tenant Playground Space**

August 2013



Area Aerial Photo



Playground



575 Club Lane

575 Club Lane - Scherman Heights PUD Implementation Status Compliance Report

STAFF REVIEW BY

Bryan Patrick - Director
1201 Oak Street
Conway AR 72032

SITE DATA

Location. 575 Club Lane - Pediatrics Plus

Scherman Heights PUD

Site Area. 1.86 acres (575 Club Lane) ~40 acres (Entire PUD)

Existing Structure. Office building

Current Zoning. PUD (Planned Unit Development) Specifically, Scherman Heights PUD established by ordinance O-03-44 on April 8, 2003.

A T I S S U E

A playground approximately 35' x 100' was constructed at the rear of 575 Club Lane. The facility is a state licensed child care therapy business and is required to provide a state mandated play area.

The playground occupies an area between the rear of the building and the rear brick wall of Windcrest Subdivision. The brick wall separating Windcrest and 575 Club Lane is about 5 feet tall.

Children play in this area from early morning to late afternoon 5 days a week. By state regulation, the children must play outdoors for one hour; weather permitting. Several shifts of children occupy the playground so that the playground is occupied continuously throughout the workday. There is both visual and aural contact between the children in the play area and neighboring residents.

In November 2012, questions concerning the legality of a children's therapy services playground were brought to the attention of the Planning Department. A review was conducted for presentation to the Conway Planning Commission. Comments from the December 2012 Planning Commission report have been used for this report along with additional information concerning any possible violations at Pediatric's Plus - 575 Club Lane.

This report will attempt to address every conceivable infraction of Conway City Codes and the Scherman Heights PUD by the outdoor playground in an unbiased manner. The summary will recommend a course of action.

T I M E L I N E

The Scherman Heights Planned Unit Development was approved by the City Council in April 2003. The PUD Final Development Plan was finalized and accepted by the Planning Department on August 15, 2003. The original PUD plat was filed on August 8, 2003. This plat showed Lots 7, 7A, and 7B. Lot 7 was subdivided into 2 lots; 7C and 7D in October 2004. The structure at 575 Club Lane was constructed in late 2007. The structure and site were subject to an earlier form of development review, then called "site plan review".

The Planning and Development Department first heard concerns about the playground in November 2012.

The Director of Planning and Development along with the City Attorney, reviewed the situation for a possible violation of the PUD and zoning ordinance. A letter addressing all the various concerns was mailed to Mr. Chris Ryan at 610 Whispering Wind on 11-16-2012.

In December 2012, a request for a PUD compliance review by the Planning Commission was requested. Current PUD regulations allow

the Planning Commission to review the compliance of a Planned Unit Development:

"Project Completion. At its discretion, the Planning Commission may periodically review the Planned Unit Development project's implementation status. If the Planning Commission determines that the PUD is not being implemented in accordance with the Final PUD Plan, the Planning Commission may recommend that the City Council review the progress of the project. The City Council may allow implementation of the project to continue uninterrupted, may require the applicant and/or developer to submit a revised PUD plan, or may take any other reasonable action to ensure that the subject property is not developed in an inappropriate manner."

As per the PUD section of the Zoning Ordinance, the Planning Commission may review the Planned Unit Development's implementation status.

The Planning Commission was instructed that there were two courses of action:

1. The Planning Commission may choose to review the compliance of the PUD, or it may not. A vote should be conducted to proceed with review or to deny the review.
2. If the Planning Commission conducts the review and finds noncompliance, a recommendation for further review by the City Council is sent forward. If the Commission finds no violation, no recommendation is sent forward.

The Planning Commission chose to not review the request. No recommendation was sent forward to the City Council.

Since December 2012, further investigation has revealed 3 non-compliance issues based on the Scherman Heights Final Development Plan and the early 2007 site plan review regulations.

L A N D U S E S

Lot 7D is a subdivided lot of the original Lot 7 referenced in the Scherman Heights PUD Final Development Plan. Subdivision is allowed per the FDP. The Plan specifies permitted land uses as those allowed by right in an O-2 zone as listed in the Conway Zoning Ordinance. The Pediatrics Plus facility could be considered a medical office, and a daycare. These land uses are allowed by right in an O-2 zone:

Allowed Uses	R-1	R-2A	R-2	SR	MF-1	MF-2	MF-3	RMH	HR	C-1	C-2	C-3	C-4	O-1	O-2	O-3	I-1	RU-1	I-3	A-1	S-1	S-2	TJ
Offices: administrative, executive, general, professional, research, governmental										X	X	X	X	X	X	X	X	X	X		X	X	C

Allowed Uses	R-1	R-2A	R-2	SR	MF-1	MF-2	MF-3	RMH	HR	C-1	C-2	C-3	C-4	O-1	O-2	O-3	I-1	RU-1	I-3	A-1	S-1	S-2	TJ
Child care facility (Ordinance O-06-166)	C	C	C	C	C	C	C	C	X	X	X	X	X	X	X	C	C	C	C	C	X	X	C

All daycare facilities are required by the state of Arkansas to have an outdoor playground. By inference, a playground is allowed with an approved daycare facility.

The O-2 zone also allows a "Park, Playground, or Tot Lot" by right. The Zoning Ordinance does not provide a definition for "Playground" or "Tot Lot", however, a "Park" is defined as:

"Park: A recreational area characterized by open space typically utilized for outdoor sports and other leisure activities."

Allowed Uses	R-1	R-2A	R-2	SR	MF-1	MF-2	MF-3	RMH	HR	C-1	C-2	C-3	C-4	O-1	O-2	O-3	I-1	RU-1	I-3	A-1	S-1	S-2	TJ
Park, playground or tot lot	C	C	C	C	C	C	C	C	C	X	X	X	X	X	X	X	X	C	C	C	X	X	C

It may also be noted that a "Recreational Facility - Community" is allowed by right in the O-2 zone.

The Zoning Ordinance supplies the following definition:

"Recreational Facility: Any facility or tract of land providing recreational opportunities to the general public. These facilities may be publicly owned (community) or may be privately-owned (commercial) and sell recreational opportunities. The uses which fall under each of these definitions follow...(Park, playground or tot lot)"

Allowed Uses	R-1	R-2A	R-2	SR	MF-1	MF-2	MF-3	RMH	HR	C-1	C-2	C-3	C-4	O-1	O-2	O-3	I-1	RU-1	I-3	A-1	S-1	S-2	TJ
Recreation facilities community	C	C	C	C	C	C	C	C	C	X	X	X	X	X	X	X	X	C	C	C	X	X	C

Based on the allowed uses in an O-2 zone as prescribed by the Scherman Heights PUD Final Development Plan, it appears that a medical office, daycare, and playground are allowed.

**S C H E R M A N H E I G H T S F I N A L
D E V E L O P M E N T P L A N A N D
A M E N D M E N T S**

The Scherman Heights Final Development Plan dated 8-15-2003 contains a list of 12 general regulations followed by specific regulations for individual lots. (Exhibit A) Only general regulations 8, and 10 have a direct affect on Lot 7D. 8 specifies any improvements are subject to site plan review and 10 states that the PUD will be completed in 5 years. 575 Club Lane's site plan review was approved in March 2007. As to the completion of the PUD within 5 years, this date has not been achieved as there are still available lots and construction has occurred after 2008. Administratively, "completion" has been judged on a sliding scale from the latest building permit. In 2013, Jimmy John's Sandwiches was completed. If a 5 year sliding scale is applied, this pushes the completion date to 2018.

Summary of Applicable Regulations for Lot 7

- These lots are to be developed as an office park.
- O-2 uses are allowed in Lot 7.
- The boundary of Lot 7 as it joins College Ave will be subject to the overlay district requirements of Prince Street.
- There shall be one-story buildings only upon the property between Windcrest Subdivision and the new street to be constructed (Club Lane). Any buildings within this area shall not exceed 28 feet in height and the rear setback shall be 35 feet.
- Each building shall be constructed on a lot that contains a minimum of 20% dedicated lawn and/or green space exclusive of paved area.
- Lot 7 and the sublots therein, shall be accessed from the new street (Club Lane). No more than 5 curb cuts shall be permitted from the new street to Lot 7.
- Trash pickup shall be permitted to the side and front, but not west of any buildings in Lot 7 which are within 100 feet of Windcrest Wall.
- No more than 10% of the building exterior may be covered by siding material or painted wood.

Bullet points 3,4,5, and 8 are examined in detail below:

Overlay District Regulations

Suburban Overlay Ordinance - This ordinance was created in 2000 to address aesthetics and access along Prince St., Hogan Ln., and Dave Ward Dr. It is referenced as part of the PUD. The original boundary of Lot 7 as it joins College Avenue is subject to these standards. Lot 7D does not have College Avenue frontage. Therefore, suburban overlay standards are not applicable.

One Story Buildings, Height, Setback

PUD regulations state that only one-story buildings with a maximum height of 28 feet are allowed on Lot 7. The structure can be considered a one and one half story building. Approved site plan drawings show the building as "one story building". The southern side of the structure actually contains a mezzanine. Submitted and approved drawings show the building as 28 feet in height. The west side of the structure by all appearances, is one story. There is a one story wall with an asphalt shingle roof above. There are no windows, gables, or dormers above the roof soffit. Technically, the requirement for a one story building is debatable.

