



April 15, 2024

The regular meeting of the Conway Board of Zoning Adjustment was held, in person, Monday, May 20<sup>th</sup> at the Conway City Hall. The following members, being a quorum, were present and acting: Lori Quinn, Mark Ferguson, Jensen Thielke, Drew Spurgers, Brooks Davis, Teneicia Roundtree, Ethan Reed, and Rebekah Fincher. Alexander Baney and Jay Winbourne were absent.

**I. Variance Review**

**A. Request for a variance to allow 798sf accessory structure at 3865 Prince St (VAR-0424-0051)**

Lauren Hoffman, Planner, explained the applicant is proposing to construct a 798-sf accessory structure for the storage of dry goods to accompany the existing retail stores on the property that is currently zoned C-3. This request would necessitate the granting of a variance to accommodate the larger commercial accessory structure by allowing the increase of allowed accessory area by 638-sf.

Roger Kubli (13 Woodroof Lane, Conway, AR) spoke in favor of the variance.

There was no opposition to the request.

The public hearing was closed and presented to the Board of Zoning Adjustment for discussion to which they concluded to approve the variance request with the following conditions:

1. The applicant shall be required to plat the property prior to the issuance of building permits.
2. The accessory structure shall be constructed as proposed on the submitted elevations and be of similar/complementary exterior finishes to the primary structure on site.
3. Any existing landscaping approved through site development review of Estella Market that is displaced for the accessory structure construction, must be replaced along the western and southern property lines surrounding the structure.

A motion to approve was made by Drew Spurgers and seconded by Lori Quinn passed 8-0, with the chairman voting.

The meeting of the Conway Board of Zoning Adjustment was adjourned.

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Minutes from the April 15<sup>th</sup> meeting were approved on a motion made by Drew Spurgers and seconded by Lori Quinn. Passed 8-0, with the chairman voting.

## **I. Public Hearings**

### **A. Request to rezone property at 2510 Tyler St from R-1 to PUD (PUD-0424-0053)**

Public notice was given that this item would be moved to the June 17<sup>th</sup> meeting. The public hearing will be held at that meeting.

### **B. Request for conditional use permit to allow the use of Home Occupation in R-1 zoning district for the property located at 2210 Nature Trl (CUP-0424-0050)**

Lauren Hoffman, Planner, explained the applicant is requesting a conditional use permit to operate a home occupation in R-1 zoning. The applicant intends to provide esthetician services under the approval of a Home Occupation within the garage of the residence. These services would include facials, superficial chemical peels, body treatments, waxing or sugaring, and makeup application. The requested use would adhere to the Zoning Code definition of a beauty shop, "A facility licensed by the state where hair cutting, hair dressing, shaving, trimming beards, facials, manicures or related services are performed." The Comprehensive Plan indicates this property as Single-Family. The primary use of the property is still single-family residential while also allowing the resident to operate a quiet skin care practice from her garage. As conditioned, the conditional use permit would not likely negatively impact adjacent properties.

Remi Hodgest (2210 Nature Trail, Conway, AR) spoke in favor of the conditional use permit.

There was no opposition to the request.

The public hearing was closed and presented to the Commission for discussion to which they concluded to approve the conditional use permit with the following conditions:

1. Operating hours are limited to 10:00am—5:00pm, Tuesday through Saturday.
2. Treatments are limited to facials, superficial chemical peels, body treatments, waxing or sugaring, and makeup application.
3. The residence shall not require external alterations or involve construction features or the use of mechanical equipment not customary in dwellings.
4. The home occupation shall not occupy more than twenty- five percent (25%) of the gross floor area of one floor of said dwelling.
5. There shall not be displayed or created outside the building or displayed by means of windows or openings in the structure any external evidence of the operation of the occupation, except for one inanimate, non-illuminated accessory identification sign not more than two (2) square feet in area may be placed flat against a wall or door or displayed in a window. All signage shall be permitted and installed in accordance with the Conway Sign Code.

