



CITY OF CONWAY, ARKANSAS PLANNING COMMISSION

April 17, 2023 • 6:30pm • 1111 Main Street

Planning Commission meeting procedures (per by-laws adopted July 19, 1993; amended September 20, 2021)

**Subdivision Review items are included for consideration as administrative reviews to determine compliance with the Conway Subdivision Ordinance, Zoning Code, and applicable plans. Such items are not conducted as public hearings.*

***Order and conduct for public hearings: Following the announcement of the item by the Chair, Planning Staff will present the report findings. Following Staff presentation the Applicant is granted up to 10 minutes for additional presentation with subsequent favorable public comments limited to 3 minutes per person. If opposed parties are present the initial speaker is then granted up to 10 minutes with each subsequent public comment limited to 3 minutes per person. No person shall address the Planning Commission without first being recognized by the Chair and stating his/her name and address for the public record. All questions/remarks shall be made from the podium and addressed through the Chair to the Commission as a whole. Any group with common interest shall select a speaker to address the Commission on behalf of the group; repetitive comments will be limited.*



City of Conway PLANNING COMMISSION

April 17, 2023

PLANNING COMMISSION

Rebekah Fincher, Chair
Laura King, Vice-Chair
Drew Spurgers, Secretary
Alexander Baney
Adam Bell
Mark Ferguson
Latisha Sanders-Jones
Lori Quinn
Ethan Reed
Jensen Thielke

The Conway Planning Commission makes recommendations to the City Council on public hearing items. Items reviewed on this agenda will be considered by the City Council as early as **April 25, 2023**.

Items not approved by the Planning Commission may be appealed to the City Council within 30 days of the date of Planning Commission denial.

Call to Order and Roll Call.

Finding of a Quorum.

Approval of Minutes. March 13, 2023

I. Subdivision Review*

A. Request for preliminary plat approval of Birds Nest Commercial Subdivision Phase 2 (SUB-0323-0045)

II. Appeal Review

A. Review of Appeal: Sign Variance Denial - Over-height sign at 1505 E Oak St (VAR-0323-0039)

III. Public Hearings**

A. Request to rezone 14.27 acres ± east of Fawn Trail, north of Bell Valley Ph 4, from R-1 to PUD (PUD- 0223-0031)

B. Request for conditional use permit to allow Duplex in a C-2 zoning district for property located at 1715 Bowie St (CUP-0323-0046)

IV. Announcements/Additional Business

A. Items as decided by the Commission

Adjourn.

Request for Preliminary Plat Approval: Birds Nest Commercial Subdivision Phase 2

I.A

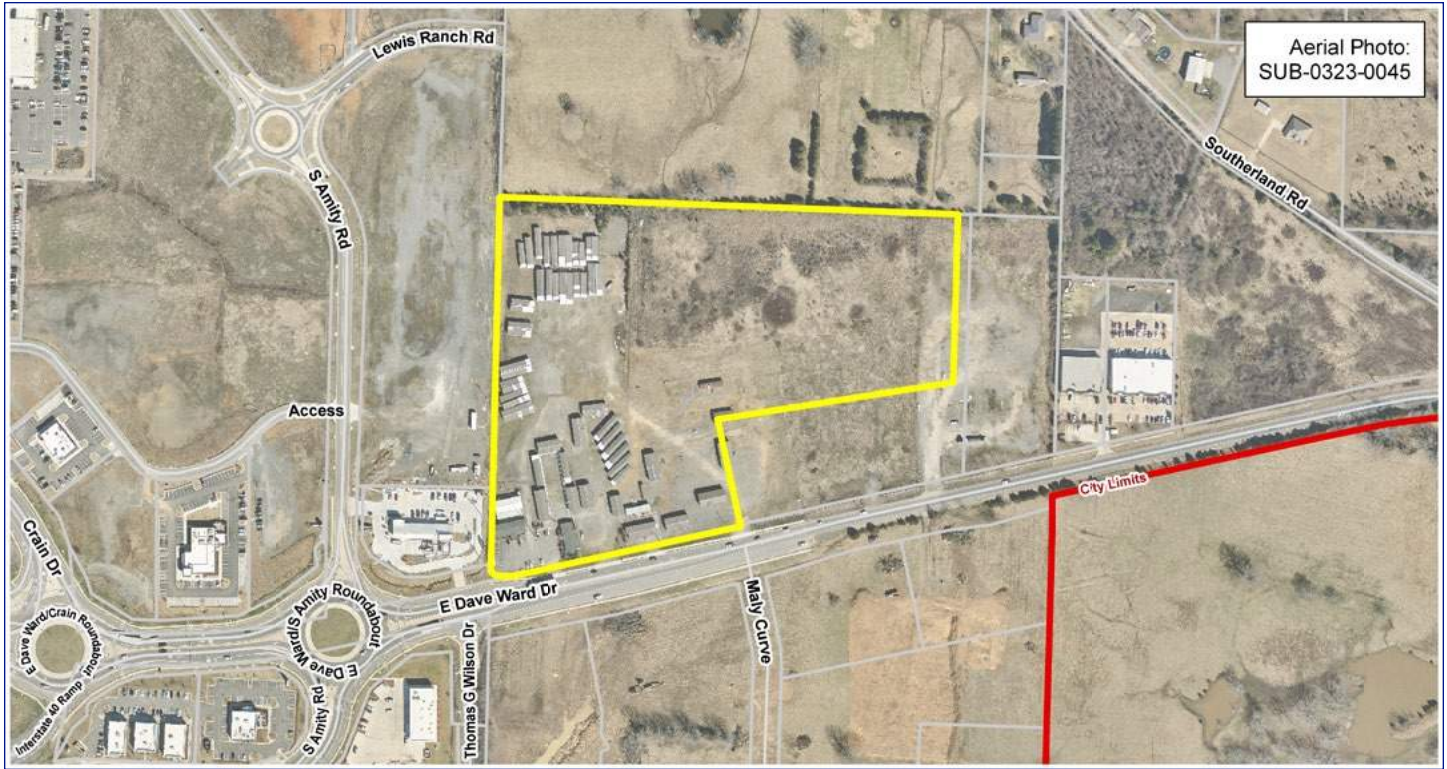
17.66 ± acres north of Dave Ward Dr, west of Birds Nest Phase 1/Veterans Drive

APPLICANT/AUTHORIZED AGENT

Central Arkansas Professional Surveying
1021 Front St
Conway, AR 72032

OWNER

Grant and Elaine Goode
PO Box 1390
Conway, AR 72033



SITE DATA

Location. Northeast of the intersection of Thomas G Wilson Dr and Dave Ward Dr.

Site Area. 17.66 acres ±.

Current Zoning. C-3 (Highway Service & Open Display District)

Comprehensive Plan. Commercial/General Industry.

Master Street Plan. Dave Ward Dr (Major Arterial 100' ROW+), Future N-S Street (Collector 60' ROW).