The building is setback 35 feet from the property line.

20% Greenspace

Each lot must contain at least 20% green space exclusive of paved area. Total lot area is 1.86 acres. 20% = .372. Existing permeable lot area of Lot 7D prior to the covered play area was calculated at .62 acres. If the entire area between the building and the Windcrest property line were covered, the minimum green space requirements would still be met at .39 acres. (Exhibit D)

Green space as shown on the PUD Conceptual Site Plan (Exhibit F) versus Final Development Plan and As-Built Construction - The conceptual site plan shows the area between Windcrest and 575 Club Lane as open space counting towards the PUD's required 20% green space. The 20% green space requirement on Lot 7D has been met even with the playground in place. If all individual lots meet the 20% green space requirement as they are developed and the 3 green space lots remain in place, the 20% green space for the entire PUD development will be met. An argument might be made that the original conceptual plan shows a vacant green space behind what is now 575 Club Lane and that this should remain vacant. The conceptual plan also shows a large "big box" retail store and other structures that were not constructed.

Siding Materials

The final development plan states that no more than 10% of the building exterior may be covered by siding material or painted wood. The siding material used is an architectural metal. It would appear that there is approximately; 32% on the east, 19% on the north and south, and 14% on the west. (Exhibit G) Mr. Rankin responded to this question in an email dated 12-17-2012 (Exhibit C) that the Scherman Heights Architectural Control Committee (not a city regulating body) approved the siding material because it is different from vinyl, wood, or a normal sheet metal covering. This structure was reviewed under the site plan review section of the zoning ordinance in 2007. Site plan review at this time was the City's first attempt at regulating commercial site development on a small scale. Site plan review was later replaced with more stringent development review regulations in September 2007. 575 Club Lane was approved in March 2007. Site plan review only dictates that metal siding cannot be "dominate the main facade". The metal used on the facades of 575 Club Lane are not the overwhelming feature. The percent of metal does not violate 2007 site plan review regulations. The PUD regulation concerning the definition of "siding material" would seem debatable.

Final Development Plan Amendments

There have been 4 approved amendments to the Scherman Height PUD Final Development Plan; October 2004, July 2005, May 2008, and May 2009. Each of these amendments were reviewed and approved by the Planning Commission and City Council. The July 2005 amendment is the sole amendment that directly relates to Lot 7D. (Exhibit B)The 7 approved amendments were specifically for Walgreens, however, Mr. Rankin volunteered 2 amendments after Council action was complete. One statement; "Leave a 35 foot border of green space between the western property line of Windcrest Subdivision and any parking, streets, or buildings to the east." was pertained to Lot 7.

The 7 conditions were set by the City Council and are enforceable by the city. The voluntary statements offered by Mr. Rankin were outside of Council action, and are therefore, not enforceable by the city. The 35 foot border does exist and is free of parking, streets, and buildings. A playground covered with rubber mats could arguably not be green space, but as a "promise" by Mr. Rankin cannot be enforced by the City.

Approved PUD Conceptual Site Plan

There has been questions concerning the validity of the original approved Scherman Heights PUD conceptual site plan. The original site plan presented to the City Council would have to be considered conceptual in nature. The original plan shows a large "big box" retail store on Lot 1. There is a note on the plan that states, "Building dimensions/locations are representational, not required in this configuration. Due to the nature of the final development plan that allows lot subdivision, drive reconfiguration, easement re-locations, etc. the Final Development Plan must be considered the controlling document and the approved site plan "conceptual". The conceptual site plan shows a 35 foot setback area with green space along Lot 7. This area totaled into the required 20% overall green space requirement. However, the final development of 575 Club Lane does include over 20% green space without this area in the total.

ZONING ORDINANCE YARD, HEIGHT, SETBACK, DEFINITIONS, ETC REGULATIONS

Questions have been raised about various regulations of the zoning ordinance including the definition and regulation of yard, child care, and general development:

Yard

According to the City of Conway Zoning Ordinance, "yard" is defined as the following:

"Yard: An open space at grade between a building and the adjoining lot line, unoccupied and unobstructed by a portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for main buildings. In measuring a yard for the purpose of determining the width of the side yard, the depth of the front yard, or the depth of the rear yard, the shortest horizontal distance between the lot line and the main building shall be used."

More particularly, a rear yard is defined:

"Yard, Rear: The required area of open space extending across the full width of the lot between the rear most main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such building."

The intent of this definition is to define that the main building or structure is to not occupy the area beyond a building setback. It is not defining that a yard may not contain any structure. The definition begins with, "a portion of a structure", further references, "the building or structure", and then speaks of "main buildings". The yard regulations found in the Lot regulations of Section 401.5 Commercial and Office Districts (page 60) require a 25 foot minimum rear yard setback. 575 Club Lane is located 35 feet from the rear property line.

If the definition for "yard" intended for all "yards" including side, rear, and front to be totally free of any structure to the sky, there could be no decks, fences, poles, storage buildings, pools, or likely trees in any yard in the City of Conway; commercial or residential.

Zoning Ordinance Section 601.10 Child Care

Section 601.10 specific child care regulations does not address the placement of daycare play areas.

Zoning Ordinance Section 401.5.E.1.a Development Criteria

Section 401.5.E.1.a Development Criteria All Commercial Districts states, "Any lighting shall be placed so as to reflect away from adjacent residential districts. No excessive or unusual noise, odor or vibration shall be emitted so that it constitutes a nuisance which substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparison shall be made at the boundary of the site." The playground in question is noisy. However, a paradox exists in that a day care is allowed on Lot 7D, Scherman Heights PUD. Daycares are required by the State of Arkansas to have a play area.

SITE PLAN REVIEW - DEVELOPMENT REVIEW

575 Club Lane was given site plan approval on March 21, 2007. It was approved in accordance with then current site plan review regulations. Site plan review was superseded by development review in September 2007. As the City's first attempt at site specific development control, site plan review was basic without many of the current development review regulations.

Pertinent Regulations from 2007 Site Plan Review

- No unpainted concrete precision block walls
- Avoid square box like structures through various methodologies to vary wall materials, offsets, windows, etc.
- Metal siding may not dominate the main facade
- Avoid large blank, unarticulated wall surfaces.
- A maximum of 85% of the site may be impermeable.
- Mechanical equipment, trash enclosures and outdoor storage of material and equipment shall be screened if visible from the highway/street right of way or from residential property.
- A minimum of a 6 foot wide landscaped area shall be provided along the property lines abutting a public street, exclusive of street rights of way. A minimum of a four feet wide landscaped area shall be provided along interior lot lines.
- Trees shall be planted in the six foot landscaped area at a ratio of one tree per thirty feet of the front property line.

An examination of the approved site plan (Exhibit E) shows that the above regulations were met and or exceeded. The lack of trees along the west property line is explained. Trees were only required along the street frontage landscape area. Newer development standards require trees along the entire perimeter of a commercial property.

NOISE ORDINANCE

The Conway noise ordinance, O-92-42, speaks of singing, shouting, yelling, whistling, etc. on public streets...or at any time or place so as to disturb the quiet or comfort of persons in any office, hospital, or in any dwelling, hotel, or other type of residence...shall be prohibited. This ordinance could possibly be applicable to the playground. An opinion by the City Attorney as to the intent of the ordinance would be needed as the language is not clear.

D R A I N A G E

The site plan (Exhibit E) shows a drainage swale along the west side of the property. The City Engineer was asked if the placement of the playground has adversely affected the flow of water through the area. To his knowledge, there has been no report of ponding or flooding issues on surrounding properties. There is a floodway easement along the north side of 575 Club Lane. This area may not have structures placed in it.

C O D E E N F O R C E M E N T

There do not seem to be any violations of any zoning or city codes.

A R K A N S A S C H I L D C A R E L I C E N S I N G R E G U L A T I O N S

The City does not oversee or enforce any Arkansas child care regulations. The Arkansas DHS Minimum Licensing Requirements for Child Care Centers Section 901 play area regulations:

Layout and Design

1. The play area shall be enclosed and provide at least 75 square feet per child present on the playground at anytime.
2. There shall be an outside exit from the play area.
3. The area shall be well drained.

There could possibly be issues with drainage of the play area that need correcting. Also the low brick fence could be seen as a security risk. Arkansas DHS must make these determinations.

S U M M A R Y

There is no one clear cut resolution to the disruptive noise and visual intrusion of the playground at 575 Club Lane. On it's most base land use level, the playground is allowed.

There appears to be 3 possible violations of the PUD Final Development Plan:

1. One story building - The south side of the building has a mezzanine. The other section does not. Both sides are externally the same height. The rear facade of the building facing Windcrest is by appearance, a one story.
2. Siding Materials - The building met then current site plan review standards. The Scherman Heights PUD Architectural Review Committee interpreted the PUD final development plan's siding specifications to allow architectural metal siding, but only 10% vinyl or painted wood. A literal reading of the Final Development Plan would limit any siding, metal, wood, vinyl, etc to 10% of the facade area. A literal reading would prescribe 90% brick.
3. Landscape Strip - Section 1101 of the Zoning Ordinance as of March 2007, "Site Plan Review", standards require a landscaped area at the rear of the property; "Landscaping along property lines: Landscape areas required - a minimum of a four foot wide landscaped area shall be provided along all interior lot lines (those not abutting a public street)." The playground behind the structure is covered with rubber mats. These mats encroach into the required 4 foot landscaped area. By these same standards, a

simple grass strip 4 feet wide would meet regulations. **On July 24, 2013, Planning Staff was notified that the 4 foot green strip has been constructed and is now in place.**

Course of Action

The 2 (3) infractions listed above should be examined by the City Council. Per PUD regulations the Council may:

- A. Allow as is
- B. Require revisions to the Final PUD Plan
- C. Take any other reasonable action to ensure appropriate development.

