

Conway Planning Commission  
STAFF REPORT

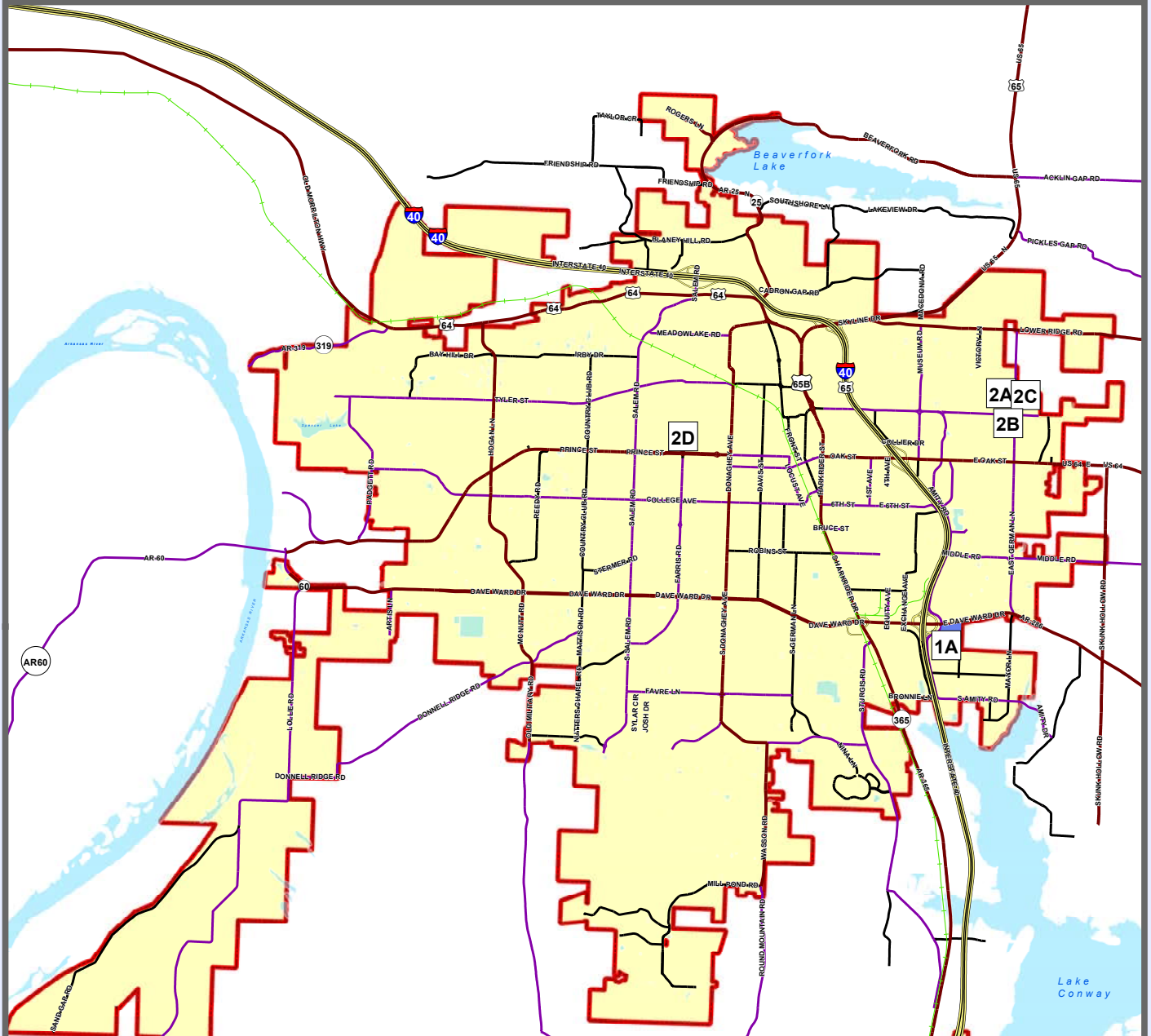
March 2015



7:00pm  
Monday, March 16, 2015  
810 Parkway Avenue

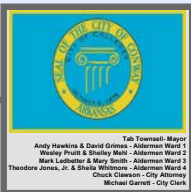
# CITY OF CONWAY

## MARCH 2015 PLANNING COMMISSION ITEMS



### MARCH 2015 AGENDA ITEMS:

- 1A. LEWIS CROSSING VARIANCE -- BZA
- 2A. KEN FREYALDENHOVEN -- ANNEXATION
- 2B. KEN FREYALDENHOVEN -- REZONE
- 2C. KEN FREYALDENHOVEN -- CONDITIONAL USE
- 2D. WALMART NEIGHBORHOOD MARKET -- PUD AMENDMENT



**City of Conway**  
 City of Conway, Arkansas  
 Mayor: Bryan Patrick  
 City Clerk: Michael Garnett

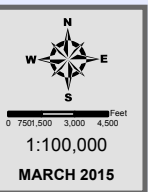


**CONWAY PLANNING COMMISSION**  
 Chair: Lee Washington  
 Vice-Chair: Mark Lewis



**CONWAY PLANNING COMMISSION**  
 Lee Washington - Chair  
 Mark Lewis - Vice-Chair

INTERSTATE	LOT LINE	<b>Residential</b>	<b>Industrial</b>
MAJOR ARTERIAL	STREAMS	R-1	MF-1
MINOR ARTERIAL	LAKES & PONDS	R-2A	MF-2
COLLECTOR	CITY LIMITS	R-2	MF-3
RESIDENTIAL		HR	RMH
PRIVATE ROAD		SR	
INTERSTATE RAMP		<b>Commercial Office</b>	<b>Special</b>
RAILROADS		C-1	SP
		C-2	S-1
		C-3	A-1
		C-4	PUD
			TJ



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CONTACT INFORMATION  
 LANDMARK IMS WEBSITE:  
[gis.cityofconway.org](http://gis.cityofconway.org) (UNDER DEVELOPMENT)  
 E-MAIL: [Jason.Lyon@CityOfConway.org](mailto:Jason.Lyon@CityOfConway.org)

Printing Date: 3/11/2015  
 File Name: Map20150303MARCH 2015 Overall Map.mxd  
 Prepared By: Jason Lyon

# CONWAY, ARKANSAS PLANNING COMMISSION MEETING AGENDA

7:00 pm • Monday • March 16, 2015

District Court Building • 810 Parkway

## SUBDIVISION COMMITTEE WILL NOT MEET

### Call to Order

### Introduction & Chairperson Remarks

Minutes: February 17, 2015

## SUBDIVISION COMMITTEE WILL NOT MEET

1. **Board of Zoning Adjustment**
  - A. Lewis Crossing Setback Variance Request
  
2. **Annexation, Zoning and Conditional Use (Requires Public Hearing)**
  - A. Freyaldenhoven Annexation (NW corner E. German Lane and Bill Lucy Drive)
  - B. Freyaldenhoven Rezoning Request: A-1 to RU-1
  - C. Freyaldenhoven Conditional Use Permit Request for Self-Storage Facility
  - D. Wal-Mart Neighborhood Market PUD Amendment Request
  
3. **Discussion**
  - A. Items as decided by the Planning Commission

### Adjourn

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

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

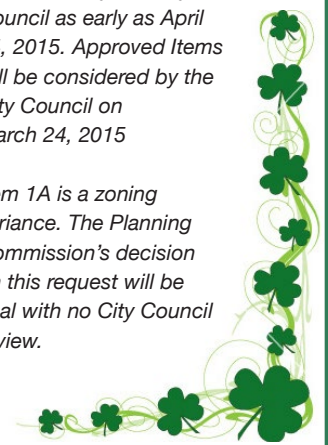
- A. **Development Reviews**
  - None
  
- B. **Lot Splits, Lot Mergers, and Minor Subdivisions (filed for record)**
  - Hudson Acres Replat, Lot 1
  - Sherwood Estates Replat, Lots 19-22

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

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

*Denied Items may be considered by the City Council as early as April 14, 2015. Approved Items will be considered by the City Council on March 24, 2015*

*Item 1A is a zoning variance. The Planning Commission's decision on this request will be final with no City Council review.*



**LEWIS CROSSING BUILDING SETBACK VARIANCE REQUEST**

**APPLICANT/OWNER**

Ryan Mosser  
Collett Properties  
1111 Metropolitan Avenue, Suite 700  
Charlotte, NC 28204

**OWNER'S REPRESENTATIVE**

Dan Tanner  
Tanner Consulting, LLC  
5323 S. Lewis Avenue  
Tulsa, OK 74105

**STAFF REVIEW BY**

Bryan Patrick, Director of Planning  
1201 Oak Street  
Conway, AR 72032

**SITE DATA**

**Location:** 1100 S. Amity Road and 1205 Hwy 286/Dave Ward Drive

**Site Area:** 41.6 acres +/-

**Existing Structures:** None

**Current Zoning:** C-3 (Highway Service and Open Display District)

**STAFF COMMENTS**

The applicant is requesting a zoning variance in the required setbacks for C-3. Standard building setbacks for C-3 are:

- Front - 40 feet
- Rear - 10 feet
- Side - 0 feet (when abutting commercial)
- Exterior - 15 feet (a sideyard abutting a street)

