



MINUTES OF CONWAY PLANNING  
COMMISSION  
CITY OF CONWAY, AR  
September 18, 2023

The regular meeting of the Conway Planning Commission was held, in person, Monday, September 18th, at Conway City Hall. The following members, being a quorum, were present and acting: Rebekah Fincher, Laura King, Drew Spurgers, Alexander Baney, Adam Bell, Mark Ferguson, Latisha Sanders-Jones, Jensen Thielke.

Lori Quinn & Ethan Reed were absent.

Minutes from the August 21 meeting were approved 8-0 on a motion made by Alexander Baney and seconded by Latisha Sanders-Jones, with the chairman voting.

### I. SUBDIVISION REVIEW

#### **A. Request for preliminary plat approval for Orchard Hills Subdivision, Phase 5 (SUB-0823-0132)**

Beth Sketoe, Planner, explained the applicant desires preliminary plat approval for a 7-lot subdivision comprised of approximately 21 acres at the western terminus of Orchard Crest Drive. This development represents the fourth phase of the Orchard Hill Subdivision. The subdivision will access via an extension of Orchard Crest Dr, an existing Local Rural Residential street, which will terminate in a cul-de-sac. Staff recommended approval of this preliminary plat, with corrections and conditions of approval indicated in the staff report.

Frank Shaw (1315 Main Street) spoke in favor of this request. Bobby French (1021 Front St) also spoke in favor of this request.

The item was brought back into commission and a motion to approve was made by Alexander Baney and seconded by Jensen Thielke. The motion passed 8-0, with the chairman voting.

### III. PUBLIC HEARINGS

A motion was made to reorder items on the agenda and hear items B (REZ-0823-0130) and C before (Consideration to amend Article 5 of the Conway Zoning Code to add standards for Data Centers).

The motion was made by Adam Bell and seconded by Alexander Baney. The motion passed 8-0, with the chairman voting.

#### **B. Request to Rezone 11.86 ± acres at 5620 and 5625 Spencer Lake Drive (REZ-0823-0130)**

Kris Paxton, Planning Director, explained the applicant is requesting to rezone 11.86 acres from A-1 to R-1. The Comprehensive Plan for this area is Single Family, and the request is consistent with the Comprehensive Plan in this region. The existing PUD was approved in 2005 and has not developed since this time. The PUD states "3.3 duplexes per acre" which indicates 6.6 units per acre would be allowed. However, the PUD caps development at "30 individual residential condominium units" and also permits a clubhouse/pool to be constructed and an off-street guest parking area. The PUD was approved about 18 years ago. An R-1 zoning is more consistent with surrounding zoning and the use pattern in this area. Staff recommended approval of the rezoning, because the proposed zoning is consistent with the present and proposed use of the site and will likely not cause harm to surrounding properties.

Stuart McConnell (5725 Brush Creek Loop), owner, spoke in favor of the rezoning, stating that this will move to one or maybe two single-family homes as opposed to the originally planned condominiums.

The item was brought back into commission for discussion. Drew Spurgers made a motion to approve the request to rezone the property to R-1 based on staff recommendations. Latisha Sanders-Jones seconded the motion. The motion passed 8-0, with the chairman voting.

**C. 5530 - Consideration to Amend the Conway Zoning Code - Data Centers in residential areas and related sections**

Kris Paxton, Planning Director, explained the need for an amendment to the zoning code to comply with Arkansas Act 851, known as the Arkansas Data Centers Act, which provides guidelines and prohibits discrimination against digital asset mining businesses. As current zoning regulations do not define a use in kind to data mining, data centers, crypto mining, or other similar uses, amendments to the zoning code were proposed, clarifying special conditions for data centers in residential areas, conditional use permits, and definitions of terms and uses.

Planning staff is recommending these changes so Conway is prepared and has regulations on the books when need arises.

The proposed changes to the code were brought into commission for discussion. A motion to approve was made by Alexander Baney and seconded by Jensen Thielke. The motion passed 8-0 with the chairman voting.

**A. Request to Rezone 80.0 acres east of Lakeview Drive, including 1 Eagle Wing Drive, from A-1 to R-1 REZ-0823-0129.**

Commissioner Mark Ferguson recused himself from this item. Ryan Roberson, Planner, explained the applicant desires to rezone 80 acres east of Lakeview Drive from A-1 to R-1. The planning staff recommended approval of this request as the proposed zoning is consistent with the present and proposed use of the site and will likely not cause harm to surrounding properties.

Bobby French (1021 Front St) spoke in favor of this item. Elaine Goode (1 Eagle Wing Drive), owner, also spoke in favor of this request.

Floyd Balentine (2920 Lakeview Road) spoke in opposition on behalf of a neighborhood group of citizens. Over 75 were in attendance, and petitions were provided to the commission containing approximately 300 signatures in opposition to the rezoning. Mr. Balentine's concerns focused largely on safety, infrastructure concerns, and quality of life for the residents of Lakeview Acres. Adam Barron (930 Big Sky Trail) spoke in opposition as well, citing largely danger to motorists, cyclists, and pedestrians, as the existing streets are already crowded and could not handle increased traffic. Brook Duszota (54 Blue Bird Lane) also spoke in opposition. She shared a handout listing 2 pages of concerns with commissioners.

Commissioner Adam Bell asked staff and the applicant if there was a consideration of a PUD instead of rezoning. Planning Director Paxton informed commissioners that the item on the table (rezoning) must be heard and a PUD was not considered. Mr. Bell expressed concern and sentiment that the commission would like to see proposals that had already been discussed with the neighborhood (where possible), noting that a PUD would have required public input. Director Paxton also informed commissioners that there was no visible hardship with this property that would precipitate the need for a PUD.

After thorough discussion, a motion was made by Drew Spurgers to accept the staff recommendation approving the rezoning. It was seconded by Alexander Baney. A voice vote was taken, and the motion failed 3-4. Votes in favor were Adam Bell, Alexander Baney, and Latisha Sanders-Jones. Votes in opposition were Drew Spurgers, Laura King, Rebekah Fincher, and Jensen Thielke.

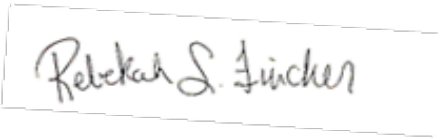
**II. Announcements/Additional Business**

Director Kris Paxton announced that his last day with the City of Conway would be Tuesday, September 19, and that all future inquiries and communication should be directed to planning staff.

**Adjournment**

There being no further business to conduct, Drew Spurgers made a motion to adjourn.

Approved:

A handwritten signature in cursive script, reading "Rebekah S. Fincher", enclosed within a thin black rectangular border.

*2023 Chairman, Rebekah Fincher*