Infraction 3 is the most directly related to the playground. Corrective measures or Final PUD plan revisions for items 1 and 2 will not directly affect the playground.

Outside of City Council action, the owner or lessees, as good neighbors, could do one of the following:

- Pediatrics Plus could relocate the playground to the south side of the building. The area is smaller, but it would be between two commercial business. The state requirement is 75 square feet per child while in the play area. The existing size, 3500 square feet could allow 46 children. It is doubtful that many children will be on the playground at one time. Therefore, the play area could possibly be reduced. This would somewhat help with a reduction in noise. A relocation to an area in front of the building would offer the highest level of privacy, however this would reduce the available number of parking spaces.
- An 8 foot tall privacy fence could be constructed. This fence would not help with noise, but would at least offer a higher level of privacy. There is direct visual contact between the children on the playground and anyone in the Windcrest backyards.



**FINAL DEVELOPMENT PLAN
SCHERMAN HEIGHTS PUD
Submitted August 15, 2003**

Lot 7, 8, 9 and 10 use and restrictions

Lots 7, 8 & 10 will be developed as a professional office park permitting Office uses as defined in City of Conway Zoning Ordinance #0-94-54, Article 301. The total area under roof shall not exceed 140,000 square feet. The zoning district defined as O-1 will govern all use and dimensional regulations for lots 8 and 10, and O-2 shall govern lot 7, with the following exceptions.

Unless noted otherwise, all improvements cited herein are the responsibility of the developer and must be completed prior to occupation of any buildings.

1. All initial boundaries governing development criteria shall remain as presented upon the subdivision plat filed herewith.
2. The city street which connects Salem and College Ave., shall be constructed as shown on the Scherman Heights Subdivision plat.
3. A stop light shall be added at the intersection of the new street and Salem Road at the same time as the construction of the improvements upon lot 2 or 4 whichever is first. The stop light shall be constructed so that it may be controlled by the Fire Station. No building on lots 2 and 4 shall be occupied until the streetlight is operational.
4. A right turn lane shall be constructed from Salem Road to College Ave. beginning at the intersection of the first curb cut north on Salem from College
5. Developer will construct the additional footage needed to widen College Avenue to 36 feet.
6. A three foot tall landscaped berm will be constructed on the East side of the property along Salem Avenue. Breaks in the berm shall be permitted for the curb cuts shown on the master site plan and as prescribed by the city engineer of Conway for water drainage.
7. A four foot tall landscaped berm will be constructed on the South side of the property along College Avenue. Breaks in the berm shall be permitted for the curb cuts shown on the master site plan and as prescribed by the city engineer of Conway for water drainage.
8. Prior to any improvements being constructed upon any lots, the site plan for said improvement shall be presented to the planning director in accordance with the site plan review procedures as set forth in Article 1101 with the following exception: no additional traffic studies shall be required.
9. Subject to the restrictions set forth herein, the developer herein shall be entitled to submit each lot for replatting in accordance with the minimum lot requirements as set forth in the zoning and subdivision ordinances for the city of Conway without initiating further PUD review. The subdivided lots shall be assigned a letter of the alphabet following the original lot number. Once a lot has been subdivided, an amendment to the subdivision shall be filed and made a part of the original subdivision. In a like manner, access easements that are found to be unneeded for access to the abutting properties and utility and drainage easements that are affirmed by the utility companies and the City Engineer as unneeded may be closed by the City Council without initiating further PUD review.
10. The completion period for the Planned Unit Development will be five years.
11. Sidewalks shall be constructed as follows:
 - A. On the west side of Salem Road from the southernmost curb cut to the intersection of Salem Road and College Avenue.
 - B. Along the northern boundary of College Avenue from the intersection of Salem Road and College Avenue to the western boundary of this project.
 - C. Along both sides of Club Lane as it extends through this project.
12. Sidewalk shall also be constructed along Robert Ott Circle as shown on the subdivision plat unless that street should be closed. In that case, the sidewalk will not be required.
13. The remaining uses and restrictions upon the property are as follows.

1. The boundary of Lot 7 and 10 as it joins College Ave. will be subject to the overlay district requirements as established by the city of Conway, Ordinance No. 0-00-167, as applied to Prince Street, except the minimum lot area and side setbacks shall be governed by the lot regulations for the O-1 and O-2 zoning ordinance as set forth on the site plan.
2. There shall be one story buildings only upon the property between Windcrest Subdivision and the new street to be constructed as reflected upon the subdivision plat. Any buildings within this area shall not exceed 28 feet in height and the rear building set back shall be 35 feet.
3. There shall be one story buildings only upon the south border of lots 7 and 10 within 150 feet of College Ave., with a maximum height of 35 feet.
4. Each individual building shall be constructed upon a lot that shall contain a minimum of 20% dedicated lawn and/or green space exclusive of paved area.
5. Upon 55% of the property in lots 7, 8 and 10 being sold or built upon whichever comes first, the property owners will be required to join a Property Owner's Association which will own and maintain the public/common areas in and around the landscaped pond area as reflected on the master site plan which is Lot 9, and the landscaped entrance on each side of Club Lane and College Avenue. Prior to the formation of the Property Owner's Association, the Property Owners in lots 7, 8, and 10 shall pay a pro rata share (based upon the amount of property owned divided by 16.14 acres) of the cost of maintaining lot 9 and the landscaped entrance. The dues that will be assessed by the Property Owners Association shall be in accordance to their pro rata ownership as determined hereinabove. However, those owners, whose property is East of the eastern most curb cut onto College shall only be required to pay 1/2 their pro rata share, with the other 1/2 being divided among the remaining property owners per their pro rata ratio.
6. No commercial or office structures shall be built upon lot 9, and the shape of Lot 9 may be adjusted, but the total area dedicated for landscaping (1.28 acres) shall remain intact, except seventeen (17) feet of an east-west private drive may be built on this lot. The pond constructed upon Lot 9 shall be built in a manner to reduce the production of mosquitoes by aerating the water.
7. On Lot 10, the Southeast corner from Salem Road to the center point of Pickwick street shall permit the following uses in addition to the O-1 zoning: drugstore or pharmacy with drive thru, financial institution with drive thru, bank or savings and loan. The hours of normal operation shall be within 7:00 am to 9:00 pm.
8. Lot 10 shall have access by private drive easements intersecting the new street in two locations, one curb cut on College across from Pickwick Drive which shall be a right entrance/right exit only, and one curb cut on Salem Road which shall be right entrance/right exit only.
9. Lot 8 shall be accessed by a private drive easement as set forth upon the Master Site Plan. Developer may merge lot 8 and 10 should a purchaser desire to construct a building that will cross the existing lot lines providing the building and remaining lot meets all other requirements hereunder. An amended subdivision plan shall be filed should this occur.
10. Lot 7 and the sublots therein, shall be accessed by the new street. No more than 5 curb cuts shall be permitted from the new street to lot 7.
11. No parking lots shall be permitted on the south side of any buildings built within 100 feet of College Ave., with the exception of the lot referenced in paragraph 7 above. Parking upon this lot is permitted as normal under the O-1 zoning classification use and setbacks except no parking is allowed facing College Avenue.
12. Trash pickup shall be permitted to the side and front, but not to the West of any buildings in Lot 7 which are within 100 feet of Windcrest Wall, and trash pickup shall be permitted to the side and front, but not to the south of any buildings in Lot 10 which are within 100 feet of College Ave..
13. All buildings must be approved by The Architectural Control Committee composed of Jim Rankin, Jr., and Gene Salter whose address is Conway, Arkansas. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. Upon the completion of all units, the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of its powers and duties. The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee or its designated representative fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with. Each building must be of the same general architectural design as evidenced by the 3 doctor's buildings constructed at the southwest corner of the intersection of Hogan Road and College Ave.. No more than 10% of the building exterior may be covered by siding material or painted wood.

**Exhibit A - Original Scherman Heights
Final Development Plan
Overall and Lot 7 Specific**

AMENDMENT TO THE SCHERMAN HEIGHTS PLANNED UNIT
DEVELOPMENT FINAL DEVELOPMENT PLAN

Approved by the Conway, Arkansas City Council on July 12, 2005
Approved by the Conway, Arkansas Planning Commission on July 18, 2005

The Final Development Plan for the Scherman Heights Planned Unit Development is hereby amended as shown in the list below for the property located on the northwest corner of Salem Road and College Avenue with the street address 505 Salem Road and 2910 College Avenue and the legal description:

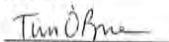
Part of Lot 10, Scherman Heights Planned Unit Development, the southeast corner from Salem Road to the center point of Pickwick Street.