Existing Structures. Multiple manufactured homes and supporting office for sales.

Overlay. None.

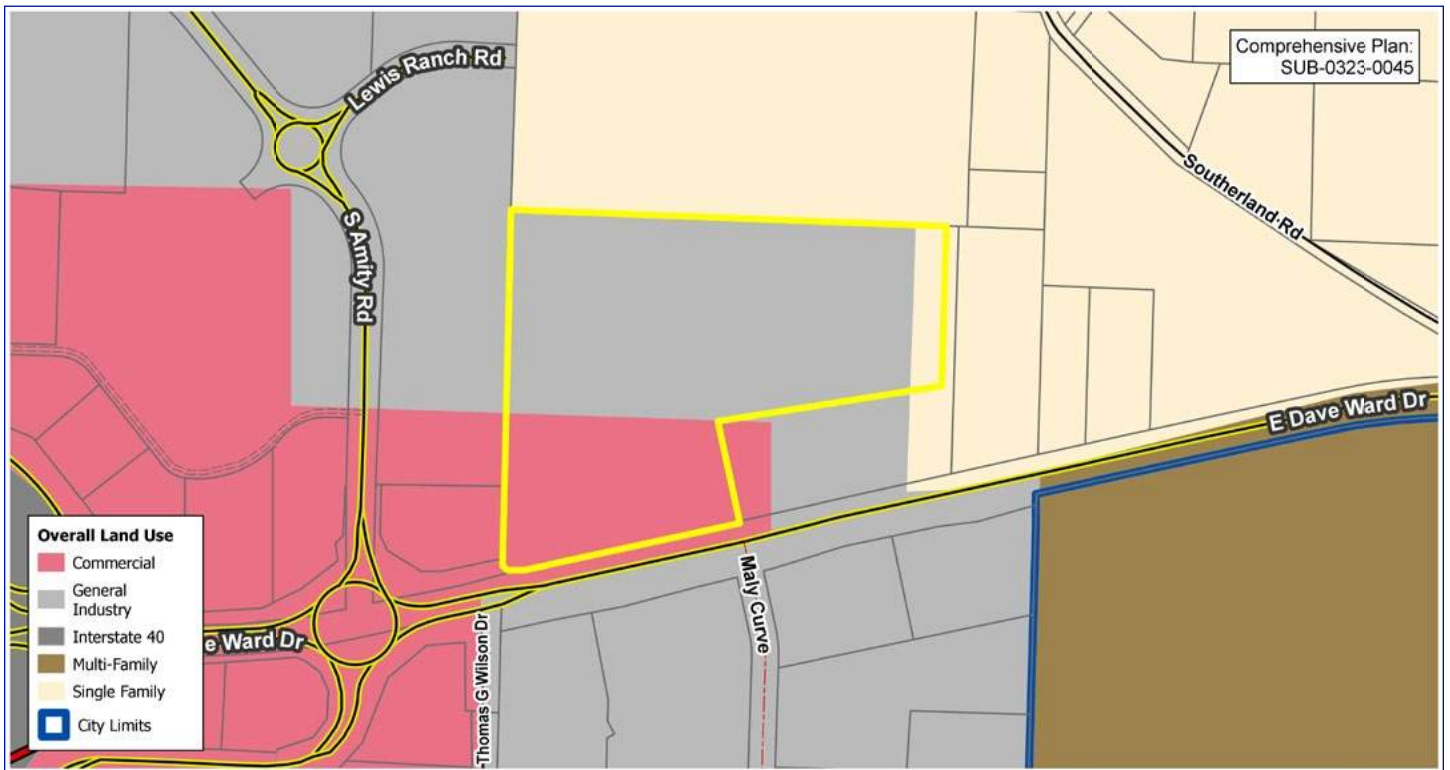
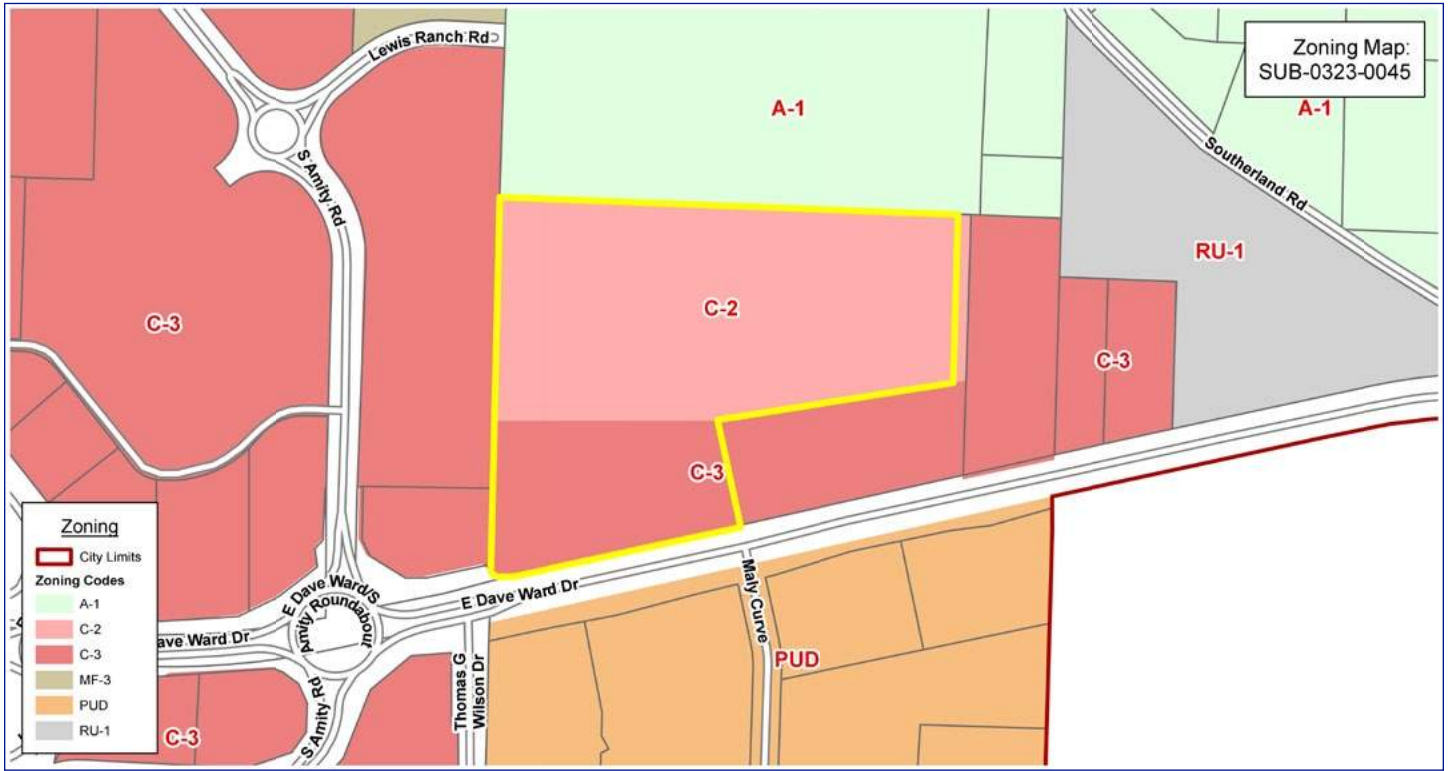
REQUEST

The applicant is requesting preliminary approval of a 4-lot subdivision located at the northeast corner of the Thomas G Wilson Dr and Dave Ward Dr intersection. The development represents the second phase of development at the site. The proposed buildable lots range from 1.47 acres to 13.07 acres. The subdivision will access via a proposed north-south street and a series of private streets, which will provide cross access. The north-south street is indicated on the Master Street Plan and will connect to Lot 10 providing street frontage. The proposed street will require a 8-foot sidewalks.