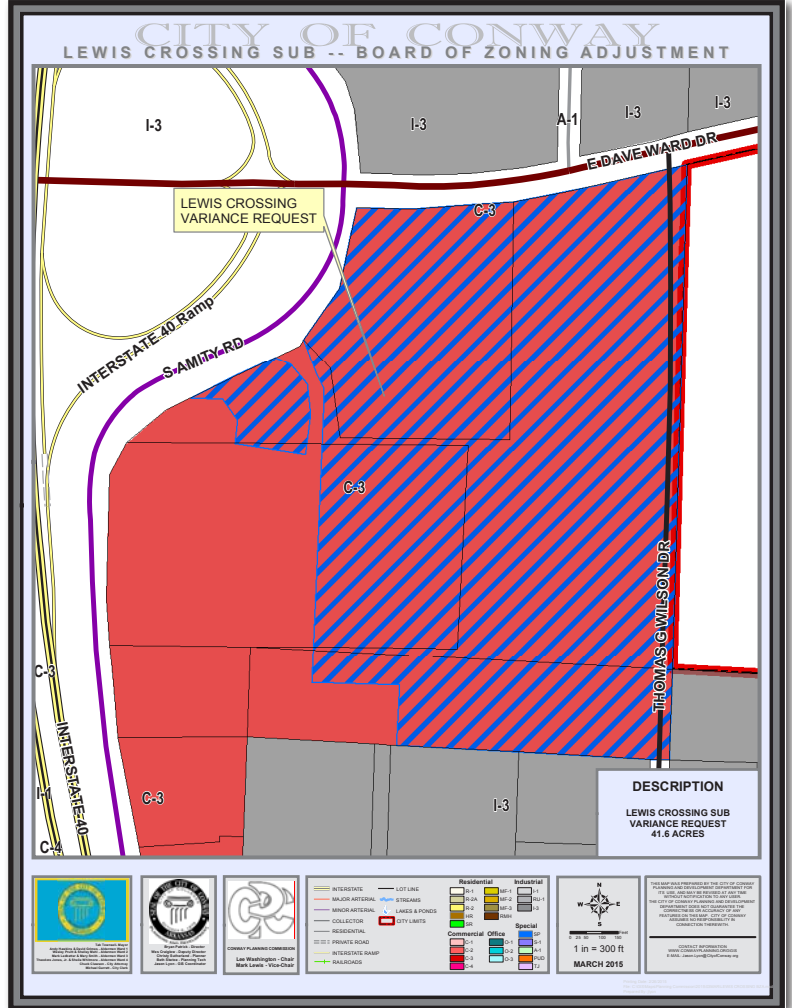
There are two requests:

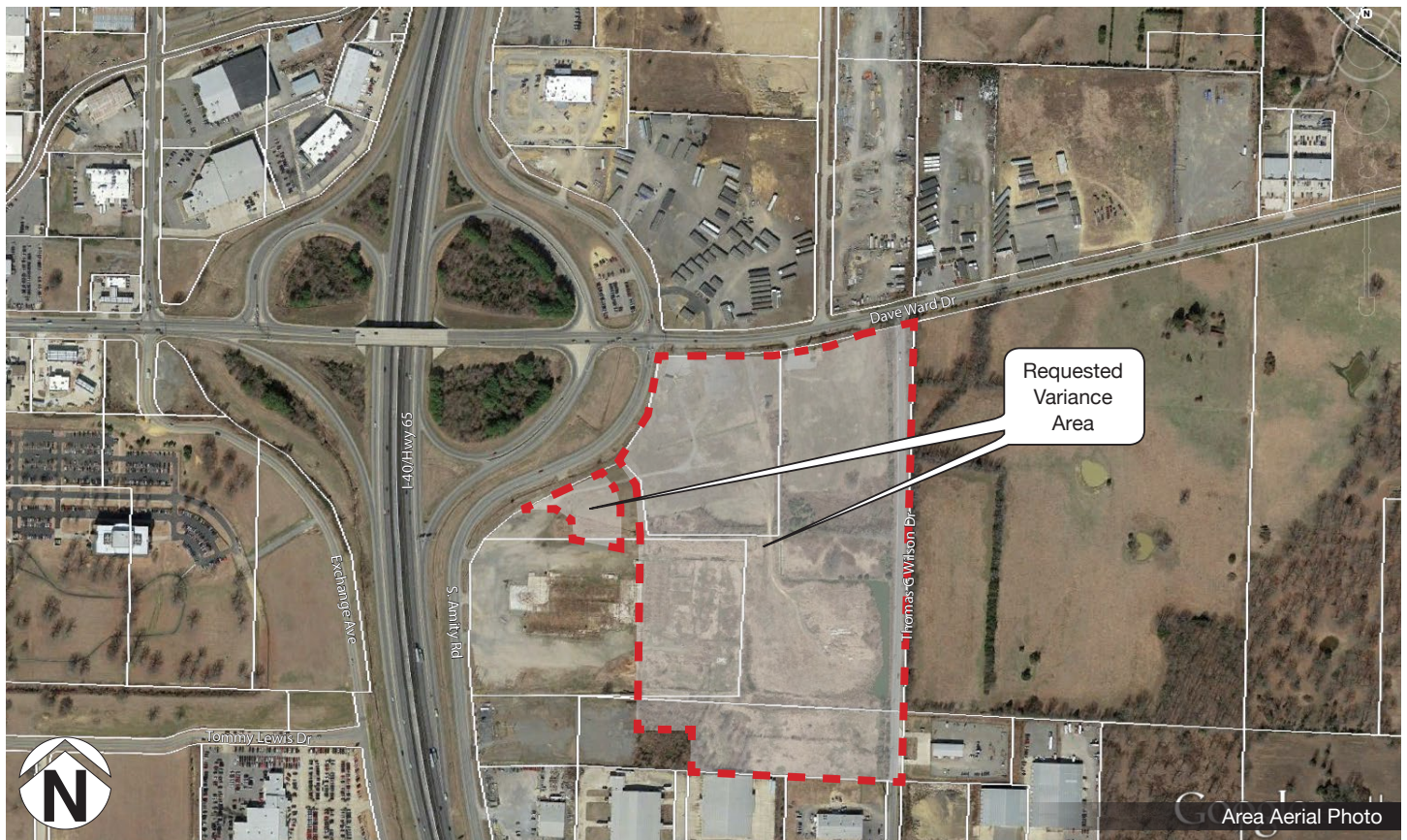
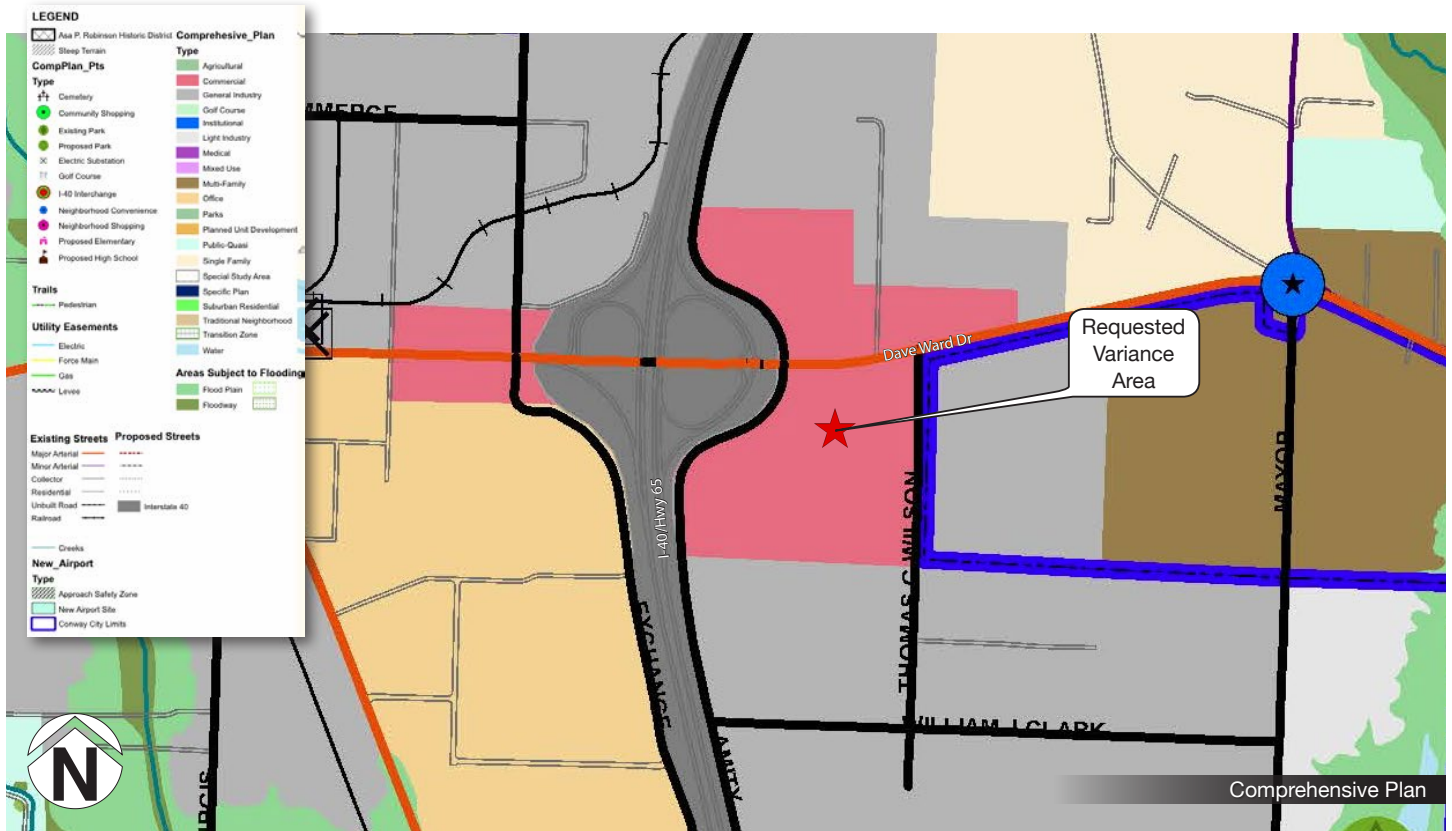
- Request 1 - 30 foot reduction in the required 40 foot front setback on lots 6, 7, 8, 9, and 10 fronting New Amity resulting in a 10 foot setback.
- Request 2 - 15 foot reduction in the required 40 foot front setback on lots 3, 8, and 9 along Dave Ward Drive resulting in a 25 foot setback.