1. Hours of operation shall be from 8:00 a.m. to 10:00 p.m.
2. Servicing and deliveries shall be during the hours 8:00 a.m. to 8:00 p.m.
3. Architectural changes shall be consistent with the conceptual drawing shown to the Planning Commission and the City Council.
4. Turn exterior advertising lights—including logo lights—off at 10:00 p.m.
5. Landscaping shall be consistent with the conceptual drawing shown to the Planning Commission and the City Council so as to reduce light pollution and encroachment into neighboring residences.
6. Parking lot lighting shall be limited to "dark sky" lighting.
7. These conditions are tenant specific to Walgreen Drug Store. Should Walgreen Drug Store choose not to locate on the described property, these conditions shall cease to exist and the previously approved hours of operation shall once again be in force.

Following council action, the applicant/PUD developer Jim Rankin, Jr., stood to state for the record that he also volunteers and agrees to do the following:

1. Leave a 35-foot border of green space between the western property line adjacent to Windcrest Subdivision and any parking, streets, or buildings to the east.
2. Install all signs along Salem Road in accordance with the sign requirements set forth in the Overlay District Ordinance.

APPROVED:


Tim O'Brien
Planning Commission Chair

July 18, 2005
Date

Alternative use and restrictions for Lot 7.

The north 300 feet of Lot 7 may be developed as R-2. The developer is permitted to determine whether any of lot 7 shall be developed in accordance with the use and restrictions for an R-2 zoning. Should this occur, the duplex design must contain a minimum 1200 square feet per unit, brick or dryvit exterior and enclosed garage parking, and of the same general design as the duplexes located on Freedom Drive in Conway.

Jim Rankin, Jr.

**Exhibit B - 2005 Amendment to the Scherman
Heights Final Development Plan**

Planning Commissioners:

I'm forwarding Mr. Rankin's response letter. Mr. Rankin is the developer of Scherman Heights PUD.

Bryan

Bryan Patrick
Director of Planning and Development
1201 Oak Street
Conway AR 72032
501-450-6105
www.conwayplanning.org
www.cityofconway.org

Begin forwarded message:

From: "Jim Rankin, Jr." <jrankin@trinitydevelopmentinc.com>
Subject: scherman heights
Date: December 13, 2012 9:25:29 AM CST
To: <Bryan.Patrick@cityofconway.org>

Bryan:

As I mentioned to you earlier, I will not be able to attend the Planning Commission Meeting on December 17th.

I have read your comments to Mr. Ryan regarding his concerns and I believe that you and Attorney Murphy are correct in your interpretation of the issues. I would think that the Planning Commission can follow your interpretation of the PUD rezoning and deny any of the requests by Mr. Ryan. I reviewed the PUD restrictions again at length and believe the zoning for lot 7 does allow the use for which the lot is currently being used.

I recently received the letter from Kent Holder and felt that I needed to address a couple of his issues since I believe he is incorrect in some of his assertions.

The issues Mr. Holder addresses concerning the height and two-story restrictions were dealt with at the time of construction of the building. Mr. Holder contacted myself, Mr. Salter and the city concerning his concerns and all were addressed at that time. I am not sure why he is bringing them back up now.

The architectural control committee for the PUD reviewed the building plans for Lot 7D prior to construction. The plans showed the height of the building to be less than 28 feet and it is my understanding in talking with Mr. Salter that the building was built to plans. Mr. Holder says that the building exceeds this height. I have not taken a tape measure to it, so I have to rely on the plans.

I agreed not to allow two-story buildings along Windcrest due to the fact the neighbors did not want people in a two-story building looking down into their yards, and they did not want a tall building overshadowing their yards. The 35 foot setback (not dedicated green space) was added to the PUD for this overshadowing concern. The building meets the 35 foot setback and does not have a window on a second floor that would permit people to look out.

The restriction of no more than 10% siding material or painted wood is for aesthetic purposes. The architectural control committee again reviewed the plan with respect to this issue and interpreted the PUD to permit this type of construction. Although I do not believe gable material should be taken into account for this measurement (much like we do not take into account the roofing material when deciding this measurement) the type of gable covering used by Mr. Salter is an architectural metal covering which I view as being different from vinyl, wood or normal sheet metal type covering. I believe the city has made this distinction before when determining if a metal covering violates the "metal building" restriction in some of the zoning areas in the city.

Lastly, there are only 3 dedicated green areas within the PUD, Lots 9, 7A and 3. The plan does not specifically dedicate any other area within the PUD to be green space. The plan does require that a minimum of 20% of each individual lot will be green space. It does not say where this green space has to be. It does not say the 35 foot set-back area has to be green space. I will leave the interpretation of green space up to the planning department. I do know that lots 9, 7A and 3 do not only have grass and trees. The brick entrance signs, sidewalks, utility boxes, ponds, water intake structures and fountains are all located within these green areas.

I hope this letter will help the planning commission should feel that they needed the perspective of the developer. If you have any questions, please do not hesitate to contact me.

Sincerely
Jim

Jim Rankin, Jr.
Attorney at Law
President, Trinity Development Co. Inc.
P.O. Box 1735
Conway, Arkansas 72033
Phone: 501.336.0050
Fax: 501.329.4962
Email: jrankin@trinitydevelopmentinc.com



Exhibit D- Green Space Calculation

LOT 7 = 1.86 ACRES

$20\% = .372$

TOTAL GREEN SPACE NEEDED = .372 A

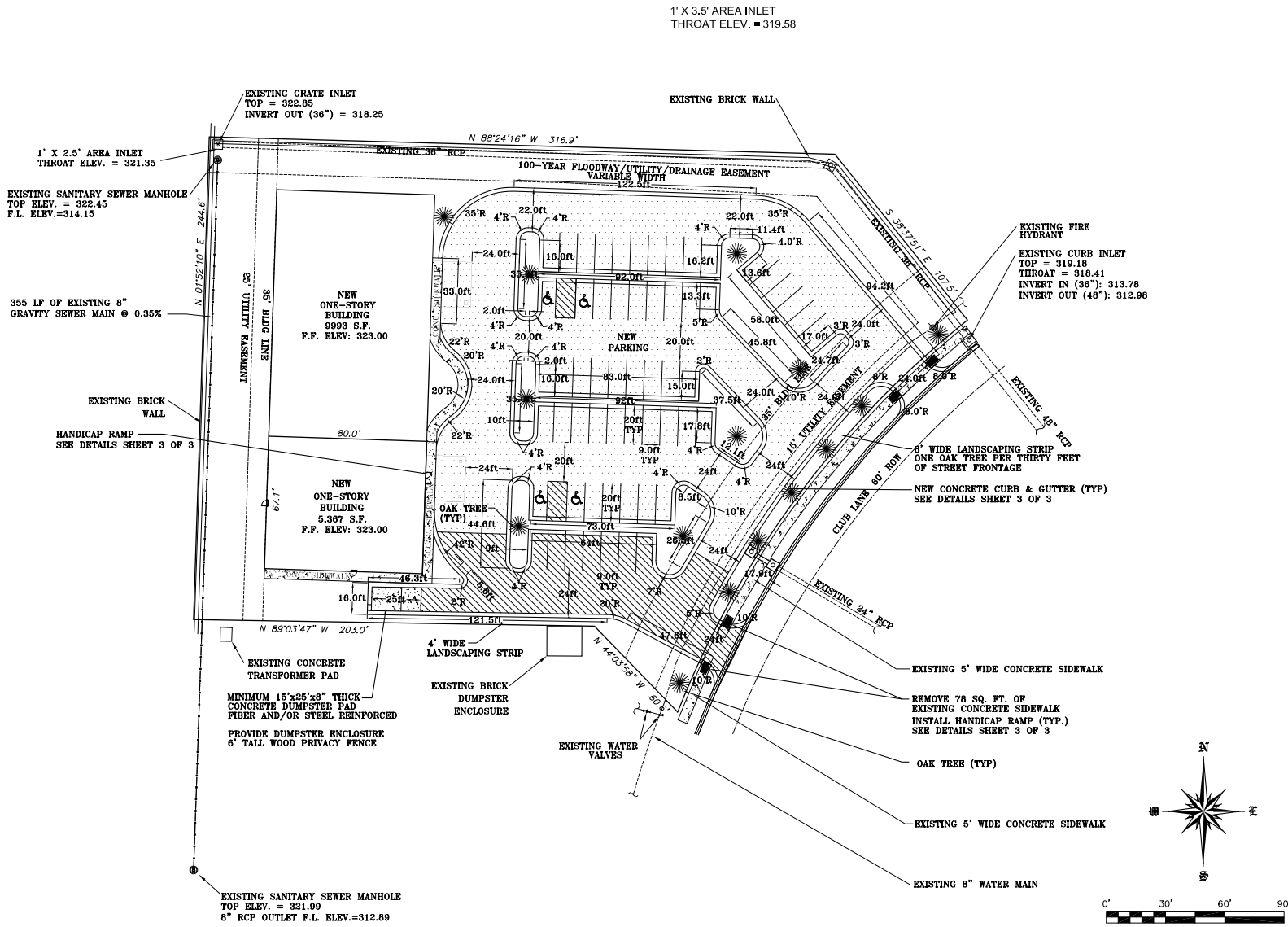
CURRENT G.S. = .62 A

w/o ENTIRE 35' G.S. ON WEST = .39 A



9600	400	640	1200
4800	400	640	1000
400	400	640	840
3000		1200	
		500	
		400	
		600	