Request for Preliminary Plat Approval: Birds Nest Commercial Subdivision Phase 2

I.A

17.66 ± acres north of Dave Ward Dr, west of Birds Nest Phase 1/Veterans Drive



STAFF COMMENTS

- Given the zoning of the site, it is anticipated the subdivision will be used for commercial, retail, restaurant, office and/or multifamily uses.
- Construction of Veterans Dr shall occur prior to filing of the final plat; construction of the private streets may be deferred and tied to the development of future lots.
- It is anticipated that the portion of the Dave Ward Dr fronting Lots 7-9 of the development will be widened in the next 10 years.
- Construction of sidewalks shall occur with site development of each lot in accordance with §1007.13 of the Zoning Code and the Subdivision Ordinance.
- The development is consistent with the Comprehensive Plan, including the following goals:
 - “Develop high standards for urban development to ensure lasting quality in the development of business, commercial, and industrial establishments.”
 - “Provide a logical pattern of land uses throughout the community incorporating an efficient relationship between transportation, public services, residential, commercial, industrial, and business areas.”
 - “Provide a logical pattern of land uses throughout the community incorporating an efficient relationship between transportation, public services, residential, commercial, industrial, and business areas.”

STAFF RECOMMENDATIONS

Planning Staff recommends approval of the preliminary plat contingent upon the completion of the amended punch list and associated conditions of approval.

CORRECTIONS NEEDED ON THE PLAT

1. Indicate proposed/existing locations of CAGIS monuments.
2. Provide all easements as indicated by the City Engineer, Planning Director, and Conway Corporation.
3. Other corrections as required by the City Engineer, Planning Director, Fire Marshal, and Conway Corporation on the Preliminary Plat/Street and Drainage Plans.

CONDITIONS

1. A planting easement along Dave Ward Dr will be provided to restrict direct access to Dave Ward Dr for lots 7-9. Lots 7-9 shall only take access from the proposed private streets.
2. Private streets for lots 7-9 shall be constructed concurrently with the development of each lot. No certificate of occupancy may be obtained for any lot unless all portions of the proposed private street fronting the lot have been constructed.
3. The proposed Veterans Dr shall be constructed to provide required street frontage for Lot 10. Lot 10 is considered unbuildable until this street is complete.
4. Wheelchair ramps shall be provided by the developer in accordance with the City of Conway's Standard Details.
5. The Street and Drainage Plans/Drainage Report shall be modified to meet the requirements necessary for approval by the City Engineer.
6. A draft Bill of Assurance/Covenants and Restrictions proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the submitted plat.
7. Fire hydrants must be placed so that the furthest point of a lot in a commercial subdivision is not more than 400 feet from the hydrant located on the same street. Variances must be approved by the Planning Commission and Fire Chief.
8. All other applicable provisions of the City of Conway Subdivision Ordinance (O-00-03) shall be satisfied and accounted for prior to Preliminary Plat approval.
9. Receipt of an approved copy of the Preliminary Plat along with approved Street and Drainage Plans shall constitute authorization of the Planning Commission for the developer to proceed with the preparation of the Final Plat.
10. Any of the above conditions not met, as determined by the concurrence of the Planning Director and City Engineer, shall require re-review and approval by the Planning Commission.
11. Sidewalks along Dave Ward Dr and Veterans Dr shall be constructed at the time of building construction.