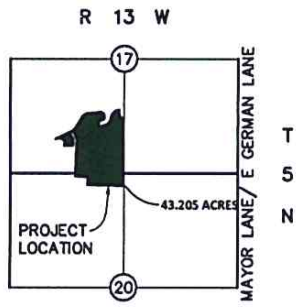
These requests are better understood by referring to the submitted variance application drawing on 8-9. As shown in the drawing, all of the lots are irregular shaped. Lots 3, 8, 9, and 10 are the most irregular. Due to the rerouting of Amity Road and Dave Ward Drive, the "fronts" of these lots are not clear. The requested zoning variances will allow the developer greater flexibility in locating structures on the irregular lots.

**STAFF RECOMMENDATIONS**

Due to the irregularity of these lots caused by street improvements, Planning Staff recommends approval of the zoning setback variances as requested.

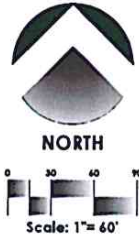






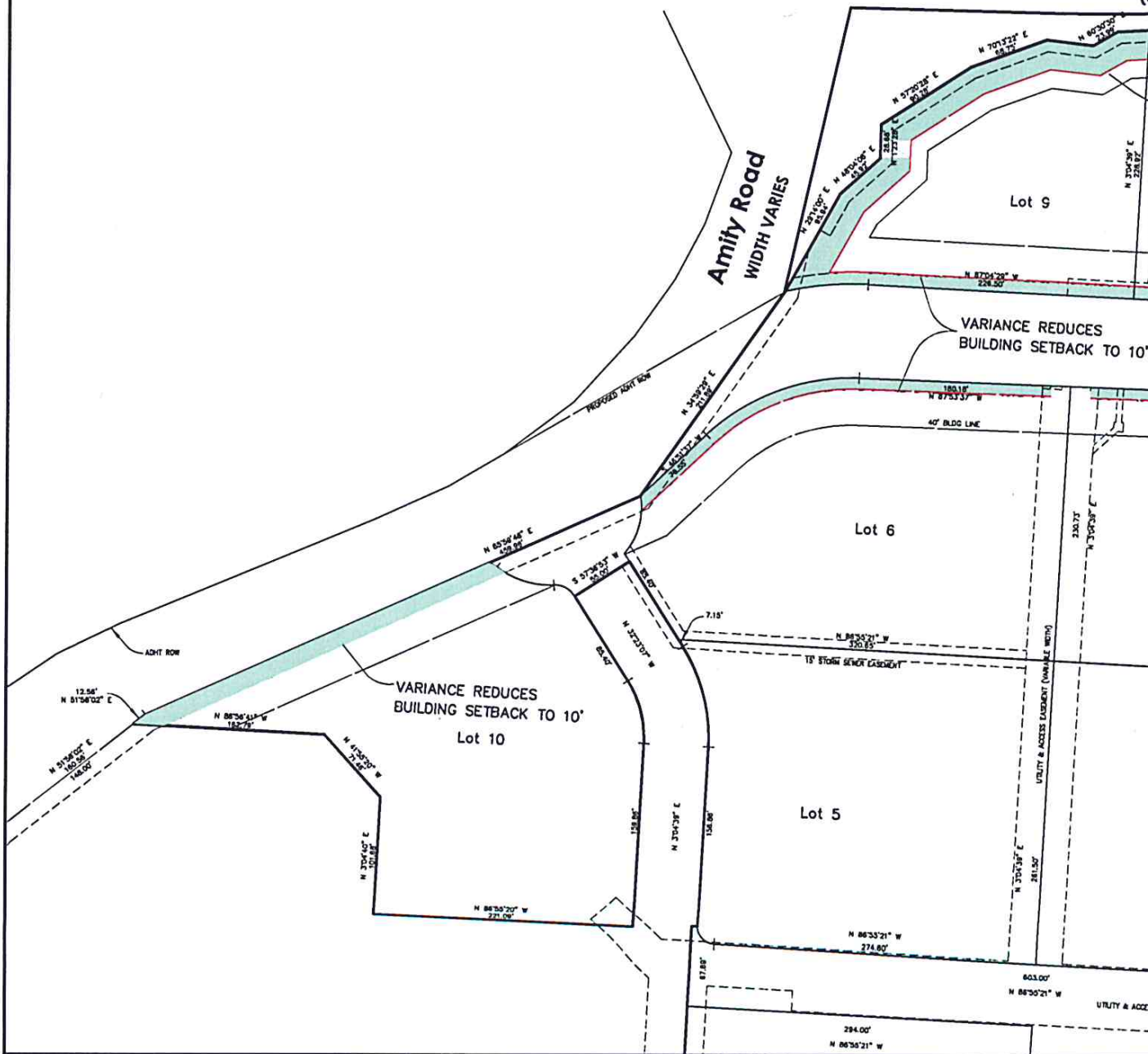
**Location Map**  
SCALE: 1"=2000'

**DEVELOPER:**  
**Collett Properties**  
CONTACT: Ryan Mosser  
1111 Metropolitan Avenue  
Suite 700  
Charlotte, NC 28204  
Phone: (704)206-8319



# Vari Lewis

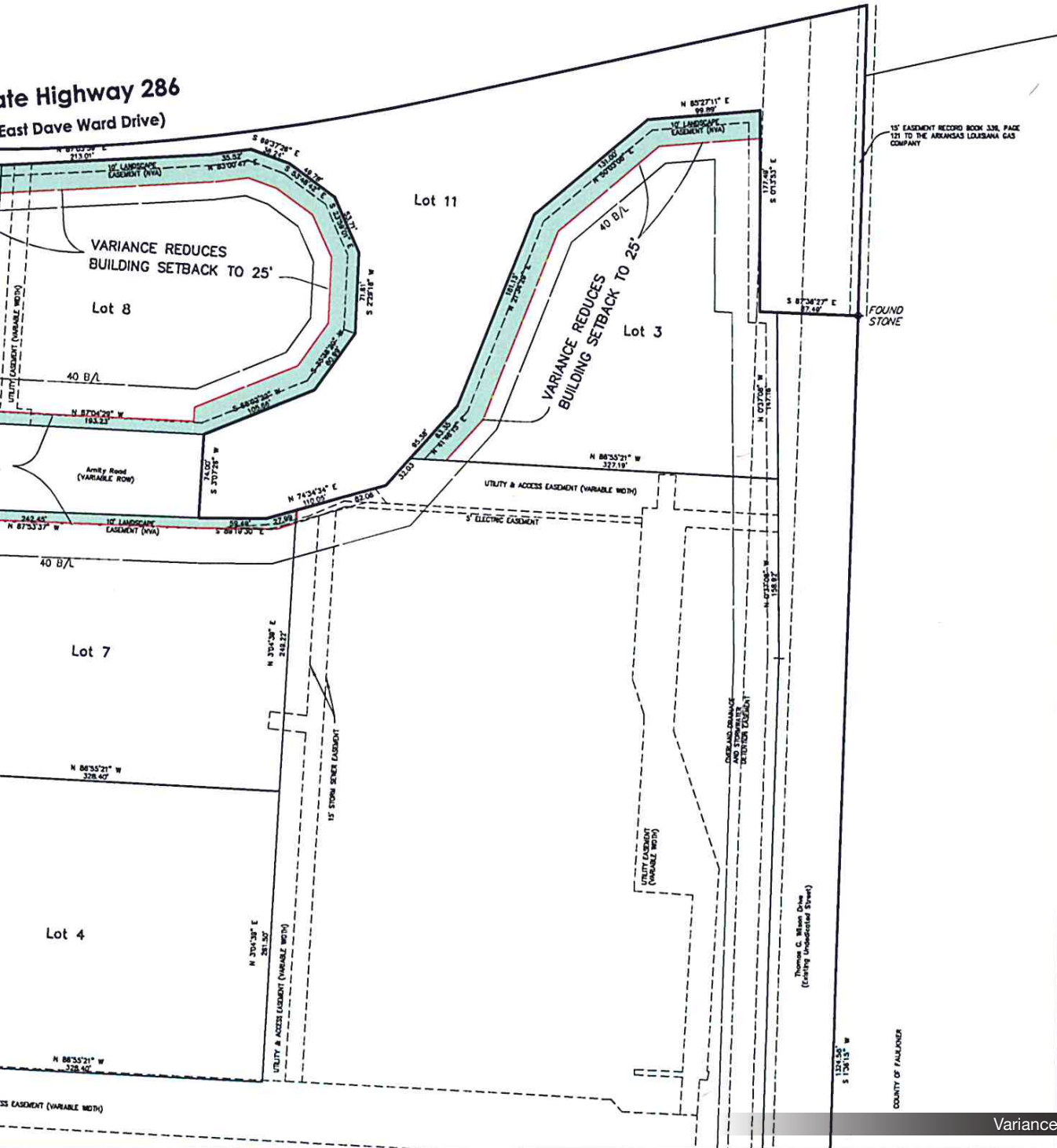
PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION  
TOWNSHIP FIVE (5) NORTH, RANGE  
AN ADDITION IN THE CITY OF CO