26 660



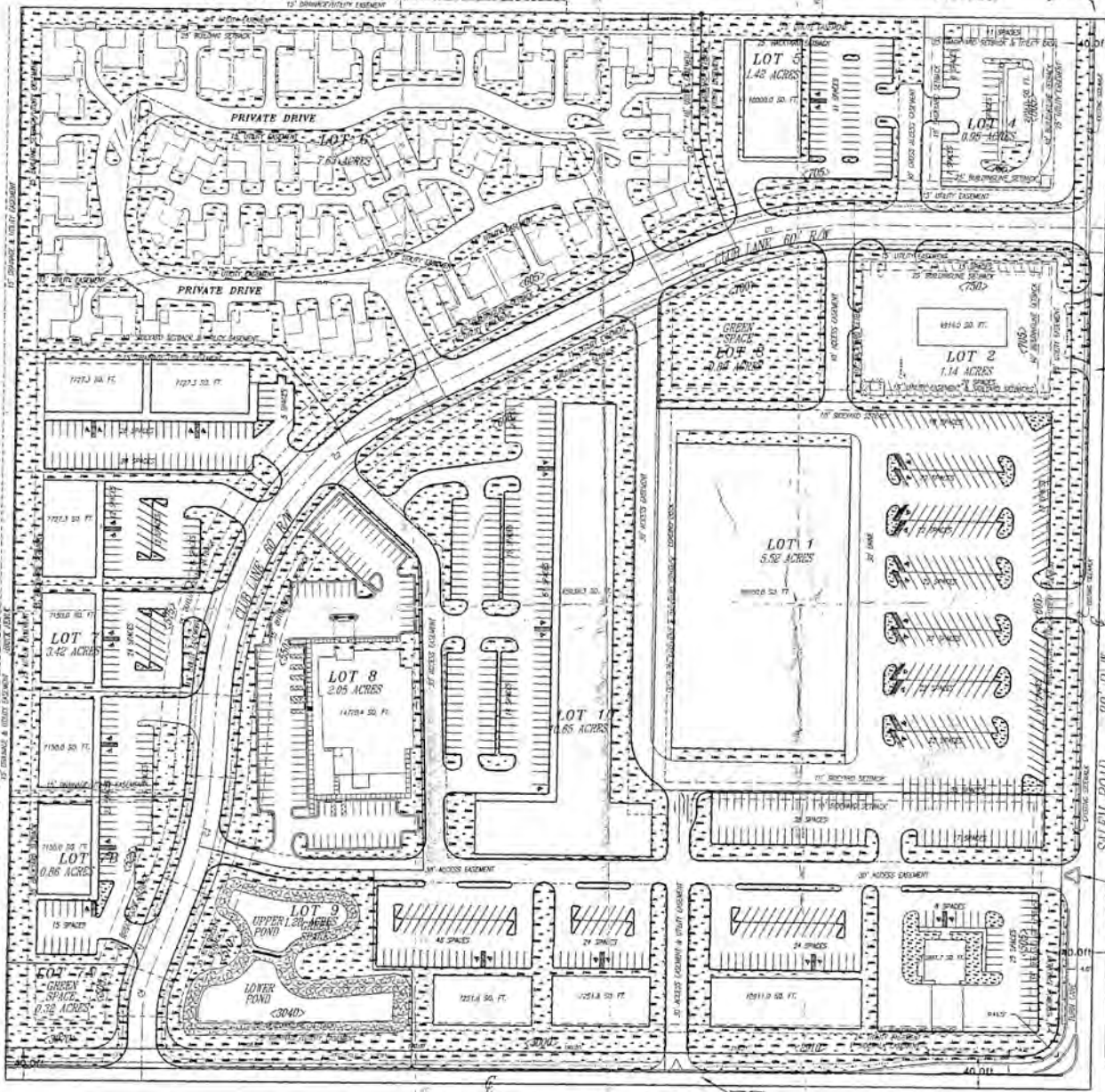
WATKINS PROPERTY

ROSEWOOD TERRACE SUBDIVISION (R-1)

WEBB PROPERTY (O-3)

LOT 1 PRINCE/SALEM STATION SUB. (C-2)

(R-1) WINDCREST SUBDIVISION



COLLEGE AVENUE 80' R/W 36' STREET

COUNTRY CLUB MANOR SUBDIVISION (R-2)

PICKWICKET CORNER SUBDIVISION (R-2)



Exhibit F- Scherman Heights PUD Approved Conceptual Site Plan

NOTE:

Building dimensions/locations are representational,
not required in this configuration.

FITNESS CENTER

TABLE				
DESCRIPTION	SIZE	TYPE	QUANTITY	PERCENTAGE
GROSS ACREAGE	39.92 ACRES	ENTIRE PROJECT		100.00%
RESIDENTIAL	7.43 ACRES	MF-1 **	60 UNITS MAXIMUM	18.61%
COMMERCIAL	9.03 ACRES *	IC-2/C-3 **	88645.0 SQ. FT. / 110,000 SQ. FT. MAX. ++	22.60%
NON RESIDENTIAL	15.39 ACRES	O-1/O-2 **	149629.1 SQ. FT. / 160,000 SQ. FT. MAX.	39.55%
STREETS	2.43 ACRES	RES/COM		9.74%
GREEN SPACE	2.49 ACRES	DEDICATED LOTS		6.09%
EXISTING STREETS	2.20 ACRES	COLLEGE & SALEM		5.50%
OPEN SPACE		YARDS, SETBACKS, ETC.	8.63 ACRES	21.62% *

* REFLECTS AREA NOT USED BY BUILDINGS, PARKING, DEDICATED GREEN SPACE OR STREETS

** SEE WRITTEN COMMENTS FOR DETAILS.

++ SQ. FT. FOR LOTS 1 & 5, LOTS 2 & 4 NOT SPECIFIED.