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6. No person is employed other than a member of the immediate family resident on the premises.
7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the property line.
8. Client parking shall be limited to the driveway and curb in front of the property.
9. No zoning variance, which could result from the commencement of the conditional use, may be considered.
10. Any changes to or expansion of the approved use shall require an amended or new conditional use permit.
11. The conditional use approval shall become null and void if the use is not commenced within 18 months from the date of approval of this permit.
12. The conditional use permit shall expire if the use ceases for a consecutive period of greater than 18 months.

A motion to approve was made by Drew Spurgers and seconded by Ethan Reed passed 8-0, with the chairman voting.

**C. Request to modify conditional use permit to allow Retail – Gener use for the property located at 2555 Prince St (CUP-0424-0054)**

Ryan Robeson, Assistant Director, explained that the applicant is seeking a conditional use permit to allow Retail-General in the O-1 zoning district at 2555 Prince Street. The comprehensive plan lists the property as single family; however, this corridor has trended away from that and to commercial development. Given current development trends in this corridor, this type of use appears reasonable. Cross access will be required to the property to the east. Attention to the adjacent trail will be required during site development review.

Jared Coleman (1400 W. Markham St. Suite 204, Little Rock, AR) spoke in favor of the conditional use permit. Mr. Coleman requested the expiration of the conditional use permit if the use were to cease to be extended from 18 months to 24 months or be removed as a condition.

Tony Pavan (30 Wedgewood Dr, Greenbrier, AR), Matt Troup (2590 Adamsbrooke, Conway, AR), Emily Shumate (910 Palladian Point), and Johnny Adams (865 Heritage Point) spoke in opposition to this request.

The public hearing was closed and presented to the Commission for discussion to which they concluded to approve the conditional use permit with the following conditions:

1. Only Retail-General shall be allowed.
2. The development shall be built in a manner consistent with the submitted site plan.
3. One driveway curb cut shall be allowed off of Prince Street. Driveway curb cut shall be executed as shown on the submitted site plan.
4. A 30' undisturbed green space buffer (no parking structures) shall be required along the southern property line and shall be maintained by the property owner. 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 Planning & Development Director may require

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additional screening (8-ft wood privacy fence and evergreen vegetation) along adjacent residential areas to reduce the impact of the proposed use.

5. A 20' vegetative buffer from the floodway of Tucker Creek shall be provided with no parking, structures, or drives. The buffer shall be shown on the landscape plan with species specified to ensure they are appropriate for the flood plain/riparian area. The existing trail shall remain as constructed.
6. Any changes to or expansion of the approved use shall require an amended or new conditional use permit.
7. 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.
8. 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.
9. 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.
10. The property shall be platted in accordance with the Subdivision Regulations.
11. No zoning variance, which could result from the commencement of the conditional use, may be considered.
12. The conditional use permit shall expire if the use ceases for a consecutive period of greater than twenty-four (24) months.
13. Any new signage shall be permitted and installed in accordance with the Conway Zoning Code.
14. With the approval of this Conditional Use request, conditional use permit (No. 1277REV) shall be revoked for 2555 Prince Street and replaced by this new permit.
15. An 8' wooden privacy fence along adjacent residential areas is required.

A motion to approve was made by Ethan Reed and seconded by Lori Quinn passed 8-0, with the chairman voting.

**D. Request to modify conditional use permit to allow the use of Mobile Food Vendor in I-3 zoning district for the property located at 3250 JW & Pat Brown Blvd (CUP-0424-0055)**

Ryan Robeson, Assistant Director, explained the applicant is requesting a conditional use permit to allow mobile food vendor in the I-3 zoning district at 3250 JW & Pat Brown Blvd. Mr. Robeson explained this is the Conway Regional Airport and the applicant intends to allow one permanent mobile food vendor at this site. There will be the capacity for additional trucks to be added to the site for special events. All special event permits are required to be issued through the Mayor's office. The Comprehensive Plan designates this area as Light Industry. Given the lack of amenities at and around this site, this type of use would be beneficial for this area. This conditional use would not likely result in harm to the adjacent properties.

Jacob Briley (3250 JW and Pat Brown Boulevard, Conway, AR), Conway Regional Airport Director spoke in favor of the rezone.

There was no opposition to the request.

The public hearing was closed and presented to the Commission for discussion to which they concluded to approve the conditional use permit request with the following conditions:

1. Airport operations are allowed under the Conditional Use permit and must meet Conway Zoning Code.

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2. One permanent mobile food vendor is allowed at this site. Temporary vendors may be allowed for special events.
3. Bathrooms to be provided by the airport as outlined in the operational plan.
4. Any site improvements shall be subject to development standards as outlined in Article 518 of the Conway Zoning Code, unless otherwise noted in permit conditions.
5. Parking area must be striped and ADA requirements for parking must be met.
6. All signage shall be permitted and installed in accordance with the Conway Zoning Code (Sign Ordinance).
7. The mobile food vendor portion of the conditional use permit shall automatically expire if the approved use ceases for more than 18 consecutive months.

A motion to approve was made by Drew Spurgers and seconded by Jensen Thielke passed 8-0, with the chairman voting.

**E. Request to allow extension of conditional use permit to allow higher density on R-2A lot for the property located at 2345 Matthews Meadows Ln (CUP-0424-0059)**

Lauren Hoffman, Planner, explained the applicant is requesting to extend an expired conditional use permit to allow up to 12 dwelling units per acre, single lot. The applicant is currently in site development review and subdivision review of the property and is requesting an additional 18-month extension on the Conditional Use Permit.

Megan Weckworth (240 Skyline Dr, Conway, AR) spoke in favor of the rezone.

There was no opposition to the request.

The public hearing was closed and presented to the Commission for discussion to which they concluded to approve the conditional use permit with the following conditions:

1. The development is limited to a maximum of 8 total dwelling units in the form of 4 two-family dwellings.
2. Access shall be limited to Matthews Meadows Ln.
3. The fronts of all units shall be oriented to Lower Ridge Rd.
4. For units nearest Lower Ridge Rd garages, if included, shall be located at the rear of structures; for all other units, garages, if included, shall not extend beyond the front plane of the structure more than 7'.
5. No parking shall be visible from public right of way.
6. Building primary exteriors shall be composed of brick, rock, or a cement fiber board product such as Hardie® siding.
7. Vinyl siding as a primary cladding material shall be prohibited; vinyl siding/shingles may only be used on gables and dormers.
8. A roof pitch of 8/12 or greater is required except for porches.
9. No accessory structures shall be permitted.
10. The development shall be subject to site development review in accordance with Article 10 of the Zoning Code.
11. The property shall be platted in accordance with the Subdivision Ordinance and shall include a 10' planting easement along the Lower Ridge Rd frontage.

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12. Enhanced landscaping shall be provided along west and south property lines at the ratio of 1 canopy tree every 20' (or understory tree every 10') and additional shrubs, installed in the form of a hedgerow, shall be required to screen parking, mechanical equipment, and/or dumpster/trash enclosure.
13. The conditional use approval shall become null and void if construction for the use is not commenced within 18 months from the date of approval of this permit.
14. Conditional Use Permit CUP-0922-0337 will be replaced with this new permit.

A motion to approve was made by Lori Quinn and seconded by Drew Spurgers passed 8-0, with the chairman voting.

### **III. ANNOUNCEMENTS/ADDITIONAL BUSINESS**

#### **A. Next Meeting**

The next Planning Commission meeting will be at 5:30 PM on June 17<sup>th</sup> at Conway City Hall.

#### **ITEMS NOT REQUIRING PLANNING COMMISSION ACTION**

##### **A. Development Review Approvals**

1. University Lofts post approval review, 2600 College Ave (SDR-0324-0056)
2. Harps, 3200 Dave Ward Dr (SDR-0223-0032)

##### **B. Plats Filed for Record (Lot Splits, Lot Mergers, and Final Plats)**

1. Replat of Lob 8 Deerbrook Subdivision (P2024-00020)
2. Westin Estates PUD Lot-12 Replat (P2024-00026)

#### **Adjournment**

There being no further business to conduct, the meeting was adjourned.

Approved:



2024 Chairman, Rebekah Fincher