# Variance Application Crossing

N SEVENTEEN (17) & THE NORTHWEST QUARTER OF SECTION TWENTY (20)  
THIRTEEN (13) WEST OF THE 5TH PRINCIPAL MERIDIAN,  
DONWAY, FAULKNER COUNTY, STATE OF ARKANSAS

ate Highway 286  
East Dave Ward Drive



**FREYALDENHOVEN ANNEXATION REQUEST**

**OWNER**

Kenneth and June Freyaldenhoven  
 1545 Trison Lane  
 Conway, AR 72032

**APPLICANT/OWNER'S REPRESENTATIVE**

Preston Robinson  
 1101 N. Redmond Road  
 Jacksonville, AR 72076

**STAFF REVIEW BY**

Bryan Patrick, Director of Planning  
 1201 Oak Street  
 Conway, AR 72032

**SITE DATA**

Location: NW Corner of E. German Lane and Bill Lucy Drive

Site Area: 10.03 acres +/-

Existing Structures: None

Current Zoning: None - County.

Requested Zoning: A-1

Overlay District: None

**Comprehensive Plan:** The Comprehensive Plan shows this area is appropriate for single family residential. The Comprehensive Plan for the area was amended in August 2008 as part of the Lower Ridge Road Corridor Study.

**Projected Traffic Impact:** The annexation of this land as A-1 Agricultural would allow the development of 10 single family residences resulting in 100 vehicle trips per day.

**Utility Infrastructure:** Conway Corporation Engineering will review and consider the adequacy of existing infrastructure upon receipt of documentation. Extensions and re-routing of utilities may be required. Easements will likely be required to provide for future area development.

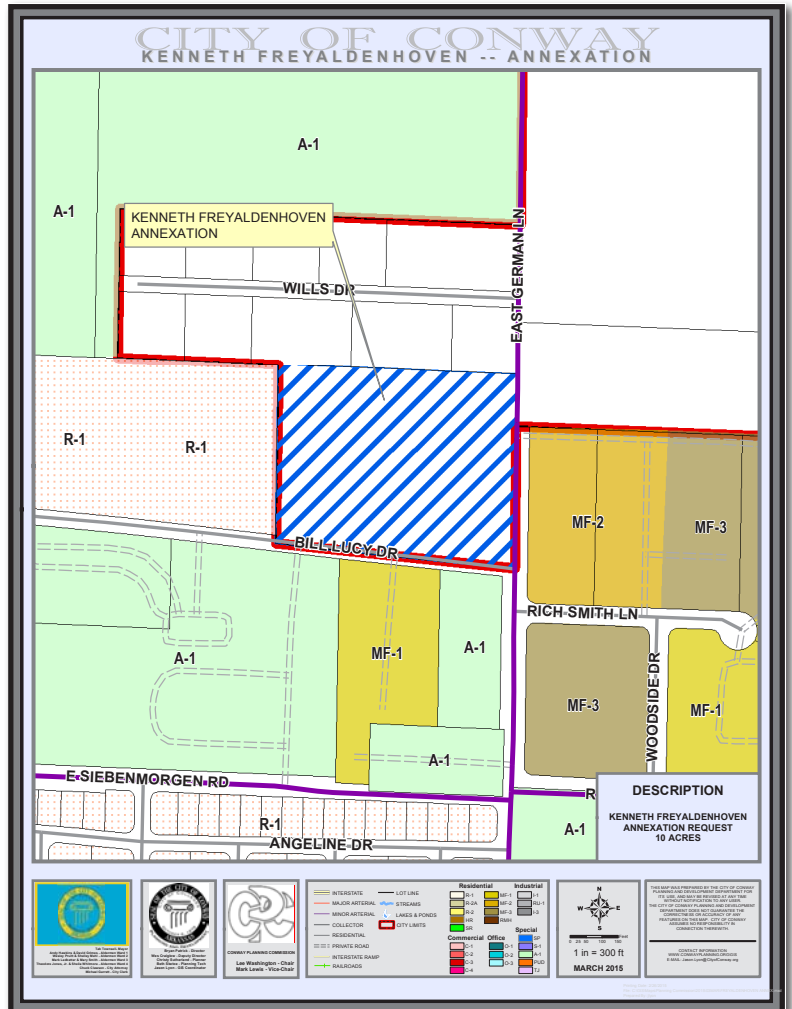
**Flood/Drainage:** The property is not within any flood plain or flood way.

**Street Improvements:** There are no area street improvements planned in the near future.

**Conway 2025:** Not directly applicable

**STAFF COMMENTS**

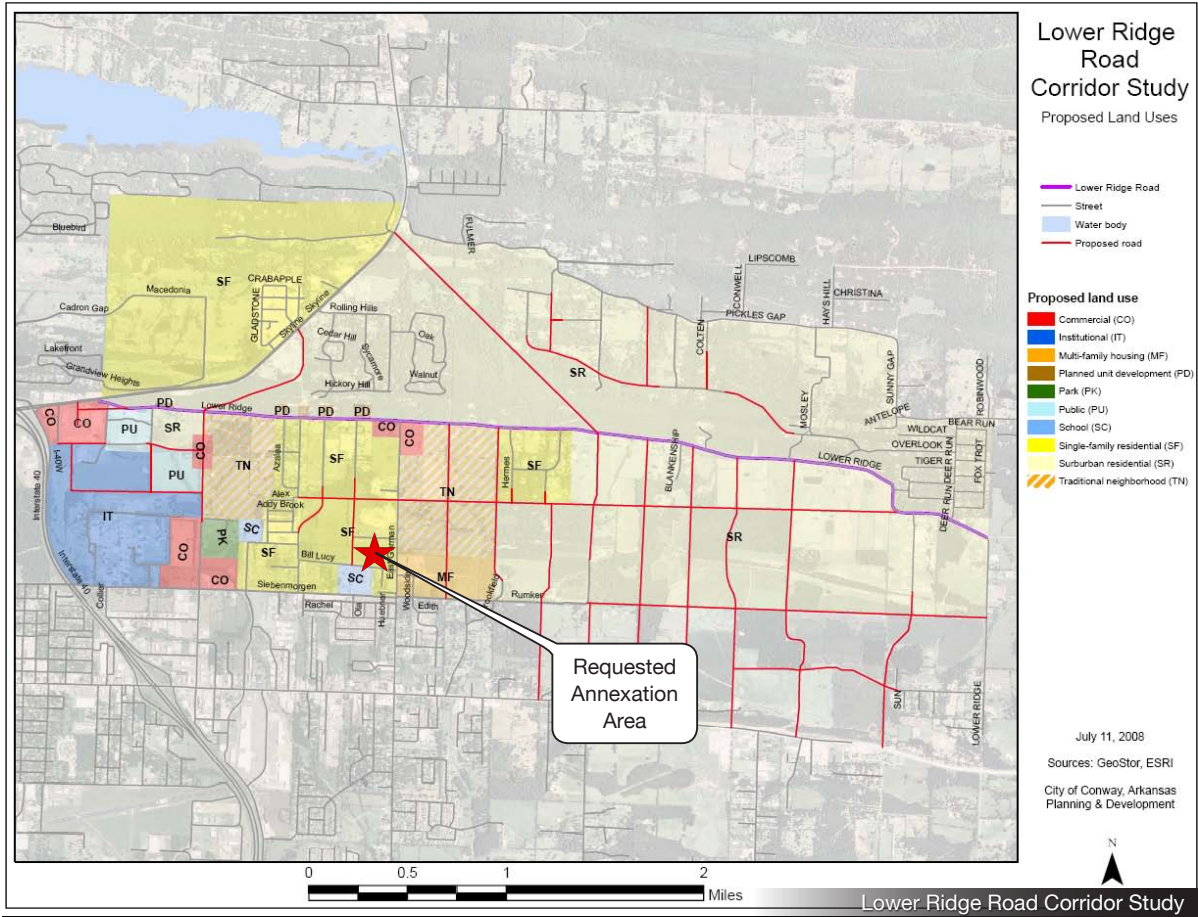
The applicant is requesting annexation and agricultural zoning for this property. This is the first step in the applicant's desire to develop a self-storage facility on the property. Regardless of type of future development, the annexation of this tract into the City is desirable.



**STAFF RECOMMENDATIONS**

Due to the property abutting the city limits and projected future growth of the area, Planning Staff recommends approval of this annexation request.





## 2B FREYALDENHOVEN REZONING REQUEST: A-1 TO RU-1

### FREYALDENHOVEN REZONING REQUEST A-1 (AGRICULTURAL) TO RU-1 (RESTRICTED USE DISTRICT)

#### OWNER

Kenneth and June Freyaldenhoven  
1545 Trison Lane  
Conway, AR 72032

#### APPLICANT/OWNER'S REPRESENTATIVE

Preston Robinson  
1101 N. Redmond Road  
Jacksonville, AR 72076

#### STAFF REVIEW BY

Bryan Patrick, Director of Planning  
1201 Oak Street  
Conway, AR 72032

#### SITE DATA

Location: NW Corner of E. German Lane and Bill Lucy Drive

Site Area: 10.03 acres +/-

Existing Structures: None

Current Zoning: A-1 (upon annexation)

Requested Zoning: RU-1 (upon annexation)

Overlay District: None

**Comprehensive Plan:** The Comprehensive Plan shows this property as appropriate for single family residential.

**Projected Traffic Impact:** With a rezoning to RU-1 and used as a self storage facility, 477 vehicle trips per day could be expected. (Self storage also requires the approval of the requested conditional use permit.) Office use is allowed by right in RU-1. A large office complex could be expected to generate 1900 vehicle trips per day.

**Utility Infrastructure:** Conway Corporation Engineering will review and consider the adequacy of existing infrastructure. Extensions and re-routing of utilities may be required. Easements will likely be required to provide for future area development.

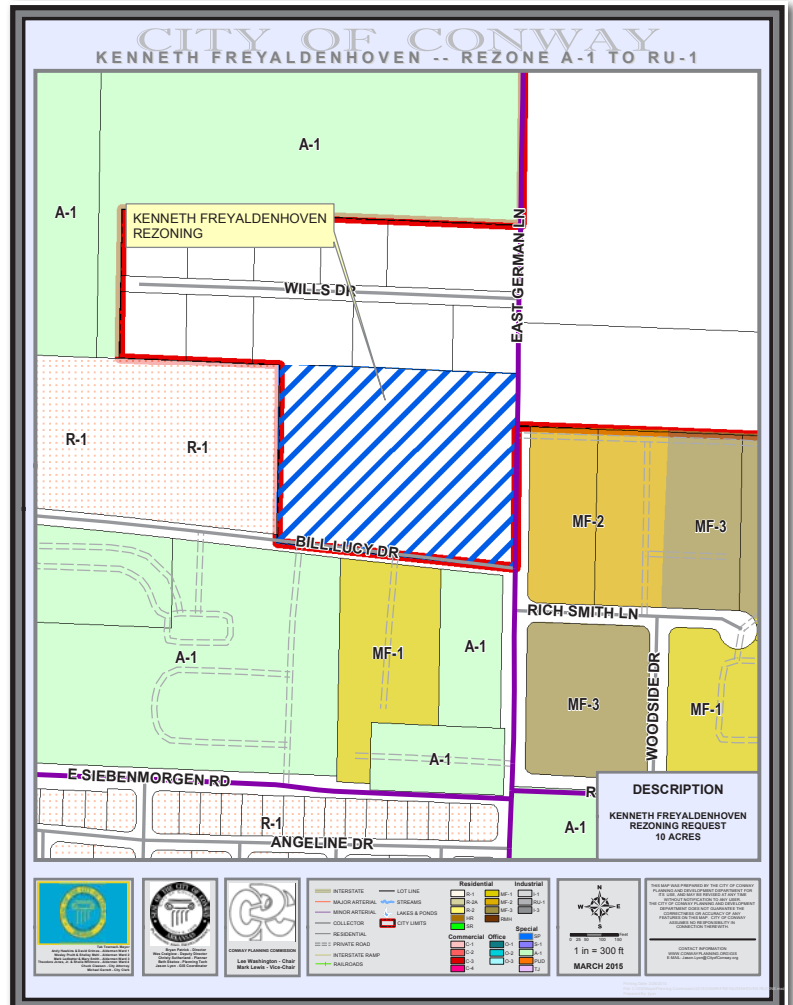
**Flood/Drainage:** The property is not within any flood plain or flood way.

**Street Improvements:** There are no area street improvements planned in the near future.

**Conway 2025:** Not directly applicable.

#### STAFF COMMENTS

This property is outside city limits. As such, the property could be commercially developed without any City approvals. Mr. Preston Robinson, the applicant representative, spoke with Planning and Mayoral Staff and



chose to seek annexation of the property, zoning, and a conditional use permit to allow public comment and City regulation.

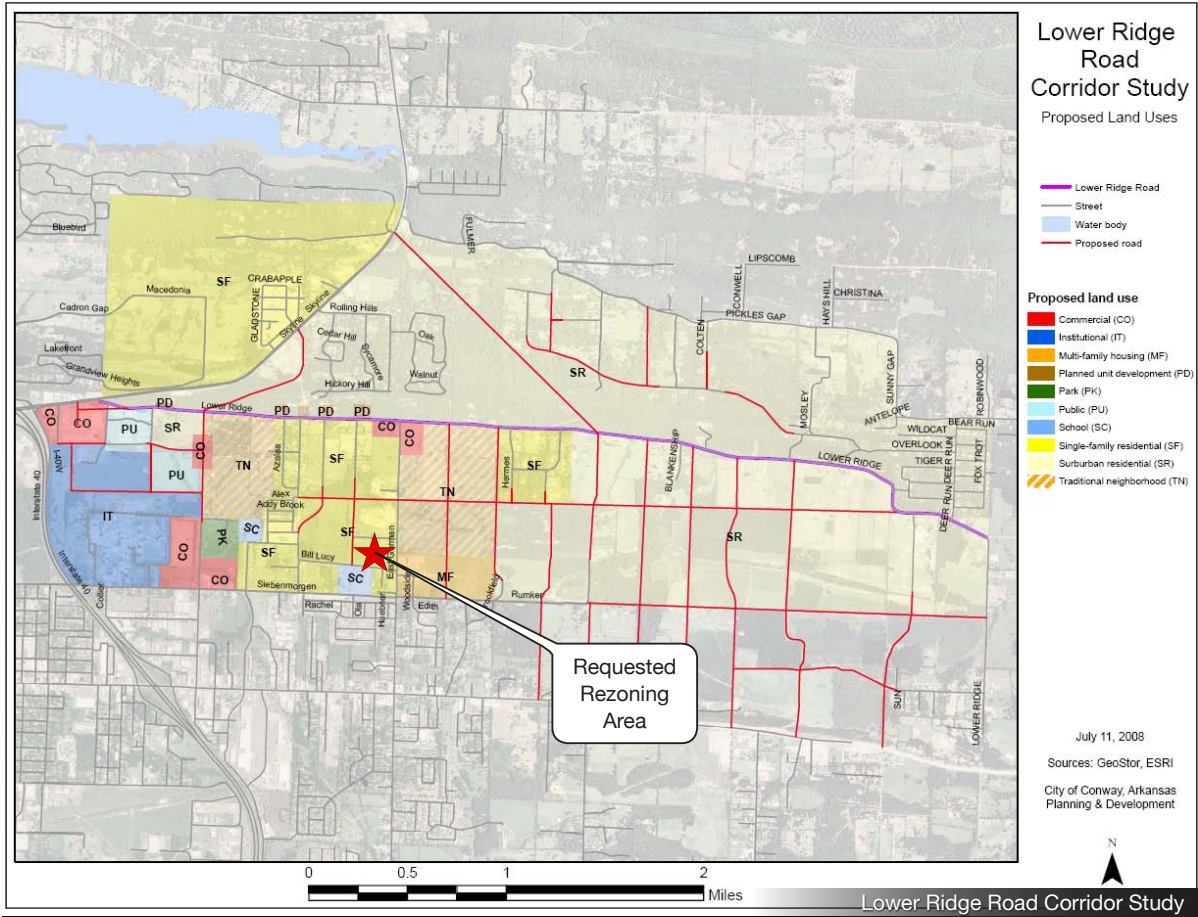
The applicant is requesting a rezoning from A-1 (Agricultural) to RU-1 (Restricted Use) in order to construct a self storage facility. RU-1 does not allow a self storage unit by right. The applicant is also requesting a conditional use permit; next in the agenda. This rezoning request should be examined on its own merit followed by the self storage conditional use request.

By right, RU-1 does not allow a large variety of land uses. Examples include; agriculture, animal clinic, school, and office. However, many uses are allowed by conditional use permit. Examples include more intensive uses such as retail, light industrial, drive-in restaurant, and hospital.

The RU-1 zone could be seen as an appropriate zone for this property as a buffer. Multi-family zoning exists across East German Lane to the east and south. RU-1 as an office use could be a buffer between the large multi-family developments and residences to the north and possible future single family development on the west.

#### STAFF RECOMMENDATIONS

Planning Staff recommends approval of this rezoning.



**FREYALDENHOVEN CONDITIONAL USE PERMIT REQUEST TO ALLOW A SELF-STORAGE FACILITY**

**OWNER**

Kenneth and June Freyaldenhoven  
1545 Trison Lane  
Conway, AR 72032

**APPLICANT/OWNER'S REPRESENTATIVE**

Preston Robinson  
1101 N. Redmond Road  
Jacksonville, AR 72076

**STAFF REVIEW BY**

Bryan Patrick, Director of Planning  
1201 Oak Street  
Conway, AR 72032

**SITE DATA**

Location: NW Corner of E. German Land and Bill Lucy Drive

Site Area: 10.03 acres +/-

Existing Structures: None

Current Zoning: County. RU-1 (upon annexation and approval)

Requested Conditional Use Permit: To allow self-storage facility

Overlay District: None

Comprehensive Plan: The Comprehensive Plan shows this property as appropriate for single family residential.

**Projected Traffic Impact:** With a rezoning to RU-1 and used as a self-storage facility, 477 vehicle trips per day could be expected. Self-storage is typically a low traffic generator. For comparison, single family residential would generate around 550 vehicle trips per day, a large office complex around 1900 vehicle trips per day, and multifamily around 1600 vehicle trips per day.

**Utility Infrastructure:** Conway Corporation Engineering will review and consider the adequacy of existing infrastructure. Extensions and re-routing of utilities may be required. Easements will likely be required to provide for future area development.

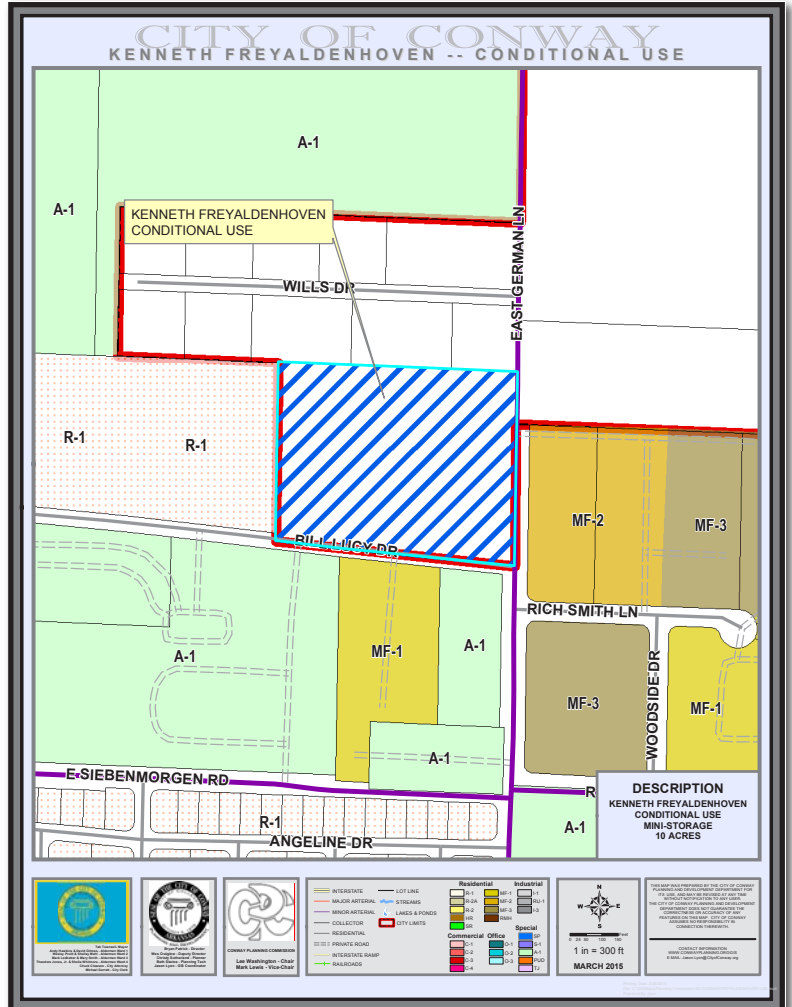
**Flood/Drainage:** The property is not within any flood plain or flood way.

**Street Improvements:** There are no area street improvements planned in the near future.

Conway 2025: Not directly applicable.

**STAFF COMMENTS**

The applicant is requesting a conditional use permit to allow a self-storage facility. As stated in the rezoning section, the



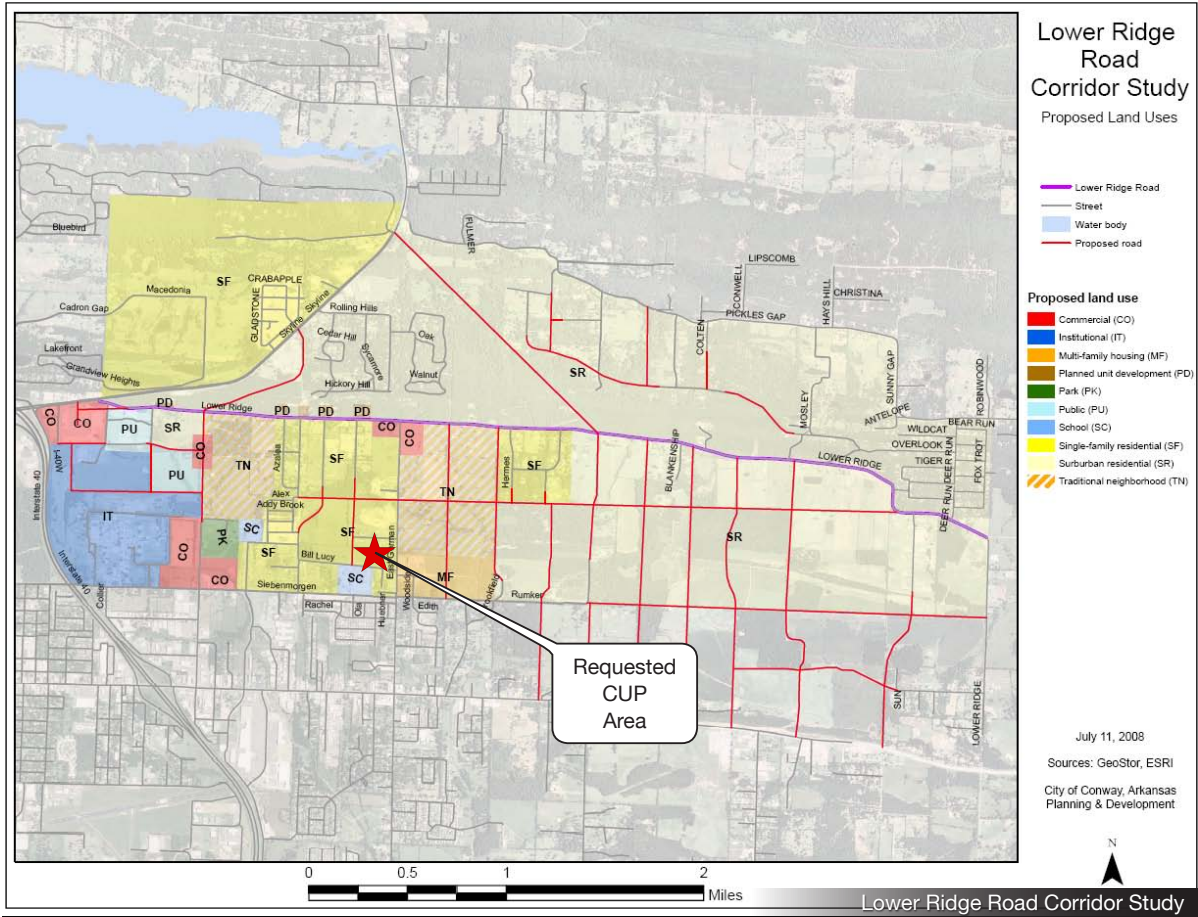
property could be developed without City approval as it is currently in the County. A conditional use permit allows the City to place appropriate conditions on the project in order to create the most compatible development. The applicant plans to construct a self operating “fortress style” self-storage facility. The proposed units are masonry construction with an architectural metal roof. Perimeter landscape buffering and ornamental fencing are also planned. Zoning and development review require a 20 foot minimum building setback and buffer area abutting residential use. The applicant has constructed similar facilities in Jacksonville and Heber Springs.

**STAFF RECOMMENDATIONS**

Planning Staff recommends approval of this conditional use permit with appropriate conditions.

**SUGGESTED CONDITIONS**

1. Structures shall be constructed as presented with decorative masonry walls and architectural metal roofs. Roof color shall be an earth tone red to match the Jacksonville “Campground Storage” facility.
2. Double the amount of development review required landscaping along north boundary. One half of required trees to be evergreen species to provide additional buffering to residences.
3. Fencing shall have an ornamental wrought iron appearance.
4. Hours of operation to be determined.

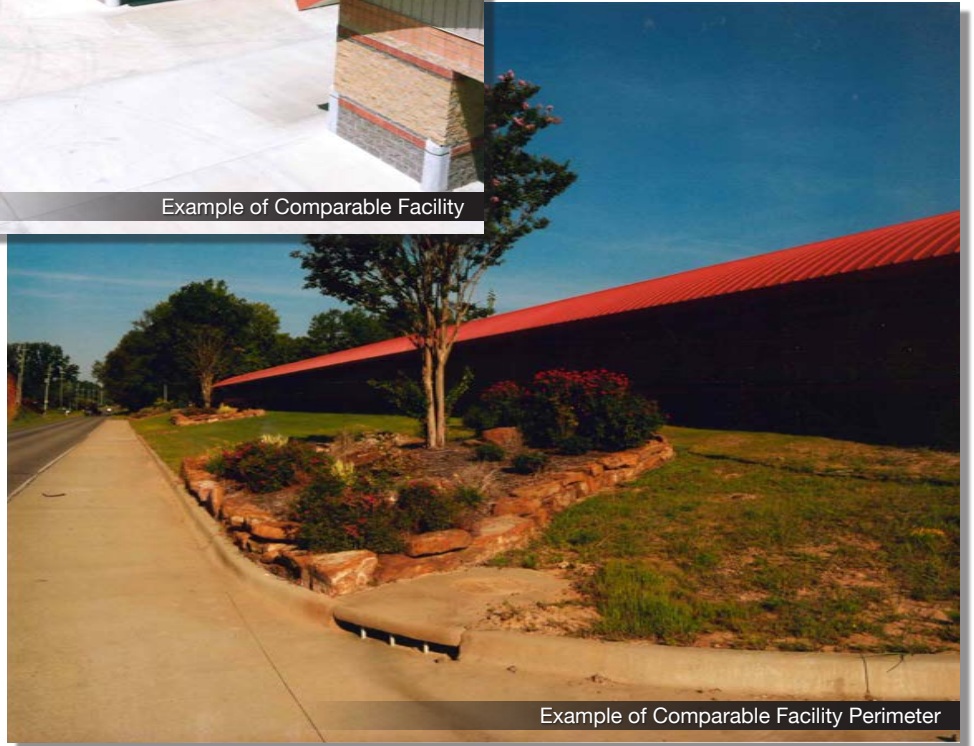




Example of Comparable Facility Entrance

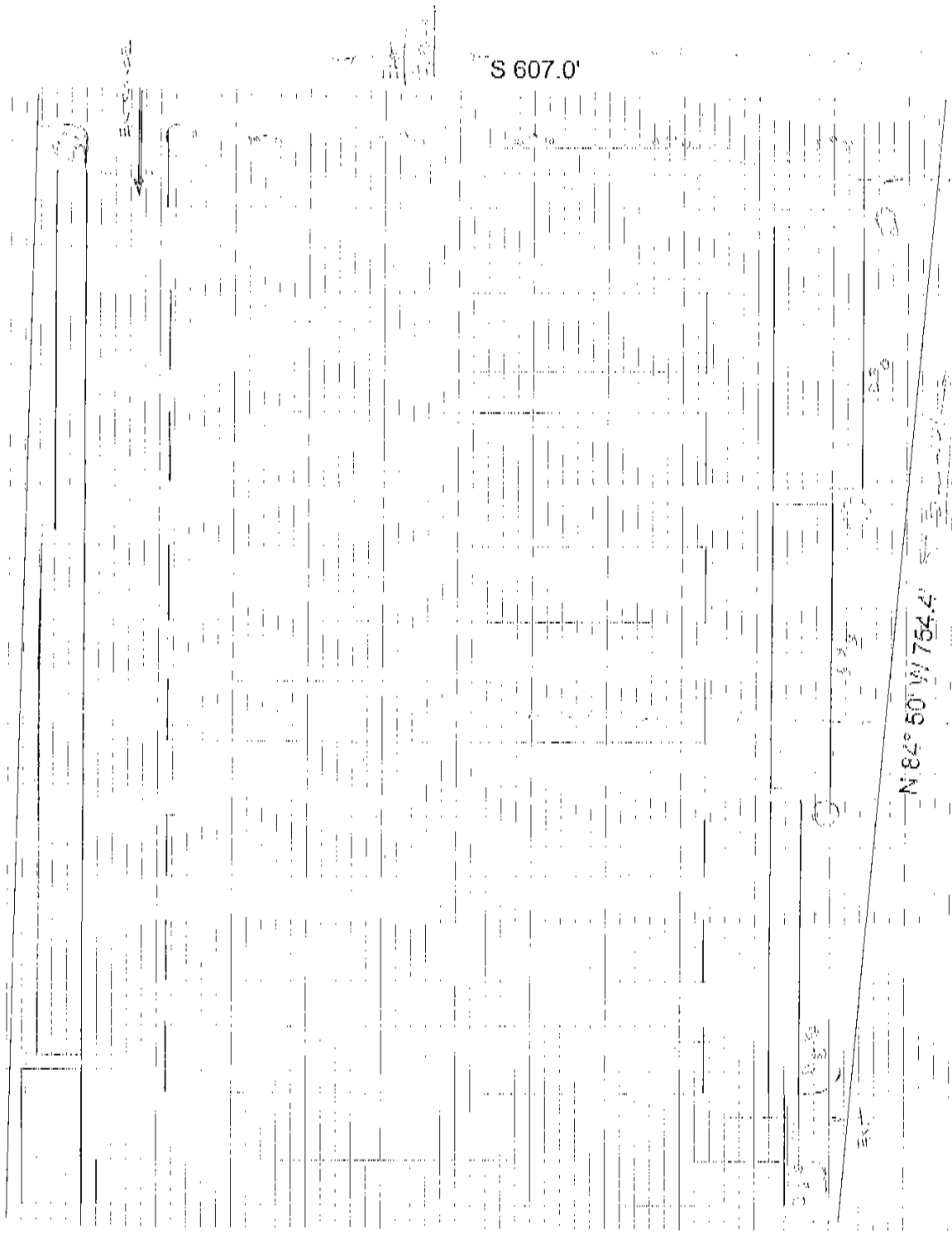


Example of Comparable Facility



Example of Comparable Facility Perimeter

S 89° 50' W 751.3'



S 607.0'

N 556.5'

N 84° 50' W 754.4'

SE 1/4, NE 1/4, S-5 T-5-N R-13-W  
FAULKNER COUNTY  
SCALE: 1" = 40'

Proposed Facility Layout

**WAL-MART NEIGHBORHOOD MARKET PUD AMENDMENT REQUEST: TO EXTEND HOURS OF OPERATION TO 24-HOURS/DAY, 7 DAYS PER WEEK**

**APPLICANT/OWNER'S REPRESENTATIVE**

Stephen Giles  
The Law Firm of Stephen R. Giles  
425 W. Capitol Avenue, Suite 3200  
Little Rock, AR 72201

**STAFF REVIEW BY**

Bryan Patrick, Director of Planning  
1201 Oak Street  
Conway, AR 72032

**SITE DATA**

Location: 2550 Prince Street

Site Area: 6.13 acres +/-

Existing Structures: Wal-Mart Neighborhood Market

Current Zoning: PUD (Planned Unit Development)

Requested Action: Amend approved PUD conditions to allow for 24-hour, 7 days per week hours of operation

Overlay District: None

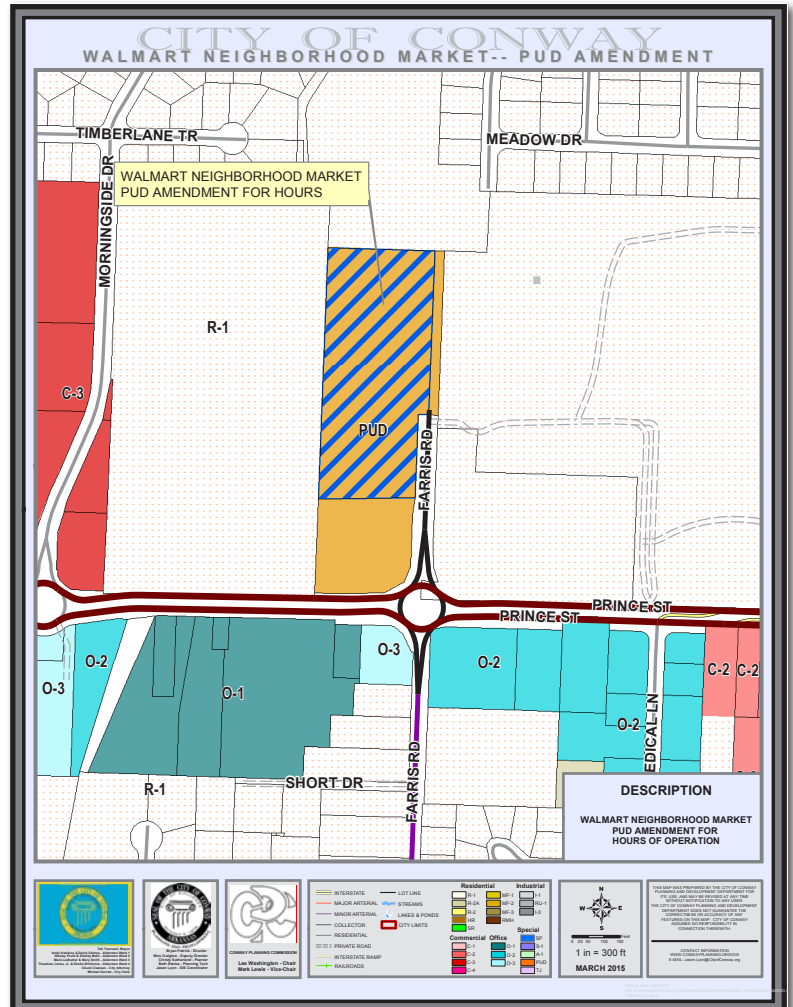
Projected Traffic Impact: Allowing 24/7 operation would not significantly change existing traffic generation.

**STAFF COMMENTS**

The applicant is requesting to amend the PUD conditions that were approved on June 12, 2012 to allow 24-hour, 7 days per week operation. The store is currently limited to 6 am to midnight 7 days per week. No changes to any other required conditions are requested.

The midnight closure requirement was added to the PUD conditions to help ensure compatibility of the neighborhood market with area residences. The nearest residence is approximately 430 feet from the rear corner of the store. The rear of the store is the loading area. There is no prohibition on Wal-Mart semi-truck deliveries except on Sunday morning. Therefore, allowing 24/7 hours of operation would not change current evening operations in the loading area.

Other area commercial developments do not have hours of operation restrictions. The commercial development at the northwest corner of Prince and Morningside (Ace Hardware, Little Caesars, Fred's, Heritage Living Center, etc) has C-3 zoning with unrestricted hours. Likewise, area office zones are not hours of operation restricted. Although at a different location, Kroger Marketplace has no limit to hours of operation with residences in closer proximity. It should be noted that currently no area businesses choose to operate 24/7. Kroger operates from 6:00 am to 1:00 am 7 days per week. Several area fast food restaurants are open until midnight.

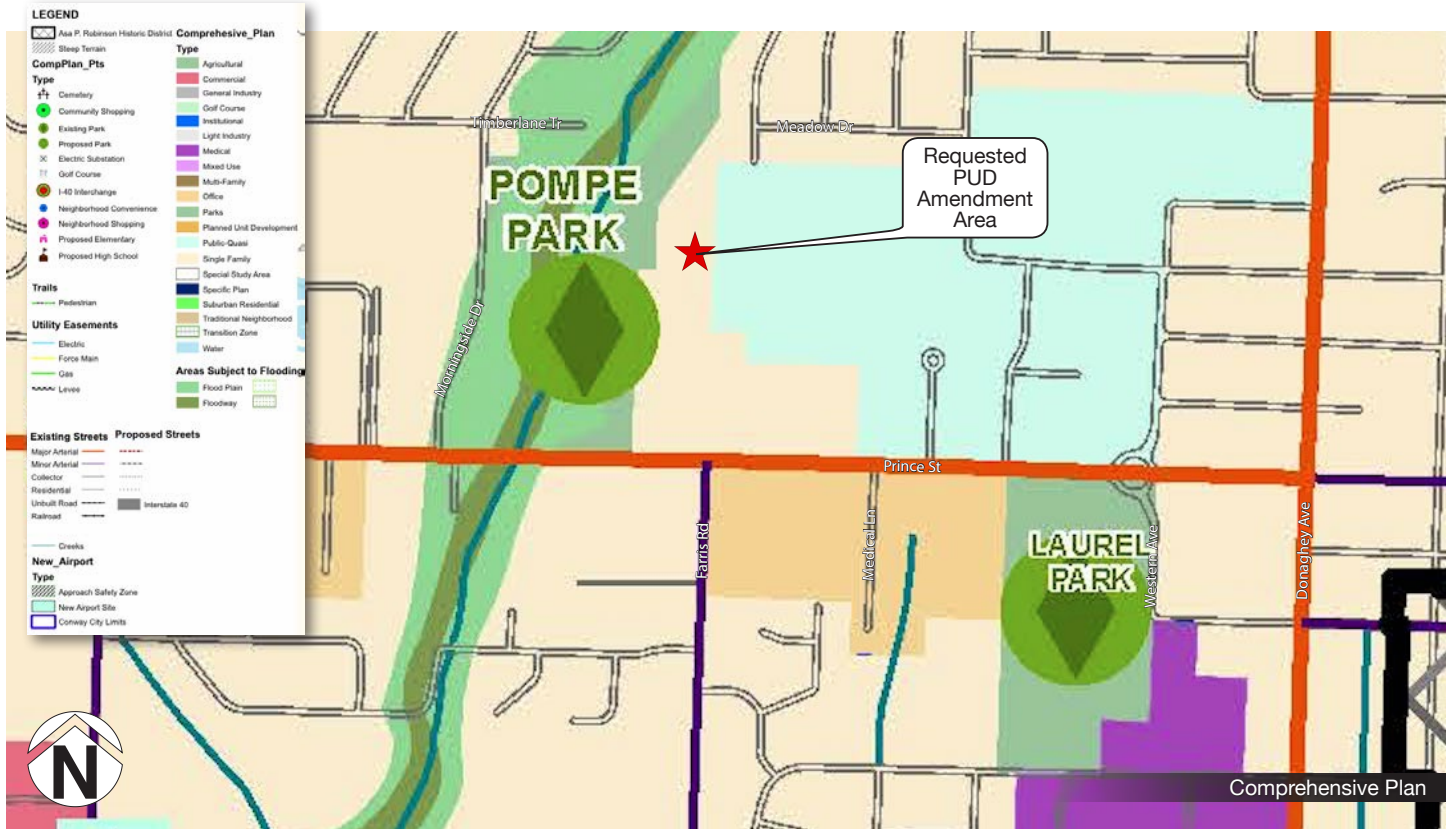


Wal-Mart Neighborhood Market has now been in operation since Jul 17, 2013 (1.6 years). A record should now be established as to neighborhood compatibility. Public input at the meeting should serve as an indication of Wal-Mart's "neighborhood friendliness".

**STAFF RECOMMENDATIONS**

Planning Staff recommends approval of this PUD amendment to allow 24 hour operation 7 days per week. However, any area neighbor insight should be weighed by the Planning Commission to form an appropriate decision.







**CITY OF CONWAY**  
Planning and Development

1201 Oak Street  
Conway, AR 72032

T 501.450.6105  
F 501.450.6144

[www.conwayplanning.org](http://www.conwayplanning.org)

## **Walmart Neighborhood Market PUD Final Development Plan**

### **Approved by the Conway City Council, June 12, 2012**

#### **PUD Conditions:**

1. Land Use:

Walmart Neighborhood Market Lot - Shall be governed by C-2 zoning regulations. A pharmacy with drive through is allowed as part of the Neighborhood Market lot.

Outlot - Chick-fil-A is allowed exclusively. No other business may occupy the outlot without seeking a PUD amendment. Chick-fil-A may operate under C-2 zoning regulations. C-2 regulations allow a sit-down restaurant. Chick-fil-A may seek a conditional use permit for a drive through window. A request for a conditional use permit or PUD amendment for the outlot will not require further conditions or amendments to the larger Walmart Neighborhood Market lot governed by the PUD.

2. All facades of the outlot and Walmart Neighborhood Market lot shall be red brick similar to area structures.
3. Ingress/Egress – Curb cuts are allowed as proposed. Future outlot curb cuts are limited to access from the North/Walmart Parking lot and the West/Walmart Private Drive.
4. Delivery Hours - Walmart semi-truck deliveries are prohibited on Sundays between 9:00 a.m. to 12:00 p.m.
5. External Sound System - There will be no exterior sound system on the store or in the parking lot.
6. Hours of Operation - The Walmart Marketplace business hours are limited to 6:00 am to Midnight, 7 days/week.
7. Construction Hours - Hours of external construction are limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday and 1:00 p.m. to 7:00 p.m. on Sunday.
8. Design/Landscaping - Store design will be generally as depicted in submitted renderings.
9. Lighting - Walmart parking lot illumination will consist of high efficiency LED lighting mounted on metal poles 28 feet in height within a shrouded box type fixture directing light downward onto the parking lot.
10. Signage - All signage will meet current Conway Sign Ordinance regulations.
11. Right of Way - Walmart shall be required to provide funding to the City of Conway to purchase necessary Farris Road Extended right of way or provide necessary right of way.
12. Sidewalks and pedestrian paths shall be constructed as submitted, including special paving surfaces and connectivity to the Tucker Creek pedestrian/bike trail.
13. A pedestrian/bike path public access easement is required to connect the Tucker Creek bike/pedestrian path to Farris Road.
14. Generally, the project shall be developed as submitted.



## Board of Zoning Adjustment?

*I thought we were the Planning Commission...*

Yes, you are both the Planning Commission and the Board of Zoning Adjustment. State law requires towns that enforce zoning to have a Planning Commission and a Board of Zoning Adjustment.

### **Planning Commission:**

A Planning Commission is defined as a body of Conway residents that promotes the public interests in, and understanding of, long term coordinated municipal planning. The Commission oversees the preparation of comprehensive planning studies, the Comprehensive Plan, the Master Street Plan, the Zoning Map, and the Zoning Ordinance. The Commission also hears requests for amendments to zoning districts, conditional use permits, and the zoning ordinance. The Planning Commission makes recommendations to the City Council on all public hearing planning matters. The Commission's decisions may be appealed to the City Council.

Subdivisions are reviewed by Planning Staff. Minor subdivisions may be approved by the Planning Director. A minor subdivision is defined as one with less than 4 lots and no new public streets. Major subdivisions require the approval of the Planning Commission. The subdivision committee typically reviews major subdivisions at its committee meeting prior to the "big meeting". The Planning Commission then votes on the recommendation of the subdivision committee. City Council approval of subdivisions is not required.

### **Board of Zoning Adjustment:**

The Board of Zoning Adjustment is defined as the review board to hear Zoning Ordinance variance requests. The BZA does not look at the "big picture" of planning. The BZA focuses on a particular variance request to the zoning ordinance. The requests involve instances where strict enforcement of the ordinance would cause undue hardship due to factors unique to a specific property. Typical reasons for a variance requests include; required right of way issues, topographical elevations, and other natural or man-made features. The BZA may set conditions as it feels necessary as part of a variance. A decision by the BZA may only be appealed in Circuit Court. There is no appeal to the City Council. The BZA may also be called upon to arbitrate a zoning decision made by Planning Staff.

### **Planning Commission/Board of Zoning Adjustment Merger**

Since Conway began actively zoning in 1984, and possibly before, the Planning Commission and Board of Zoning Adjustment were two separate bodies. State law allows the Planning Commission to also serve as the BZA. In November 2011, the City Council approved the merger of the Planning Commission and the Board of Zoning Adjustment. This merger helps serve the citizens of Conway by providing a board that meets on a monthly basis instead of "as needed". It also allows the Planning Commission to apply their planning and zoning knowledge towards zoning variances.