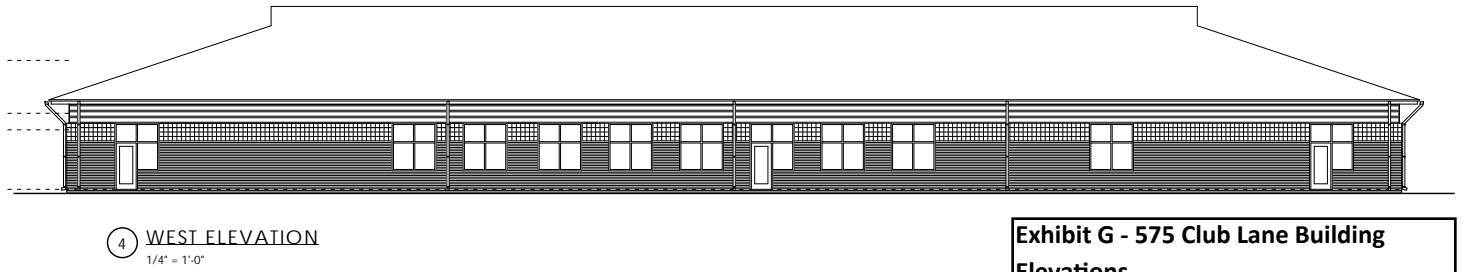
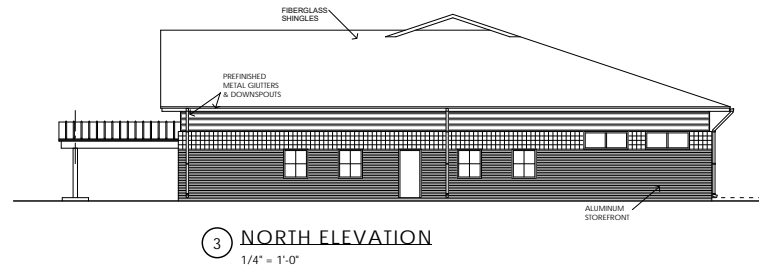
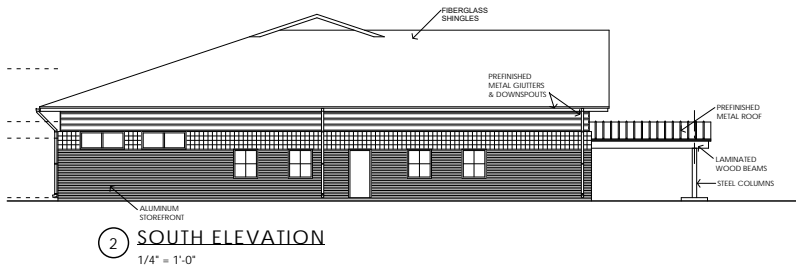
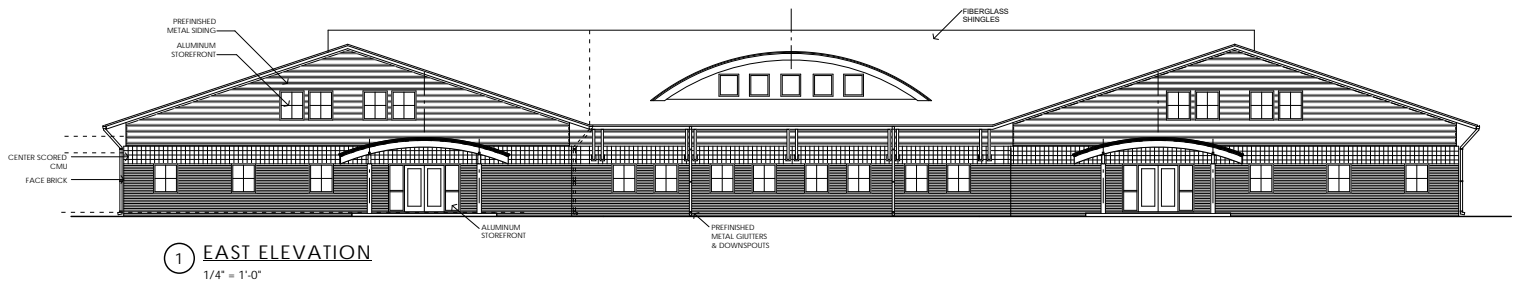
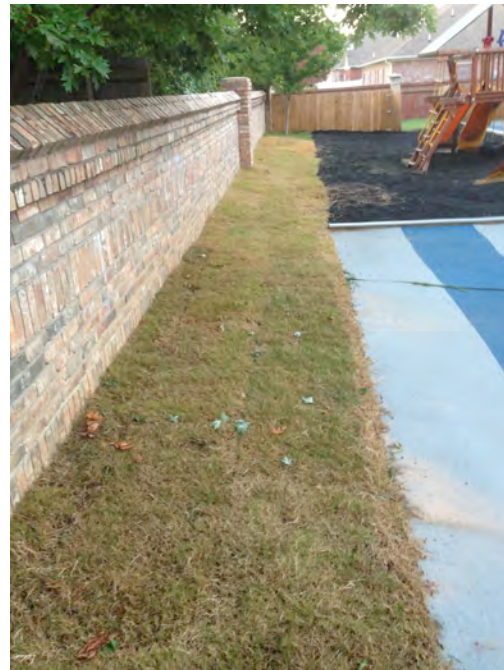
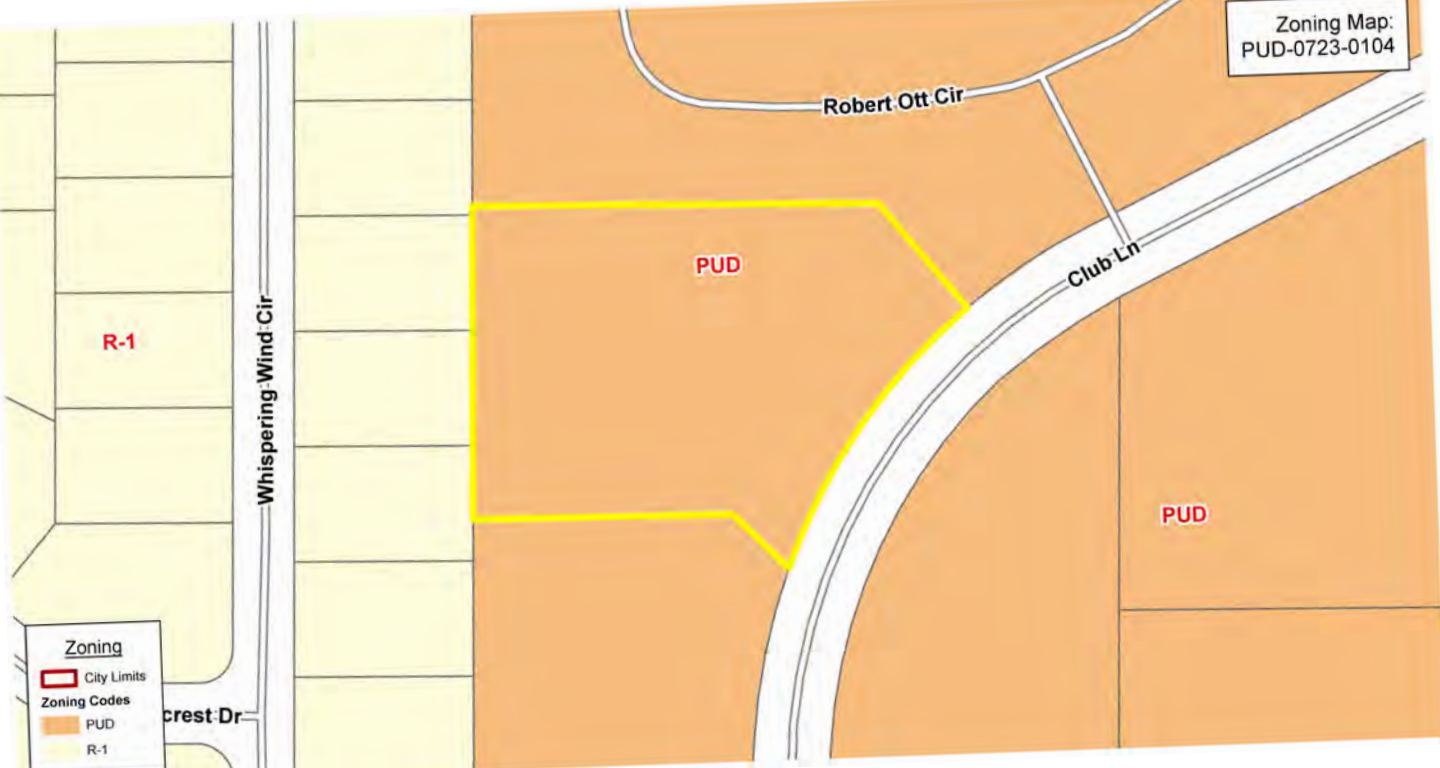


Exhibit G - 575 Club Lane Building Elevations



**Exhibit H - 575 Club Lane Building
New 4 Foot Green Strip - July 2013**



R-1

PUD

PUD




Whispering Wind Cir

Robert Ott Cir

Club Ln

Crest Dr

Zoning

-  City Limits
- Zoning Codes**
-  PUD
-  R-1



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

AN ORDINANCE AMENDING THE CONWAY ZONING DISTRICT BOUNDARY MAP REFERENCED IN SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING CODE TO REZONE PROPERTY LOCATED AT 931 FAULKNER STREET, FROM O-3 to C-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 **August 21st, 2023**, 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** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

LOTS 17, 18, 19, AND NORTH 1/2 OF LOT 20, BLOCK 25, ROBINSON'S PLAN, TO THE CITY OF CONWAY, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK A, PAGE 46, RECORDS OF FAULKNER COUNTY, ARKANSAS.

to those of **C-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 12th day September 2023.

Approved:

Mayor Bart Castleberry

Attest:

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



1111 MAIN STREET • CONWAY, AR 72032
501) 450-6105 • planningcommission@cityofconway.org

MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Rebekah Fincher, 2023 Planning Commission Chairman

Date: September 12, 2023

Re: Request to rezone property located at 931 Faulkner Street, from O-3 to C-1

Brent Salter, has requested to rezone property located at 931 Faulkner Street, from O-3 to C-1, with the legal description:

LOTS 17, 18, 19, AND NORTH 1/2 OF LOT 20, BLOCK 25, ROBINSON'S PLAN, TO THE CITY OF CONWAY, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK A, PAGE 46, RECORDS OF FAULKNER COUNTY, ARKANSAS.

The applicant is seeking the rezoning from O-3 to C-1 to be more in line with the zoning of adjacent properties and appropriate uses as C-1 zoning currently exists to the south and east. The Comprehensive Plan defines this area as Single Family, however, non-residential zoning exists on three sides of this parcel.

Staff recommendation: Staff recommends approval of the rezoning. The proposed zoning would be consistent with and would not negatively impact adjacent property.


The Planning Commission reviewed the request at its regular meeting on August 21, 2023 and voted 7-3 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.


Center St


Faulkner St


Zoning

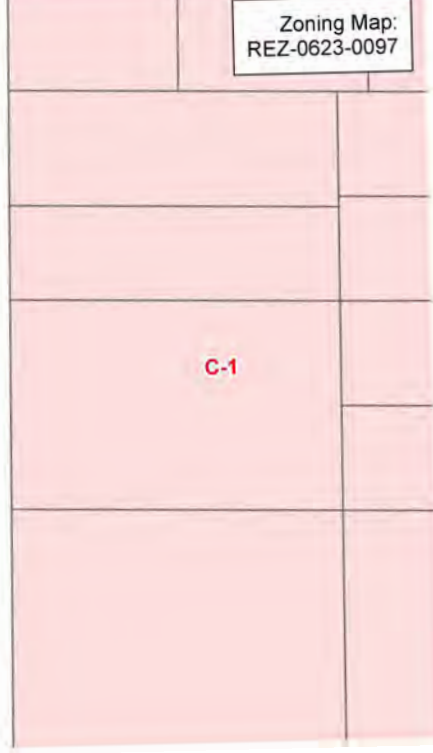
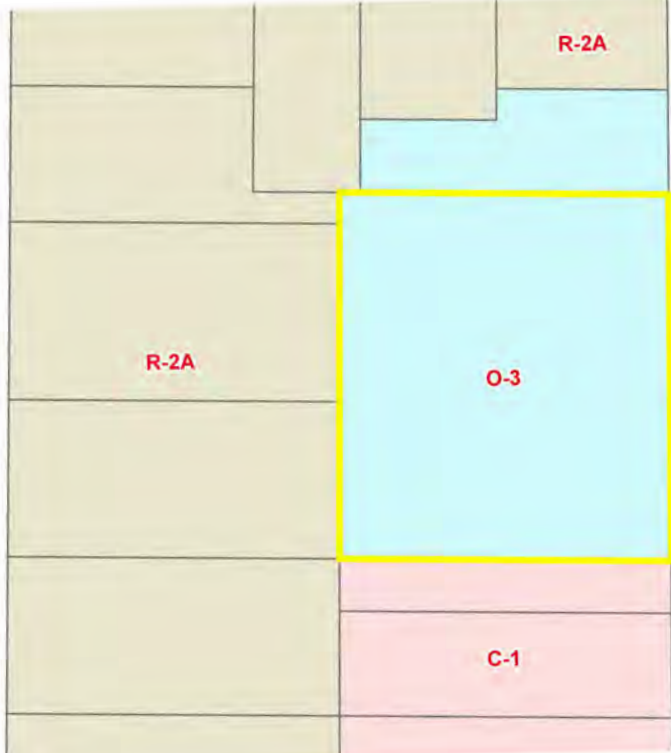
 City Limits