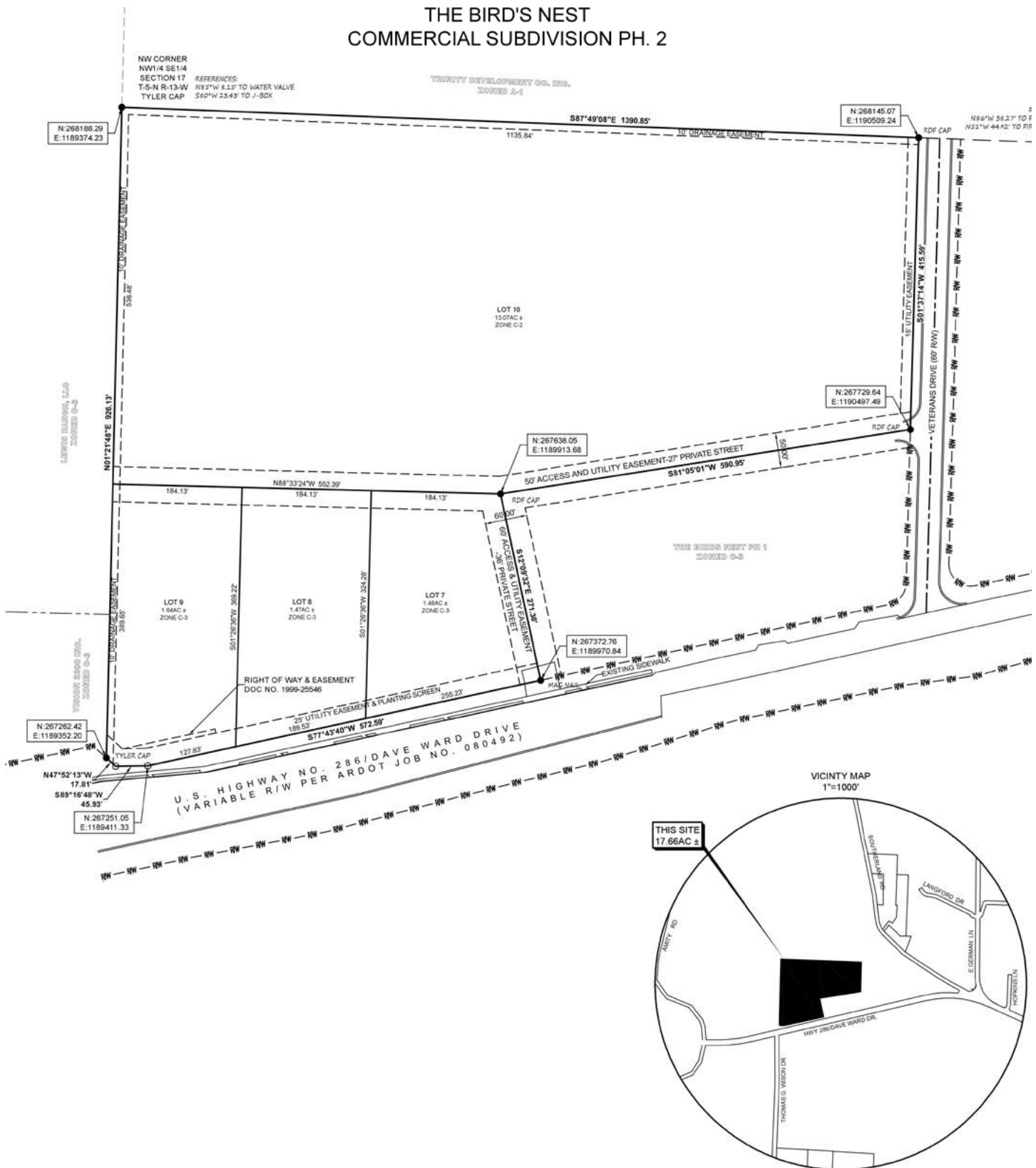
SAMPLE MOTION

I move to accept the staff recommendation of approval with the corrections and conditions of approval indicated in the staff report.

Request for Preliminary Plat Approval: Birds Nest Commercial Subdivision Phase 2

I.A

17.66 ± acres north of Dave Ward Dr, west of Birds Nest Phase 1/Veterans Drive



Request for Preliminary Plat Approval: Birds Nest Commercial Subdivision Phase 2

I.A

17.66 ± acres north of Dave Ward Dr, west of Birds Nest Phase 1/Veterans Drive



View of subject property from Dave Ward Dr looking NW



View of subject property from Dave Ward Dr looking NE



Property adjacent to the S, across Dave Ward Dr



Property adjacent to the S, across Dave Ward Dr



Property adjacent to the W

Appeal: Denial of Sign Variance - Over-height Sign

1505 E Oak Street

APPLICANT/AUTHORIZED AGENT

Lora Rand
Arkansas Sign & Neon
8525 Distribution Drive
Little Rock, AR 72209

OWNER

Linn Commercial Limited Partnership
1525 East Oak St
Conway, AR 72032



SITE DATA

Location. 1505 E Oak St.

Site Area. 1.28 acres ±.

Current Zoning. C-3 (Highway Service and Open Display Commercial).

Existing Structures. None.

Overlay/Subarea Plan. Oak Street Ahead.

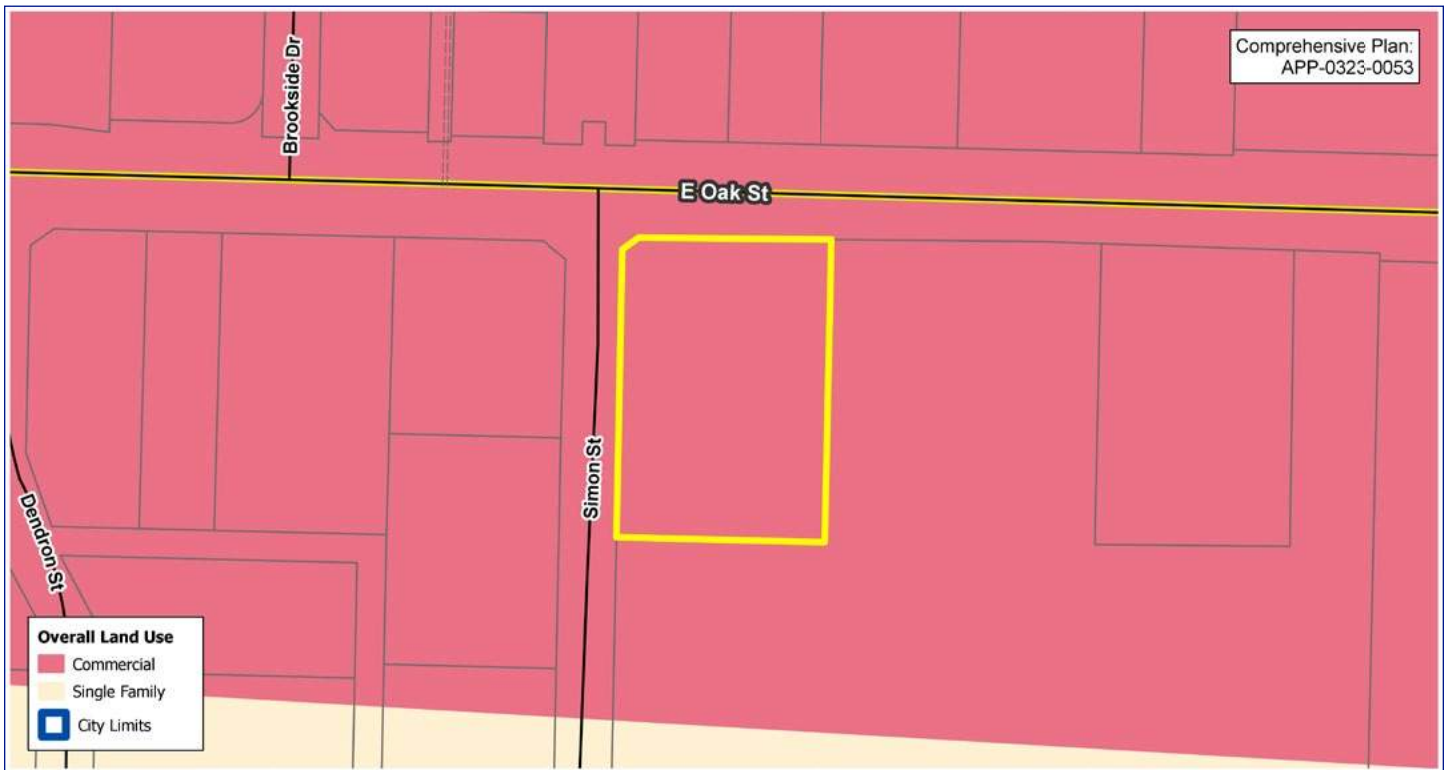
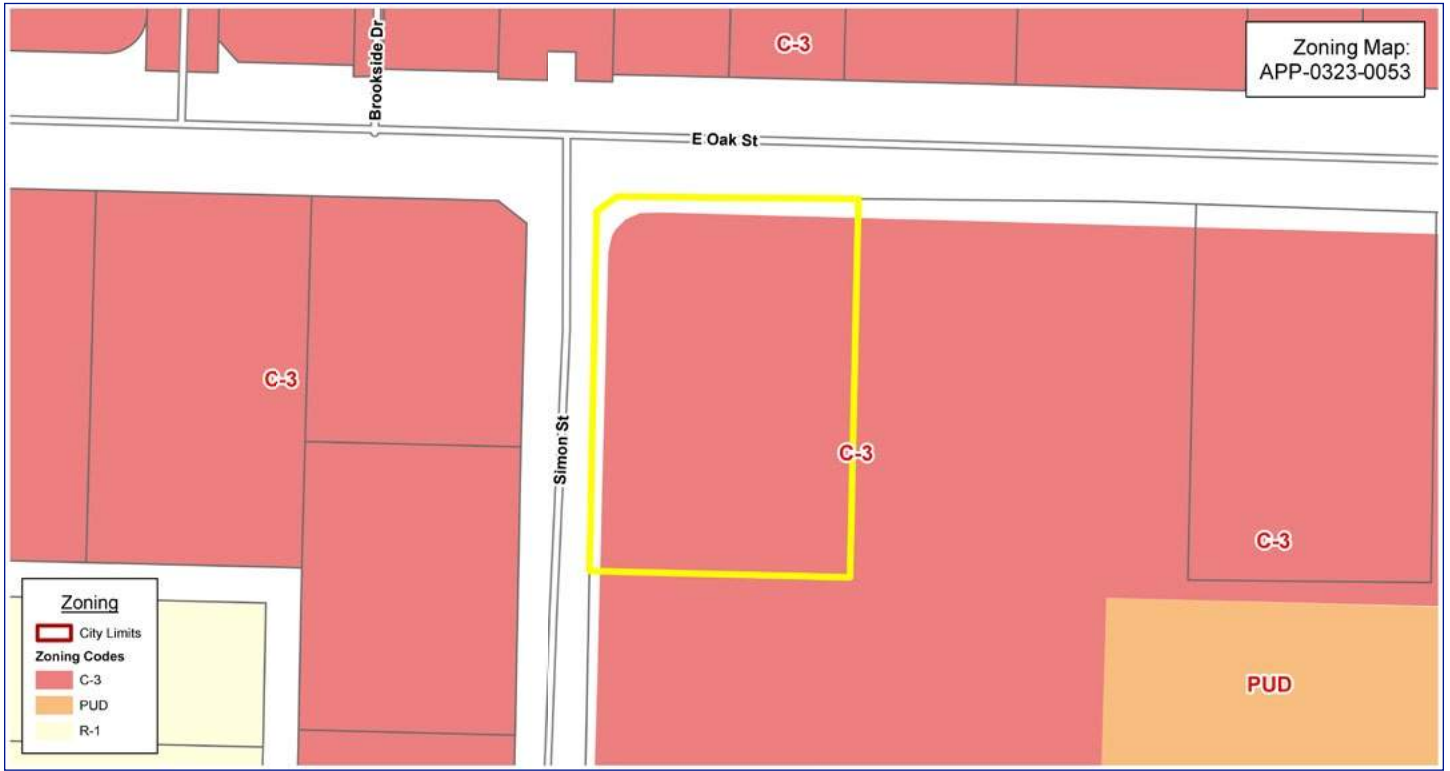
Signage Allowance. Properties zoned C-3 and ≤ 5 acres are allowed:

- one monument or two-pole sign per street frontage
- sign height ≤ 8 feet
- sign area up ≤ 64 square feet

Sign Variance. The Zoning Code allows for sign variance requests related to any sign requirement established by the ordinance excluding sign area and electronic messaging. The variance request shall demonstrate that special conditions or circumstances exist that are not applicable to other lands, structures, or buildings such that a literal interpretation of the ordinance would result in an undue hardship (Zoning Code §1208.7).

Appeal: Denial of Sign Variance - Over-height Sign

1505 E Oak Street



1505 E Oak Street

REQUEST

The applicant is appealing the Director of Planning's denial of a requested sign variance to allow a sign height of 20'.

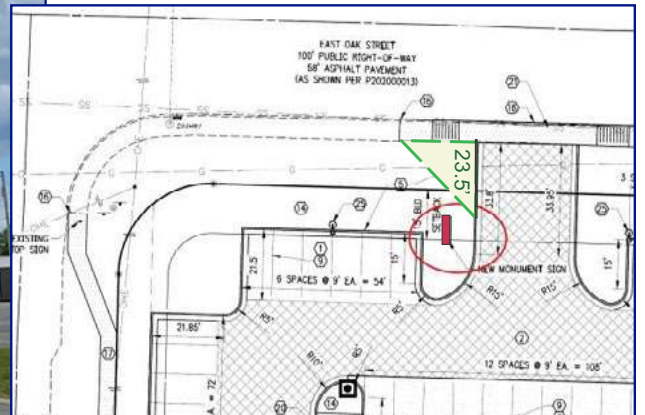
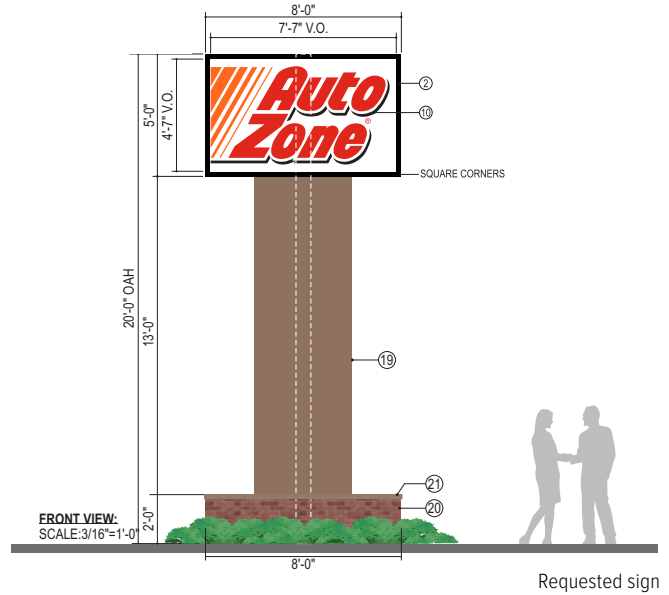
STAFF COMMENTS

After a review of the request the Director made the following considerations:

1. The applicant stated in their hardship that an existing off-premise directional sign on the corner of E Oak St and Simon St would block the visibility of AutoZone's sign from traffic heading east along E Oak St.

a. The Director visited the site and planned location of the sign, and it does not appear that the sign at the corner of E Oak St and Simon St would interfere with the visibility of the sign heading east on Oak St. The exhibit provided shows the approximate location of the proposed sign and the sign at the corner of Oak & Simon. In the future, it is expected that the non-conforming sign at Oak and Simon Streets will be removed with future redevelopment or new development.

D/F INTERNALLY ILLUMINATED MONUMENT



2. The Director reviewed considerations as to the applicant's discussion regarding other businesses within the area of the proposed AutoZone location having existing taller freestanding signs in which the applicant believes that by requesting a taller sign this would not take away from other area businesses.

a. The City Council, at the unanimous request of the Planning Commission, has recently adopted new considerations for the Oak Street Corridor with the Oak Street Ahead corridor plan. This frontage is within Oak Street District 3 Conceptual Area. Oak Street Ahead promotes considerations for sign regulations applying to all new development or redevelopment along this corridor. While staff is aware of non-conforming issues related to signage within this area, staff interprets the recently adopted considerations as a desire by the Council and Commission to reduce non-conforming issues along this corridor and considers signs to be an issue along Oak St which need more in-depth review and consideration.



City of Conway
Planning & Development
1111 Main Street
Conway, AR 72032

RE: Letter of Appeal to the Variance record (VAR-0323-0039)
1505 E OAK ST

Dear Planning Commission:

We are requesting an appeal from the decision of the Director of Planning & Development who denied the variance request on variance record VAR-0323-0039 requesting a larger freestanding sign for AutoZone

Per the email from Kris Paxton, Director of Planning & Development of the City of Conway on 3/23/23 to Lora Rand at Arkansas Sign, the variance request for a larger freestanding sign for AutoZone at was denied.

Per the email from the Director: The off-premise directional sign on the corner of Oak & Simon does not appear to interfere with the line of site from the travel lanes along Oak Street. There are known non-conforming signs along Oak Street that will be addressed during future redevelopment of those businesses along the Oak Street Corridor. The City of Conway policy along this corridor is in the process of being revised, and this variance request does not align with the intent of those policy considerations.

There are many existing freestanding signs along Oak Street that are not within the interstate signage allowance zone so by requesting a larger freestanding sign it is not out of place as to what is already existing in the area. We do not know when future redevelopment in the area will take place or if existing businesses that already have freestanding signs will be part of that redevelopment. There is an off-premise directional sign right on the corner of the property which will stand out more than an on premise ground sign for the actual business that will be on the property.

b. While Oak Street Ahead supports an Auto Parts District use at the corner of Simon St and Oak St, the Simon St intersection is envisioned as a future gateway into the district, implying beautification along this area in the future with redevelopment. The Oak Street Ahead project also supported this consideration in the City Quality section, in which Oak Street east of I-40 is encouraged to become a Green Corridor, walkable with less oversized parking and more greenery. Exceeding sign requirements may be counterproductive to this setting and maintains non-conforming standards along the corridor during redevelopment and new development.

c. In addition, the Planning Commission Bylaws state, "Precedents - Each item docketed shall be decided upon its own merit and circumstances attendant thereto. No action shall be considered a precedent for future action."



Oak Street, East of I-40

Appeal: Denial of Sign Variance - Over-height Sign

1505 E Oak Street

II.A



View from subject property looking E along E Oak St



View from subject property looking W along E Oak St



View of subject property looking E across Simon St intersection

Request to Rezone: R-1 to PUD

14.27 ± acres east of S German Lane, opposite from Fawn Trail

APPLICANT/AUTHORIZED AGENT

The Tyler Group
240 Skyline Dr, Ste 3000
Conway, AR 72032

OWNER

Frank Shaw Properties, LLC
1315 Main St
Conway, AR 72034



SITE DATA

Location. Approximately 250' feet south of the intersection of Favre Ln and S German Ln; opposition Fawn Trl, north of Cowbell St.

Site Area. 14.27 acres ±.

Current Zoning. R-1 (One-family residential).

Adjacent Zoning. A-1 (Agricultural) and R-1.

Requested Rezoning. PUD (Planned Unit Development).

Existing Structures. None.

Overlay. None.

Comprehensive Plan. Single family.

Projected Traffic Impact. With a rezoning to PUD and developed at the proposed density (82 units), the development would generate an estimated 793 vehicle trips per typical weekday. The projected traffic impact for development at typical R-1 density would generate an estimated 647 vehicle trips per typical weekday.

Current Traffic Counts. 5,500 ADT - S German Ln (approximately 0.4 mile north of intersection at Favre Ln).

Request to Rezone: R-1 to PUD

14.27 ± acres east of S German Lane, opposite from Fawn Trail



14.27 ± acres east of S German Lane, opposite from Fawn Trail

Flood/Drainage. A portion of the northeast corner of the property lies in the FEMA Flood Hazard Zone AE (100 yr flood plain).

Utilities. Extension of utilities shall be coordinated with Conway Corporation.

Master Street Plan. S German Ln/Bill Bell Ln - Minor Arterial (80' ROW); proposed 2 internal streets, including the extension of Carillon Ln, - Local Residential (50' ROW).

Street Improvement. No improvements planned at this time exclusive of the construction of the new internal streets.

STAFF COMMENTS

- The applicant is requesting to rezone 14.27 acres ± from R-1 to PUD to achieve a slightly higher density than allowed by R-1 zoning standards.
- *The Planned Unit Development District is intended to accommodate developments that might otherwise be impractical or impossible to implement through traditional zoning...a PUD district offers the developer an opportunity to create a unique project that also provides and appropriate level of compatibility with surrounding development (Zoning Code §311.1)*
- This acreage represents the fifth and final phase of the Bell Valley Subdivision development.
- The Planning Commission reviewed this phase and granted preliminary plat approval at the October 17, 2022 meeting; if this request is approved, new preliminary plat approval will be required.
- The proposed, now 82-lot, development represents a 22% increase in density from the original proposed 67-lot single-family development; projected traffic impact is comparable at an estimated 22% increase.
- Though the proposed development is slightly more dense than typical single-family, the allowed uses would still be limited to single-family residential; duplexes are not proposed.
- A public information meeting was held on March 30th, 2023; no members of the public attended and no public comment was received.

STAFF RECOMMENDATION

Staff recommends **CONSIDER:**

1) approval of this request to rezone the property to Planned Unit Development with the recommended PUD Final Development Plan conditions on the basis that the proposal provides an appropriate level of compatibility with surround development,

OR

2) denial of the request to rezone the property to Planned Unit Development on the basis that development of the property is possible through traditional zoning.

Recommended PUD Development Plan conditions:

1. The development shall be constructed in a manner consistent with the proposed preliminary plat [Exhibit A] with regard to the general location and configuration of lots and streets.
2. Approved uses are limited to single-family residential with a maximum of 82 detached dwelling units.
3. All development shall be governed by the standards of the R-1 zoning district unless specified otherwise in this PUD Development Plan.
4. All signage shall be governed by the standards of the R-1 zoning district and shall comply with §1205.1 of the Zoning Code which governs signage in residential zones; no signage is proposed as part of this request.
5. Minimum lot width* shall be at least 50';
 - *Lots fronting on curving street frontages shall have at least 35' of street frontage with the 2 side lot lines intersecting the street diverging until they are separated by at least 50' at the building line;
 - *Corner lots shall have at least 75' of street frontage.
6. Except as noted, setbacks for principal structure shall be 25' front, exterior side[†], and rear; 5' interior side. [†]Exterior side setback for Lots 55, 68, 69, 82, and 21 shall be 15'.
7. No lots shall take access from S German Ln.
8. The use of vinyl siding is limited to the sides and rear of structures; façades visible from the public realm, including exterior sides on corner lots, shall be fully masonry comprised of brick, stone, or cement fiber siding or a combination thereof. If cement fiber siding is to be used as a masonry material it may comprise no more than 50% of any façade visible from the public realm.

14.27 ± acres east of S German Lane, opposite from Fawn Trail

9. Developer shall install sidewalks along S German Ln frontage of Lots 54 and 155 and along all frontage of all lots indicated as unbuildable or to be permanently vacant.
10. PUD Development Plan to be signed by the Developer and Builder at the time of preliminary plat approval and issuance of authorization to proceed.



240 Skyline Drive, Suite 3000 · Conway, Arkansas 72032
(501) 329-1400 office · (501) 327-3972 Fax

Kris Paxton, Director
Planning & Development Department
City of Conway
1111 Main Street #206
Conway, AR 72032

March 31, 2023
Re: Bell Valley Phase 5 PUD

Kris,

We are requesting a zoning change on the 14.27 acre unplatted property off South German Lane. The zoning change will be from R-1 to PUD.

This piece of property is part of the overall Bell Valley development which has been split into 4 other phases included a PUD at the corner of South German Lane and Bill Bell Lane. Phase 5 is to be the last phase of the development and the PUD will be a single phase. The purpose and intent of this PUD is to help aid the developer in creating a variety of housing options and different price points for the overall development.

All building requirements (height and size) are to remain the typical R-1 zoning regulations. Minimum lot width at the street will be 50 feet except along curvatures where the minimum width will be at the building setback. Building setback requirements shall be 25 feet for front setback except as noted on the plat along corner lots, 5 feet for side yard setback, and 25 feet for rear yard setback. Street right of way will be a typical 50-foot and street width from curb to curb will meet the City of Conway's typical residential section. There will be a 10-foot planting easement along South German Lane and there will be no direct access from the lots to South German Lane. Construction for Phase 5 will be completed before final plat approval and house construction will commence after approval. Building permits will be pulled for house construction. Sidewalk requirements will be met per the City of Conway regulations.

Building material and size, fencing, accessory structures, mailboxes, and signs shall be built or installed per the covenants and restrictions. Driveways will be built per lot unless otherwise specified by the city. No monument signs are proposed for this phase.

If you have any questions or comments, please call me at (501)329-1400 or email me at megan@tylergroup.net.

Respectfully,
Megan Weckwerth

Request to Rezone: R-1 to PUD

14.27 ± acres east of S German Lane, opposite from Fawn Trail

PUD Proposed Preliminary Plat



Request to Rezone: R-1 to PUD

14.27 ± acres east of S German Lane, opposite from Fawn Trail



View of subject property from S German Ln looking NE



View of subject property looking N along S German Ln



Property adjacent to the W



Property adjacent to the S

Request for Conditional Use Permit: Duplex in C-2

1715 Bowie Street

APPLICANT/OWNER

Jason Jones, LLC
611 Court St, Ste 7
Conway, AR 72032



SITE DATA

Location. 1715 Bowie St.

Site Area. 0.46 acres ±.

Current Zoning. C-2 (Neighborhood Commercial).

Existing Structures. None.

Overlay. None.

Requested Conditional Use. Duplex/2 Family Dwelling.

Comprehensive Plan. Commercial.

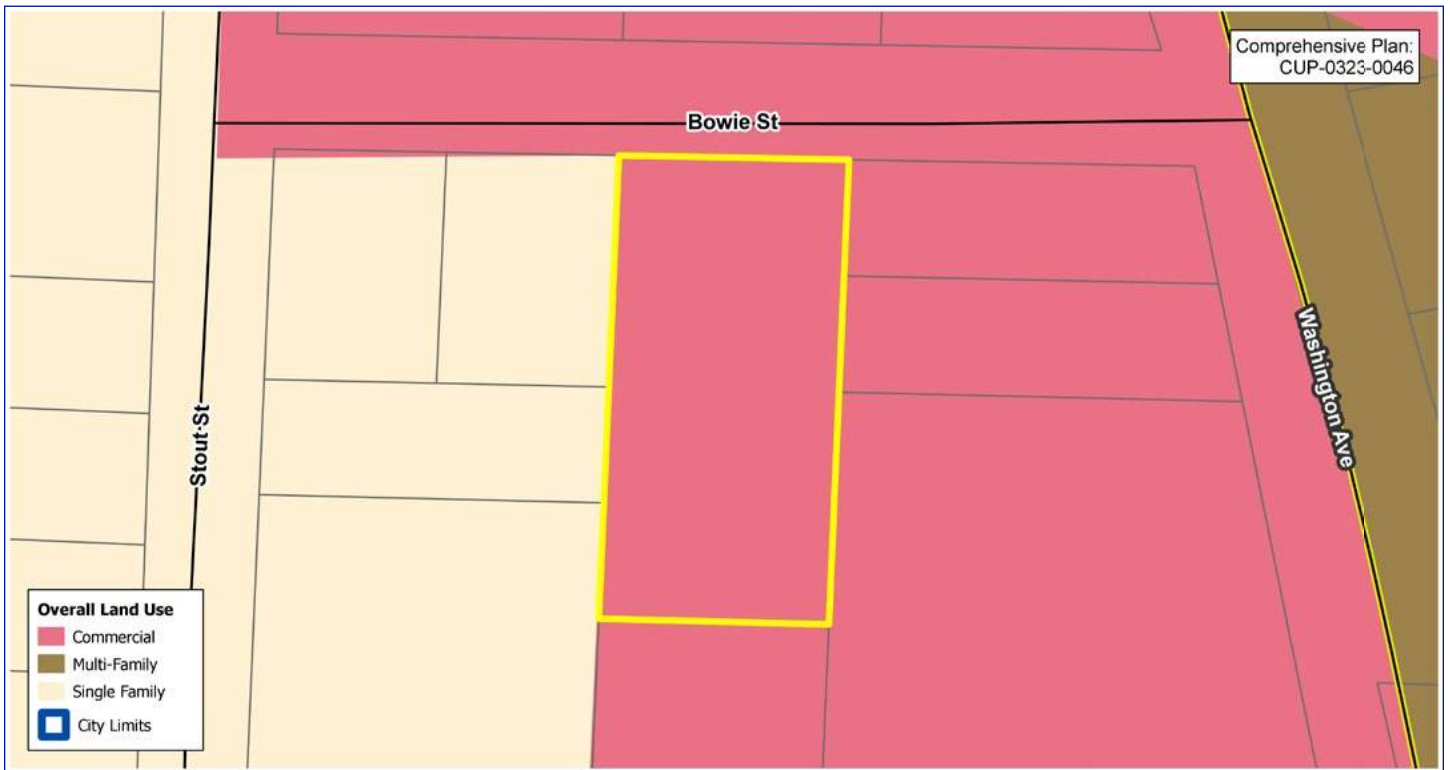
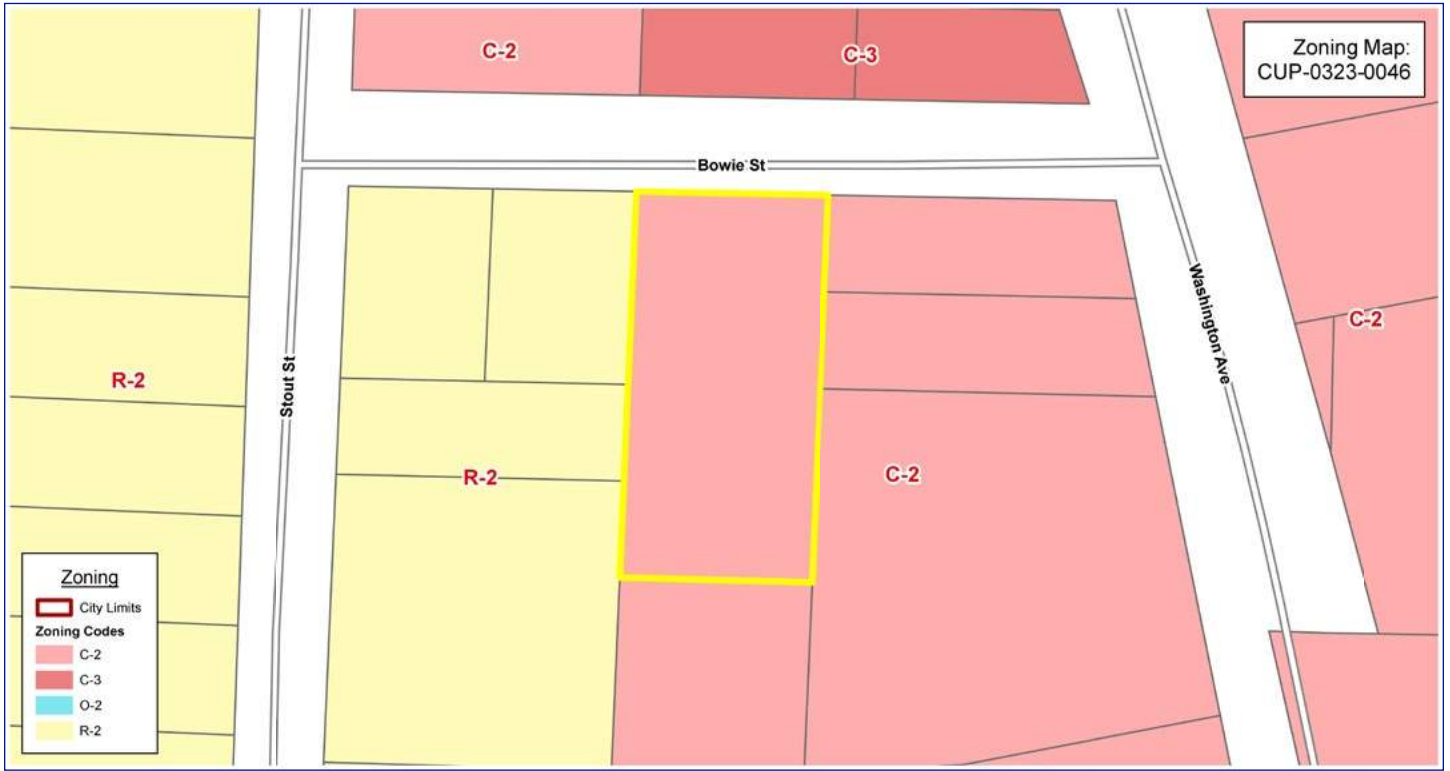
Projected Traffic Impact. This development is projected to yield approximately 38 vehicle trips per typical weekday on Bowie St. As such, development at the site would likely have a minimal impact on traffic.

Current Traffic Counts. 2,600 ADT - Meadowlake Rd (north of the Bowie St, Washington Ave intersection); 7,500 ADT - Washington Ave (south of the Bowie St intersection).

Flood/Drainage. The site is not within any FEMA flood zones.

Request for Conditional Use Permit: Duplex in C-2

1715 Bowie Street



Utilities. Applicant will need to coordinate utilities with Conway Corporation.

Master Street Plan. Bowie St – Local Nonresidential (50' ROW).

Street Improvement. No improvements are planned at this time.

STAFF COMMENTS

- The applicant desires to construct two duplexes in the C-2 zoning district. These types of structures are not permitted by right in the current zoning district, but are allowed with a conditional use permit.
- The proposed use of duplexes is less intense than a potential commercial use at this site.
- There are several existing duplexes adjacent to the west and northwest of the proposed site.
- As conditioned, this use would not likely negatively impact adjacent property.

STAFF RECOMMENDATIONS

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

1. Permitted uses are limited to two family residential and a maximum of 2 attached dwelling units per lot.
2. All standards and uses other than those defined in these conditions shall be governed by restrictions of the R-2 zoning district.
3. Parking area and driveway must be paved with a sealed surface pavement or concrete and shall be maintained so as to prevent dust resulting from continued use.
4. The planting of at least one (1) tree with a minimum 1.5" diameter at breast height shall be required for all new construction of single-family and two-family/duplex dwellings where no tree(s) exist on the parcel or lot. It is strongly encouraged to retain existing trees to meet this requirement.
5. Any expansions or additions to the structure as well as any changes to the use shall require an amended or new conditional use permit.
6. No variance of any kind may be subsequently requested.
7. The conditional use shall automatically expire if the approved use is not commenced within 18 months from the date of approval and/or if the uses ceases for a consecutive period of greater than 18 months.

SAMPLE MOTION

I move to accept the staff recommendation to approve the request with the conditions indicated in the staff report on the basis that, as conditioned, the proposed use would not likely negatively impact adjacent property and will allow for appropriate use of the property.

Request for Conditional Use Permit: Duplex in C-2

1715 Bowie Street

III.B



View of subject property from Bowie St looking SE



View of subject property from Bowie St looking S



Property adjacent to the E



Property adjacent to the W



Property adjacent to the N, across Bowie St

APPENDIX

The following items, which do not require public hearings or Planning Commission action, have been reviewed and approved by the Director of Planning & Development and are being reported to the Planning Commission as required by the Zoning Code and Subdivision Ordinance.

Development Review Approvals

- University Lofts, 2600 College Ave (SDR-1122-0397)
- Central Church Accessory Building, 3333 Dave Ward Dr (SDR-0223-0029)
- Brentwood Village Pool house, 901 S Salem Rd (SDR-0323-0049)

Plats filed for record (Lot Splits, Lot Mergers, and Final Plats)

- Ridgeland Subdivision (P2023-00017)
- Lots 77 A & B North Hills Replat (P2023-00018)
- Lands End (P2023-00019)
- Graddy Subdivision (P2023-00020)
- U.G.H. Group LLC Replat (P2023-00021)
- Lot 1B Replat, Lewis Ranch Phase 2 (P2023-00022)