Zoning Codes

 C-1

 O-3

 R-2A





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

AN ORDINANCE AMENDING THE CONWAY ZONING DISTRICT BOUNDARY MAP REFERENCED IN SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING CODE TO REZONE PROPERTY LOCATED AT 203 SECOND STREET, FROM R-2 TO MF-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 **August 21st, 2023**, 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 **R-2** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

THE WESTERN 70 FOOT PORTION OF LOTS 1-7, BLOCK 15, R.L. HAYES ADDITION TO THE CITY OF CONWAY, FAULKNER COUNTY, ARKANSAS.

to those of **MF-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 12th day September, 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



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501) 450-6105 • planningcommission@cityofconway.org

MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Rebekah Fincher, 2023 Planning Commission Chairman

Date: September 12, 2023

Re: Request to rezone property located at 203 Second Street, from R-2 to MF-3

Brent Salter, has requested to rezone property located at 203 Second Street, from R-2 to MF-3, with the legal description:

THE WESTERN 70 FOOT PORTION OF LOTS 1-7, BLOCK 15, R.L. HAYES ADDITION TO THE CITY OF CONWAY, FAULKNER COUNTY, ARKANSAS.

The applicant is seeking the rezoning from R-2 to MF-3 to construct a multi-unit residential structure with garages. The site is currently platted as 12,250 sf (± 0.28 acre). It is anticipated that after required right-of-way dedication the remaining developable area will be $\leq 11,050$ sf (± 0.25 acre). A rezoning to MF-3 could accommodate up to 6 dwelling units on the site with the acreage identified. The property adjacent to the west, across Second Ave, is similarly developed.

Staff recommendation: Staff recommends approval of the rezoning. The proposed zoning would not likely result in harm to adjacent property once developed.

The Planning Commission reviewed the request at its regular meeting on August 21, 2023 and voted 10-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.

R-2

R-2

2nd St

2nd Ave


3rd Ave

R-2


R-2

R-2

Zoning

 City Limits

Zoning Codes

 R-2



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

AN ORDINANCE AMENDING THE CONWAY ZONING DISTRICT BOUNDARY MAP REFERENCED IN SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING CODE TO REZONE PROPERTY LOCATED AT 523 POLK STREET, FROM R-2A TO R-2:

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 **August 21st, 2023**, 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 **R-2A** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

LOT 7 AND THE EAST 1/3 OF 8, BLOCK 4, HARKRIDER ADDITION TO THE CITY OF CONWAY, FAULKNER COUNTY, ARKANSAS.

to those of **R-2**, 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 12th day September, 2023.

Approved:

Mayor Bart Castleberry

Attest:

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



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501) 450-6105 • planningcommission@cityofconway.org

MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Rebekah Fincher, 2023 Planning Commission Chairman

Date: September 12, 2023

Re: Request to rezone property located at 523 Polk Street, from R-2A to R-2

Allen Shaver, has requested to rezone property located at 523 Polk Street, from R-2A to R-2, with the legal description:

LOT 7 AND THE EAST 1/3 OF 8, BLOCK 4, HARKRIDER ADDITION TO THE CITY OF CONWAY,
FAULKNER COUNTY, ARKANSAS.

The applicant is seeking the rezoning from R-2A to R-2 to remove the existing structure and construct a duplex on the lot. This rezoning to R-2 will conform with lot width standards as minimum lot width for a duplex in R-2A is 100', but in R-2 is 50'. The current lot width of this parcel is roughly 67'. The property is adjacent to R-2 property to the east.

Staff recommendation: Staff recommends approval of the rezoning as adjacent structures are of similar use and R-2 zoning.

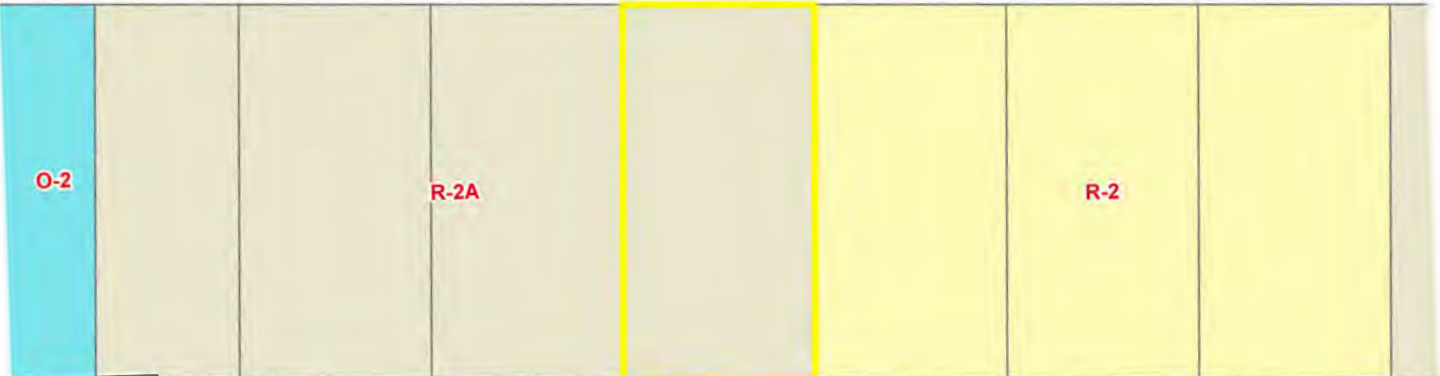
The Planning Commission reviewed the request at its regular meeting on August 21, 2023 and voted 10-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.






C-3

Zoning Map:
REZ-0723-0112

Polk St



Zoning

-  City Limits
- Zoning Codes**
-  C-3
-  O-2
-  R-2
-  R-2A





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

AN ORDINANCE AMENDING THE CONWAY ZONING DISTRICT BOUNDARY MAP REFERENCED IN SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING CODE TO REZONE PROPERTY LOCATED AT 505 POLK STREET, FROM R-2A TO R-2:

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 **August 21st, 2023**, 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 **R-2A** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

LOTS 1 AND 2, BLOCK 4, HARKRIDER ADDITION TO THE CITY OF CONWAY, FAULKNER COUNTY, ARKANSAS.

to those of **R-2**, 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 12th day September, 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



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501) 450-6105 • planningcommission@cityofconway.org

MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Rebekah Fincher, 2023 Planning Commission Chairman

Date: September 12, 2023

Re: Request to rezone property located at 505 Polk Street, from R-2A to R-2

Allen Shaver, has requested to rezone property located at 505 Polk Street, from R-2A to R-2, with the legal description:

LOTS 1 AND 2, BLOCK 4, HARKRIDER ADDITION TO THE CITY OF CONWAY, FAULKNER COUNTY, ARKANSAS.

The applicant is seeking the rezoning from R-2A to R-2 to construct a duplex on the vacant lot. This rezoning to R-2 will conform with lot width standards as minimum lot width for a duplex in R-2A is 100', but in R-2 is 50'. The current lot width of this parcel is roughly 64'. The property is adjacent to R-2 property to the west.

Staff recommendation: Staff recommends approval of the rezoning as adjacent structures are of similar use and R-2 zoning.

The Planning Commission reviewed the request at its regular meeting on August 21, 2023 and voted 10-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.

C-3

C-3

Zoning Map:
REZ-0723-0113

Polk St

Ingram St

R-2

R-2A

R-2A

R-2A

Zoning

 City Limits

Zoning Codes

 C-3

 R-2

 R-2A



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

AN ORDINANCE AMENDING THE CONWAY ZONING DISTRICT BOUNDARY MAP REFERENCED IN SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING CODE TO REZONE PROPERTY LOCATED AT 2730 ALLYSON LANE, FROM O-2 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 **August 21st, 2023**, 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-2** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

LOT 3, TUCKER CREEK PROFESSIONAL PARK

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 12th day September, 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



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501) 450-6105 • planningcommission@cityofconway.org

MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Rebekah Fincher, 2023 Planning Commission Chairman

Date: September 12, 2023

Re: Request to rezone property located at 2730 Allyson Lane, from O-2 to O-1

David Tapp, has requested to rezone property located at 2730 Allyson Lane, from O-2 to O-1, with the legal description:

LOT 3, TUCKER CREEK PROFESSIONAL PARK

The applicant is seeking the rezoning from O-2 to O-1 for the construction of a parking lot to provide additional parking for Pediatrics Plus. A parking lot as a principal use is not allowed in O-2 but is allowed by right in O-1. There is a need for additional parking in this area as cars currently park on-street, causing safety issues for individuals and vehicles.

Staff recommendation: Staff recommended approval of the rezoning as it is an appropriate use for the area and the Comprehensive Plan defines this area as Office.

The Planning Commission reviewed the request at its regular meeting on August 21, 2023 and voted 10-0 that the request be forwarded to the City Council with a recommendation for approval.


Please advise if you have any questions.

R-1






O-2

PUD

Zoning

 City Limits

Zoning Codes

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

Allyson Ln

Lumac Dr

O-2

PUD



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

AN ORDINANCE AMENDING THE CONWAY ZONING DISTRICT BOUNDARY MAP REFERENCED IN SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING CODE TO REZONE PROPERTY LOCATED AT 450 CORPORATE DRIVE, FROM I-3 AND PUD TO S-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 **August 21st, 2023**, 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 & PUD** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

PART OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 13 WEST, FAULKNER COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 2" PIPE, AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE N02°02'52"E A DISTANCE OF 822.02 FEET TO THE POINT OF BEGINNING; THENCE N88°04'51"W A DISTANCE OF 1411.01 FEET TO A POINT; THENCE N01°55'09"E A DISTANCE OF 790.41 FEET TO A POINT; THENCE S87°38'36"E A DISTANCE OF 62.98 FEET TO A POINT; THENCE N03°29'24"E A DISTANCE OF 80.02 FEET TO A FOUND 5/8" REBAR; THENCE S87°38'36"E A DISTANCE OF 1319.91 FEET TO A FOUND 5/8" REBAR (W/CAP, PS#1755); THENCE S02°07'09"W A DISTANCE OF 296.78 FEET TO A POINT; THENCE S87°57'40"E A DISTANCE OF 28.29 FEET TO A FOUND RAILROAD SPIKE; THENCE S02°02'59"W A DISTANCE OF 563.00 FEET TO THE POINT OF BEGINNING, CONTAINING 27.73 ACRES, MORE OR LESS.

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

to those of **S-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 12th day September, 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



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501) 450-6105 • planningcommission@cityofconway.org

MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Rebekah Fincher, 2023 Planning Commission Chairman

Date: September 12, 2023

Re: Request to rezone property located at 450 Corporate Drive, from I-3 & PUD to S-1

Crafton Tull, has requested to rezone property located at 450 Corporate Drive, from I-3 & PUD to S-1, with the legal description:

PART OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 13 WEST, FAULKNER COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 2" PIPE, AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE N02°02'52"E A DISTANCE OF 822.02 FEET TO THE POINT OF BEGINNING; THENCE N88°04'51"W A DISTANCE OF 1411.01 FEET TO A POINT; THENCE N01°55'09"E A DISTANCE OF 790.41 FEET TO A POINT; THENCE S87°38'36"E A DISTANCE OF 62.98 FEET TO A POINT; THENCE N03°29'24"E A DISTANCE OF 80.02 FEET TO A FOUND 5/8" REBAR; THENCE S87°38'36"E A DISTANCE OF 1319.91 FEET TO A FOUND 5/8" REBAR (W/CAP, PS#1755); THENCE S02°07'09"W A DISTANCE OF 296.78 FEET TO A POINT; THENCE S87°57'40"E A DISTANCE OF 28.29 FEET TO A FOUND RAILROAD SPIKE; THENCE S02°02'59"W A DISTANCE OF 563.00 FEET TO THE POINT OF BEGINNING, CONTAINING 27.73 ACRES, MORE OR LESS.

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

The applicant is seeking the rezoning from I-3 and PUD to S-1 to accommodate a more appropriate Community Center space zoning.

Staff recommendation: Staff recommends approval of the rezoning as the rezoning would not likely result in harm to adjacent property and would likely complement the surrounding neighborhoods being a civic space.

The Planning Commission reviewed the request at its regular meeting on August 21, 2023 and voted 10-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.

PUD

I-3

Jeanette Dr

9th Ave

I-3





I-3

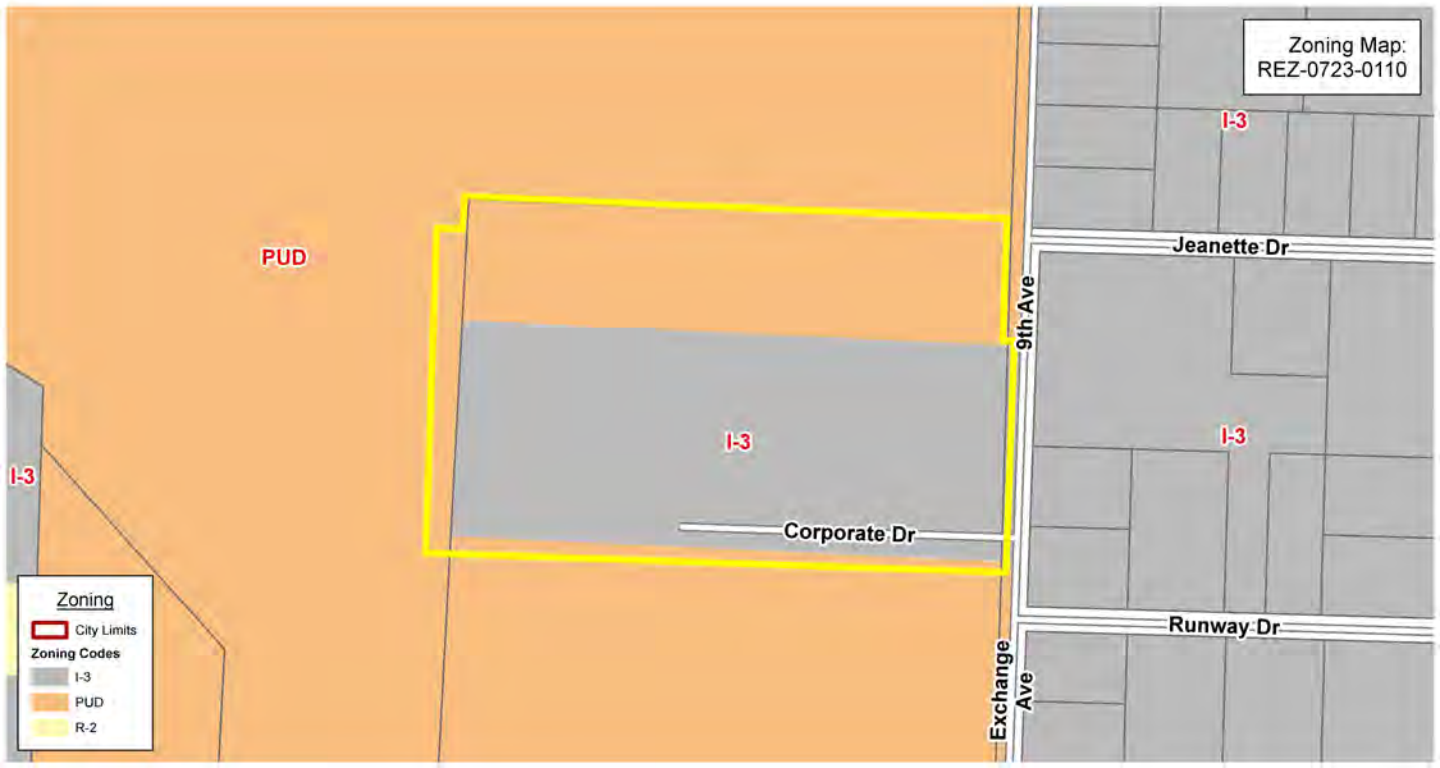
Corporate Dr

Exchange Ave

Runway Dr

Zoning

-  City Limits
- Zoning Codes**
-  I-3
-  PUD
-  R-2





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

AN ORDINANCE APPROPRIATING FUNDS; AND FOR OTHER PURPOSES

WHEREAS, the Conway Fire Department requests \$2,750 for the use of purchasing a smart board for the training room at Central Station, and;

WHEREAS, funds in the amount of \$2,750 were received from Walmart to be used for such purpose; and

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

Section 1. The City of Conway shall appropriate \$2,750 from the General Fund Revenue Donation Account (001.131.4705) to the Fire Department Accountable Equipment Account (001.131.5650);

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

PASSED this the 12th day of September, 2023

APPROVED:

Mayor Bart Castleberry

ATTEST:

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



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

**AN ORDINANCE APPROPRIATING FUNDS FOR THE CONWAY FIRE DEPARTMENT AND FOR
OTHER PURPOSES**

Whereas, the Conway Fire Department requests \$7,136 for the use of repairing Rescue 1 from damages incurred during accidents; and

Whereas, funds in the amount of \$7,136 were received from the Municipal Insurance Program for such reasons.

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

Section 1. The City of Conway shall appropriate \$7,136 from the Insurance Proceeds Account (001.119.4360) to the Fire Department Vehicle Maintenance Operating Account (001.131.5450).

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

PASSED this 12th day of September 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer