



CITY OF CONWAY, ARKANSAS PLANNING COMMISSION

November 21, 2022 • 6:30pm • 1111 Main Street

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

***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

November 21, 2022

PLANNING COMMISSION

Rhea Williams, Chair
Rebekah Fincher, Vice-Chair
Laura King, Secretary
Alexander Baney
Adam Bell
Latisha Sanders-Jones
Ethan Reed
Drew Spurgers
Larry Webb
Greg West

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 **December 13, 2022**.

Items not approved by the Planning Commission may be appealed to the City Council within 30 days of the date of Planning Commission denial, with exception of decisions made by the Planning Commission acting as the Board of Zoning Adjustment.

Call to Order and Roll Call.

Finding of a Quorum.

Approval of Minutes. October 17, 2022

I. Public Hearings**

The following items were tabled, following the public hearing, at the Oct 17, 2022 meeting:

A. Request to rezone 0.1-acre located at 4106 Prince Street from R-1 to O-2 (REZ-0922-0336)

Request was withdrawn by request of the applicant

B. Request for conditional use permit to allow *Publicly-owned Service Facility and Utility Facility* in an A-1 zoning district for property located at 1320 S German Lane (CUP-0922-0350)

New Business

C. Request to annex 32.24 acres ± located south of Emyp Trail and Orchard Hill Phase 2 to be zoned R-1 (ANN-1022-0360)

D. Request to rezone 36.45 acres ± located west of S Country Club Road and north of Dave Ward Drive, including 633 S Country Club Road and 3285 Stermer Ln, from O-1 to S-1 (REZ-1022-0369)

E. Request for conditional use permit to allow *Duplex/2 Family Dwelling* in a C-2 zoning district for property located at 2005 Meadowlake Road (CUP-1022-0370)

F. Request to rezone 5.56 acres ± located at the northwest corner of the intersection of Dave Ward Drive and S Country Club Road from O-1 to C-2 (REZ-0422-0241)

G. Request to rezone 0.50 acres ± located at the northwest corner of the intersection of Dave Ward Drive and S Country Club Road from O-1 to C-2 (REZ-1022-0371)

Announcements/Additional Business

A. Adoption of 2023 Calendar

B. Election of Officers for 2023 term

C. Discussion: Proposed changes to §530 of the Conway Zoning Code relevant to Accessory Dwelling Units (ADUs)

D. Discussion: Proposed change to §601.16 [Hospital Services] of the Conway Zoning Code

E. Discussion: Proposed changes to Article VII [Board of Zoning Adjustment] of the Conway Zoning Code

Adjournment

Request to Rezone: R-1 to C-3

0.10 acre ± at 4106 Prince Street

I.A

The applicant has withdrawn this request in accordance with Article V §F.5.c(3) of the Planning Commission Bylaws

Request for Conditional Use Permit: Publicly-Owned Service Facility & Utility Facility in A-1

1320 S German Lane

APPLICANT/AUTHORIZED AGENT

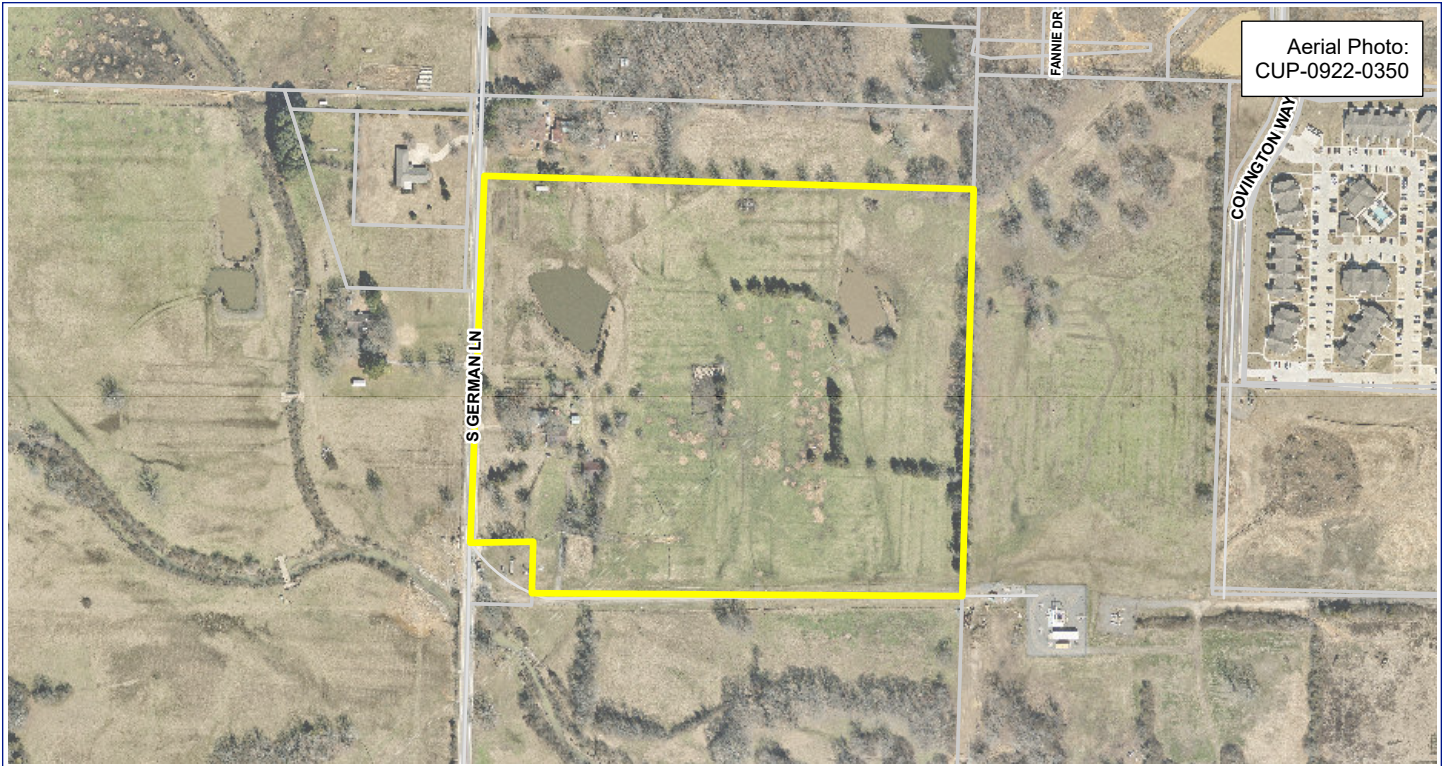
Joanna Nabholz
H+N Architects
1109 Main St
Conway, AR 72032

OWNER

Conway Corporation
1405 Lollie Bottom Rd
Conway, AR 72032

DESIGN PROFESSIONALS

H+N Architects
WER Architects/Planners



SITE DATA

Location. 1320 S German Ln.

Site Area. Approx. 38 acres ±.

Current Zoning. A-1 (Agricultural District).

Existing Structures. Various residential and agricultural buildings planned for removal.

Overlay. None.

Requested Conditional Uses. *Publicly Owned Service Facility and Utility Facility* in A-1 zoning district.

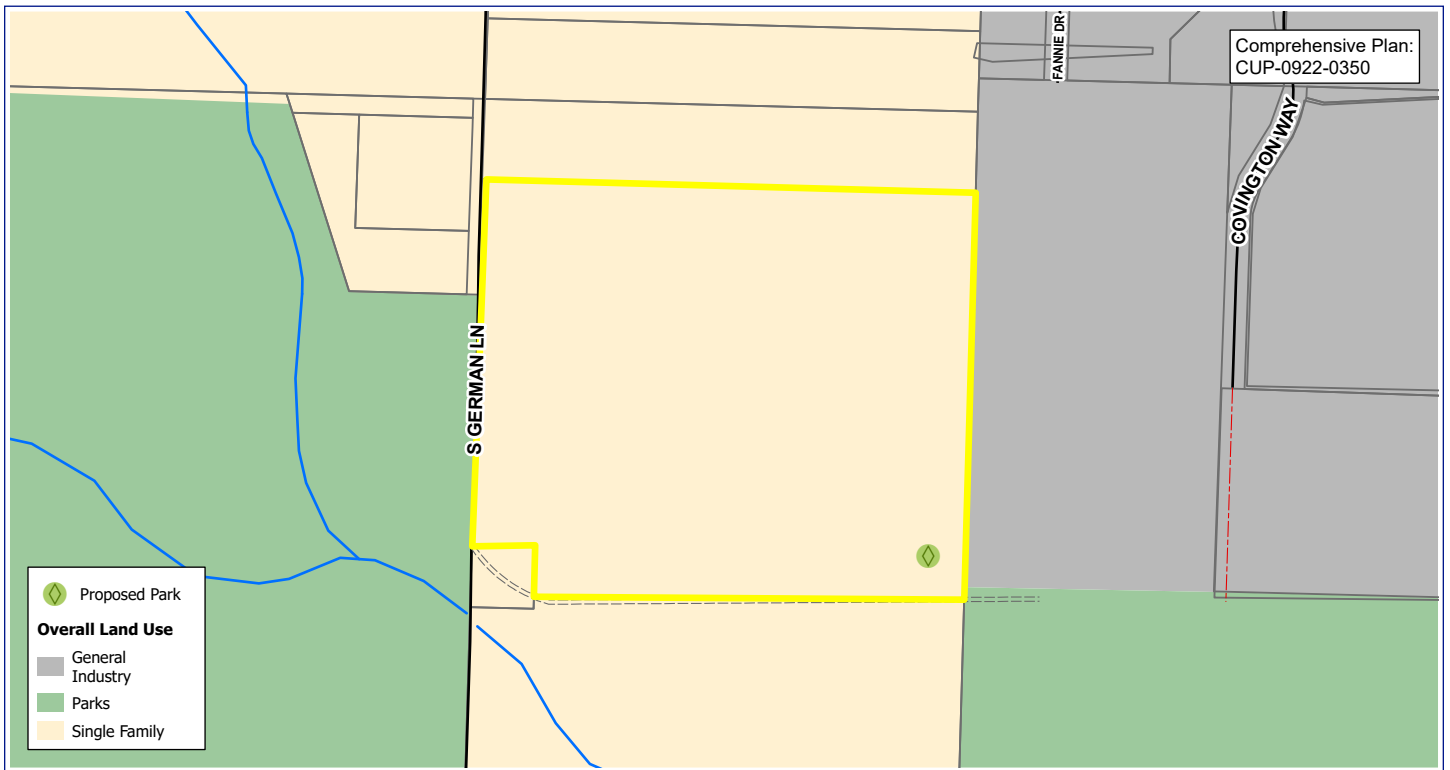
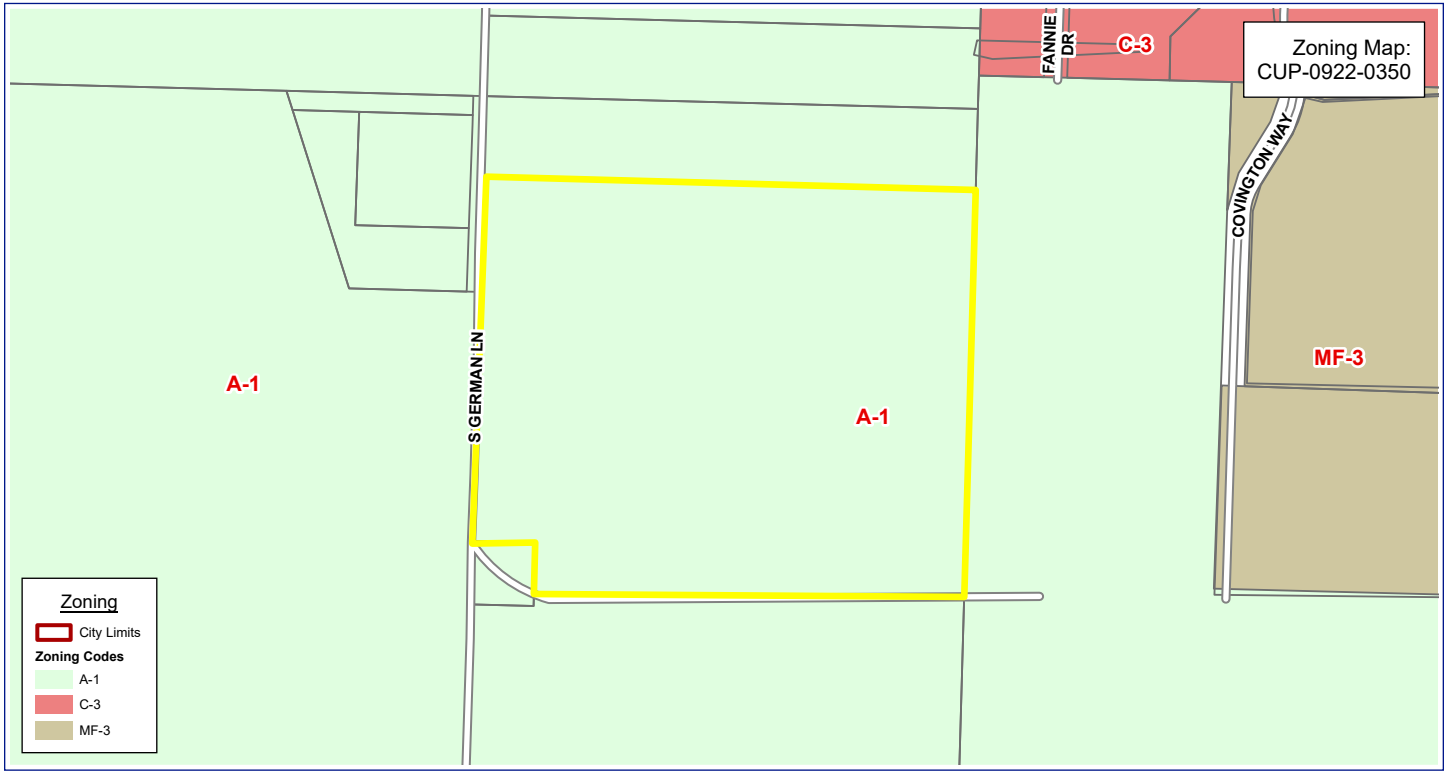
Comprehensive Plan. Single-Family/General Industry.

Projected Traffic Impact. Traffic estimation for a facility of this type is typically difficult to project. It is anticipated based on the variety of office/industrial type uses the development will yield approximately 300-500 vehicle trips per typical weekday on S German Ln. As such, development at the site would likely have a small traffic impact.

Current Traffic Counts. 5,500 Average Daily Traffic (ADT) (S German Ln @ development site).

Flood/Drainage. Southern portions of the site fall within the Floodway and 1% Annual Floodplain.

1320 S German Lane



1320 S German Lane

Utilities. Utilities appear available at the site. The applicant will need to coordinate with Conway Corporation on the provision of utilities to the site.

Master Street Plan. S German Ln – Collector (60' ROW).

Street Improvement. No improvements are planned at this time.

STAFF COMMENTS

- The applicant has stated the following intentions for the site: "There is an office building, warehouse and vehicle maintenance facility along with material storage and covered parking on site that will include the engineering, electric, water, wastewater, and telecom crews. The facility will be open all year, weekdays from 8-5. The operations crews will primarily be on site from 7am-4pm. The dispatch office will be occupied 24 hrs/day all year with 1-2 staff at all times. There are approximately 150 employees who will be on site at various times during normal business hours. We anticipate 10 or less visitors to the facility on average."
- The site rests as a transition zone between industry to the east and predominantly single-family residential to the west (south of the site). The site is designed in a manner to mitigate the visual impacts of the utility yards by reducing views of such facilities from S German Ln. The office building would additionally serve as a visual buffer for uses which are more adverse to the visual character of S German Ln.
- The site will border (to the west) the future S German Ln/Powerline Park, helping mitigate impacts of the use on nearby residential property. As such, primary consideration should be given to visual mitigation of the use.
- Location of the use at the site will allow a consolidation of utility facilities for Conway Corp.
- The use can be considered somewhat compatible with the Comprehensive Plan. Utility facilities are a community necessity and allowed in single-family zones as a conditional use.
- This site is indicated to be part of the route of the future Northwest Trail, a part of the Central Arkansas Greenways Plan.

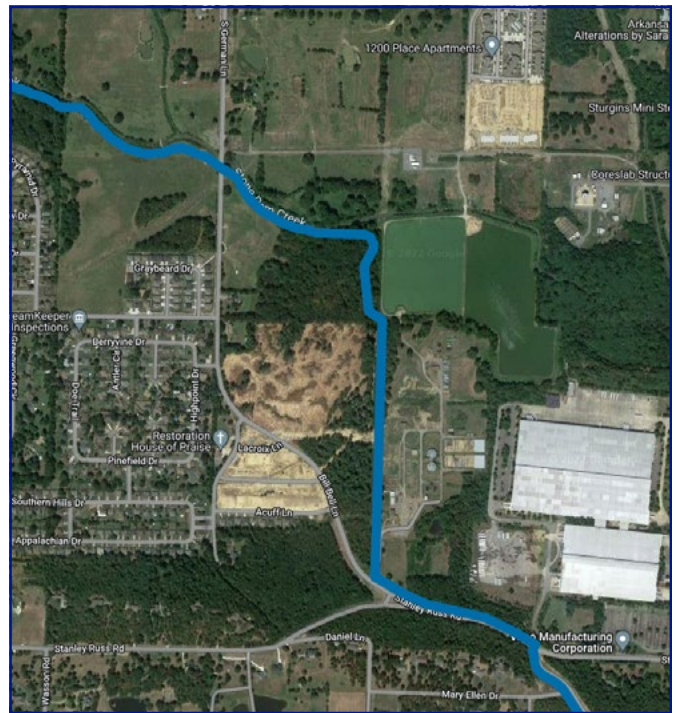
STAFF RECOMMENDATIONS

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

1. A 25' undisturbed vegetative buffer shall be maintained with the property to the north of the site (known as the Henze Property 710-08576-000), the ROW of Covington Way, Lot 2 of 1200 Place Ph 1 subdivision, Lots 9-10 and 14 of Covington Commercial Ph 3 subdivision. Buffering requirements along Lots 9-10 and 14 of Covington Commercial Ph3 Subdivision shall only become active if fencing is placed within 50' of the shared property lines.
2. Metal ornamental fencing shall be required along the west property line to mitigate view of the site from S German Ln. Additional ornamental fencing shall be required where indicated on the fencing plan included on page 6 (specifically near the access drive and transmission line easement).
3. Security fencing with 3-strand barbed wire may be allowed in areas not visible from adjacent property/ROW, or where a 25' vegetative buffer is provided. Dense evergreen plantings shall be required in any areas where security fencing is placed and no dense vegetation exists.
4. Fencing topped with razorwire shall be prohibited. Where ornamental fencing is required, any security components shall be ornamental in nature. Evergreen plantings capable of reaching a height of 20' shall be required along S German Ln frontage. The combination of fencing and plantings shall have the effect of adequately screening any utility/maintenance yards or portions of buildings not complying with the building design standards of 1101 from view of the public ROW. The Planning Director shall be empowered to determine the required number of plantings or locations where solid fencing is required.

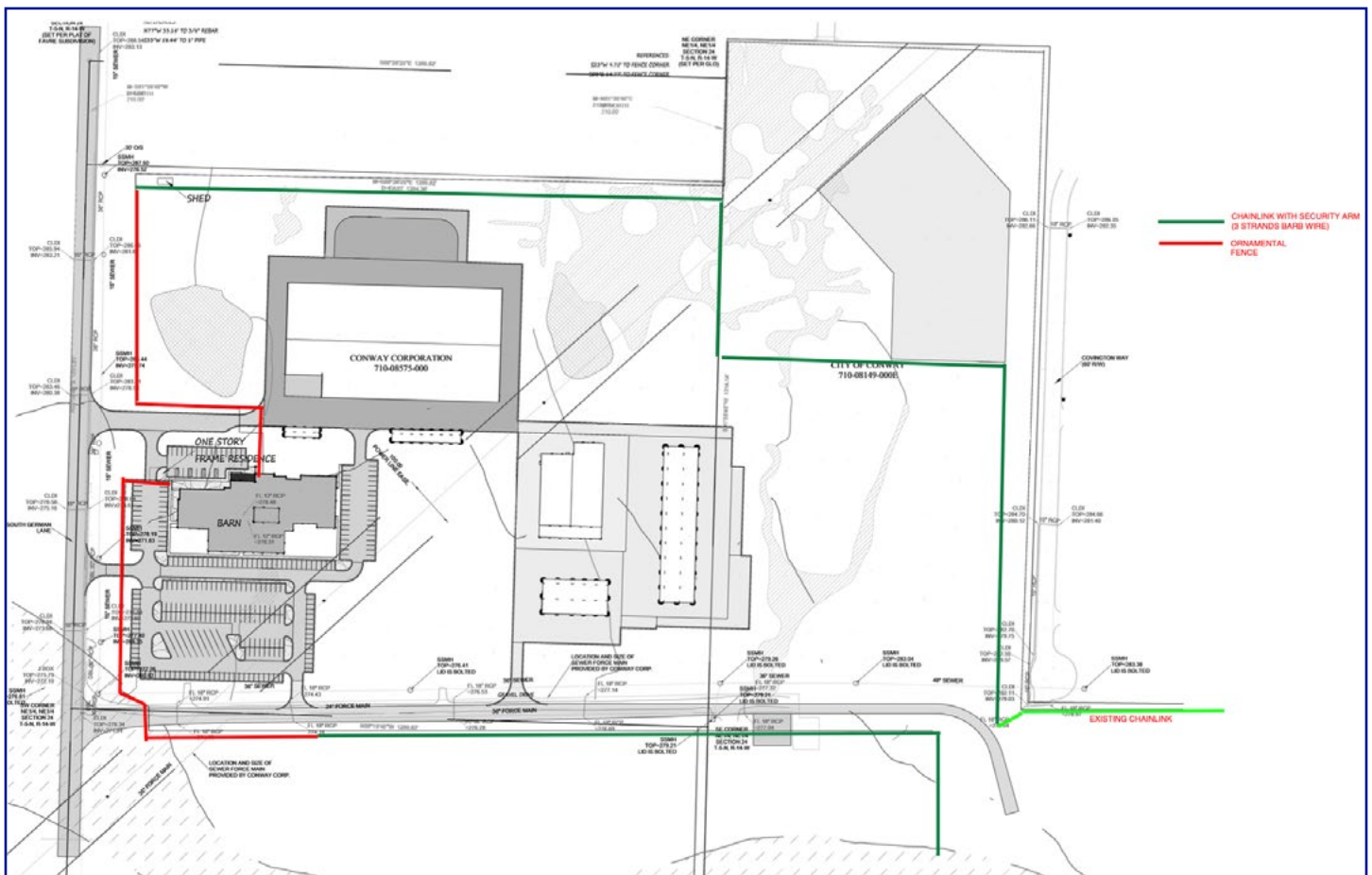
1320 S German Lane

5. Conway Corp shall coordinate with the City of Conway/Metroplan to provide, via platted easement or separate instrument, adequate easements to provide for the future construction of the Northwest Trail (being an extension of Stone Dam Creek Trail) across Conway Corp property, as indicated on the exhibit [to the right] from the Central Arkansas Greenways Plan.
6. The development shall be subject to site development review in accordance with Article 1101 of the Zoning Code.
7. The area subject to development shall be platted prior to issuance of building permits. Platting may include only those portions of the site affected by development, provided any remaining, unplatted portion of property exceeds 5 acres in area.
8. The conditional use permit shall expire if the use is not commenced within eighteen (18) months from the date of approval and if the use ceases for a consecutive period of greater than eighteen (18) months.



SAMPLE MOTION

I move to accept the staff recommendation to approve the conditional use with conditions indicated in the staff report, on the basis that, the use is largely consistent with the Comprehensive Plan and the external impacts of the use can be adequately mitigated to protect adjacent property.



1320 S German Lane



View of subject property from S German Ln looking SE



View of subject property from the terminus of Fanine Dr looking SE



View of subject property from the terminus of Covington Way looking SE



View of subject property from Covington Way looking S



Property adjacent to the N



Property adjacent to the NW, across S German Ln

Request to annex 32.24 acres as R-1

South of Emory Trail and Orchard Hill Phase 2

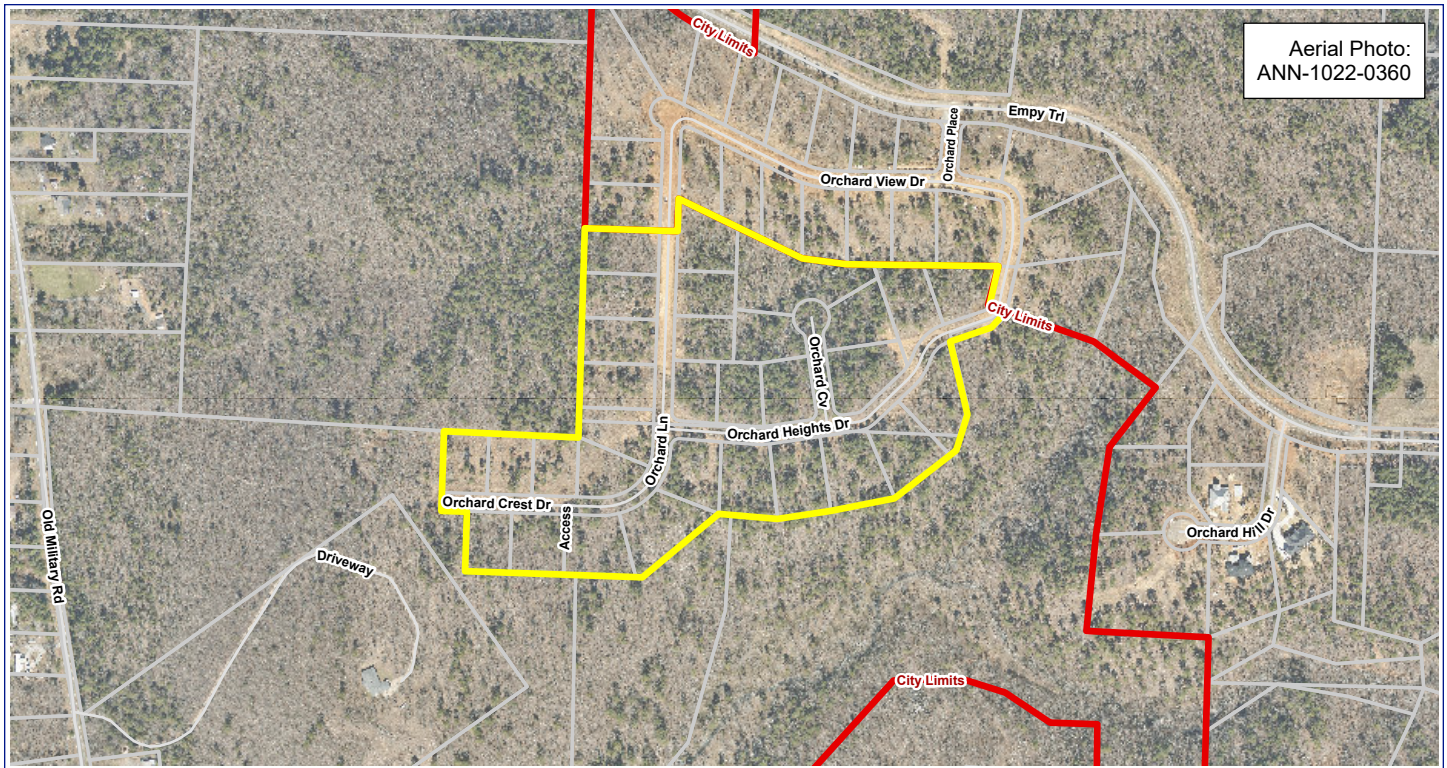
I.C

APPLICANT/AUTHORIZED AGENT

Tyler Group, Inc.
240 Skyline Dr, Ste 3000
Conway, AR 72032

OWNER

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



SITE DATA

Location. Orchard Hill Subdivision Ph3, South of Emory Trl, on Orchard Ln/Orchard Heights Dr.

Site Area. 32.24 acres ±.

Current Zoning. N/A (Outside City).

Requested Zoning. R-1 (One-Family Residential); Staff concurs with requested zoning.

Adjacent Zoning. North: R-1 (One-Family Residential); South/West/East: N/A (Outside City Limits).

Existing Structures. None.

Overlay. None.

Comprehensive Plan. Single Family (which calls for “quiet, low-density areas for single family living and related recreational, religious, and educational facilities protected from all commercial and industrial activity.”)

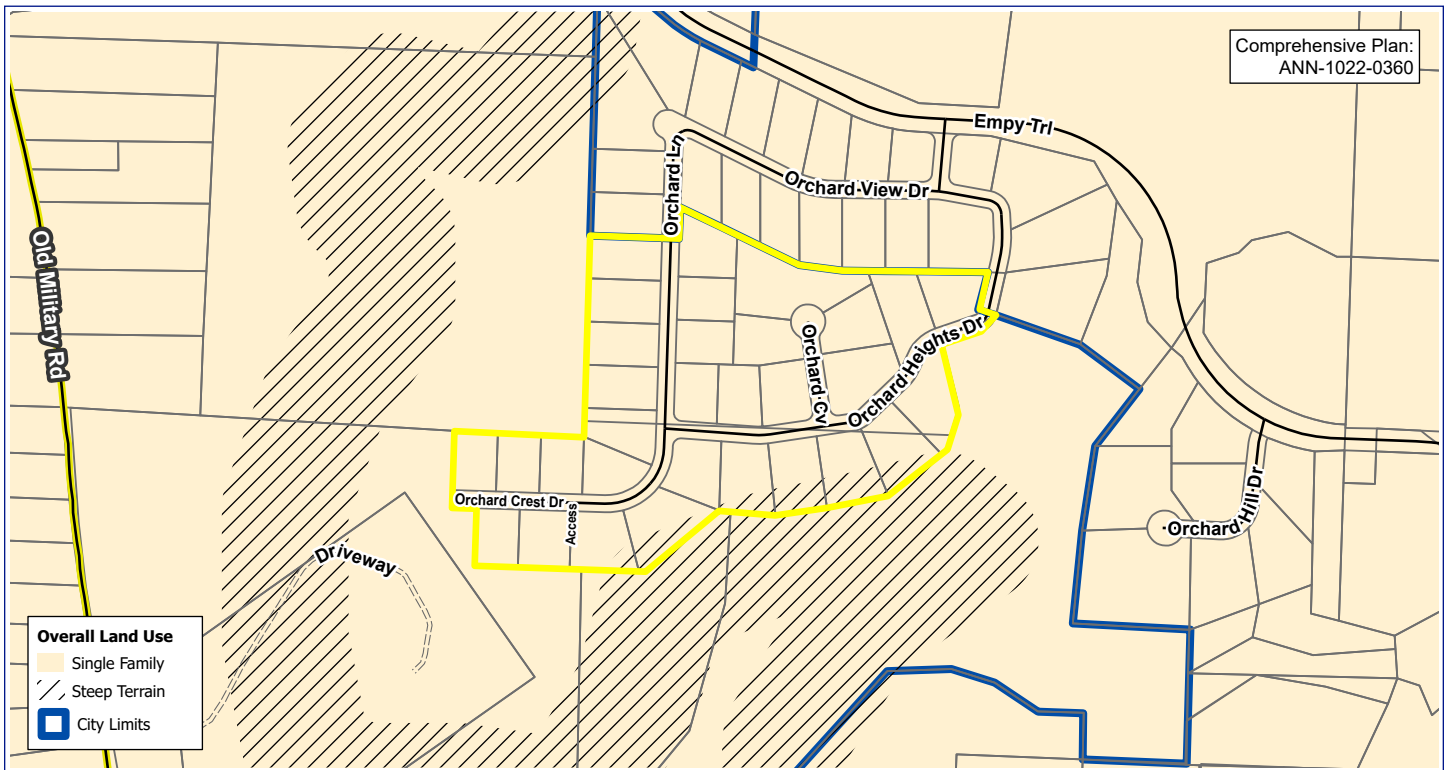
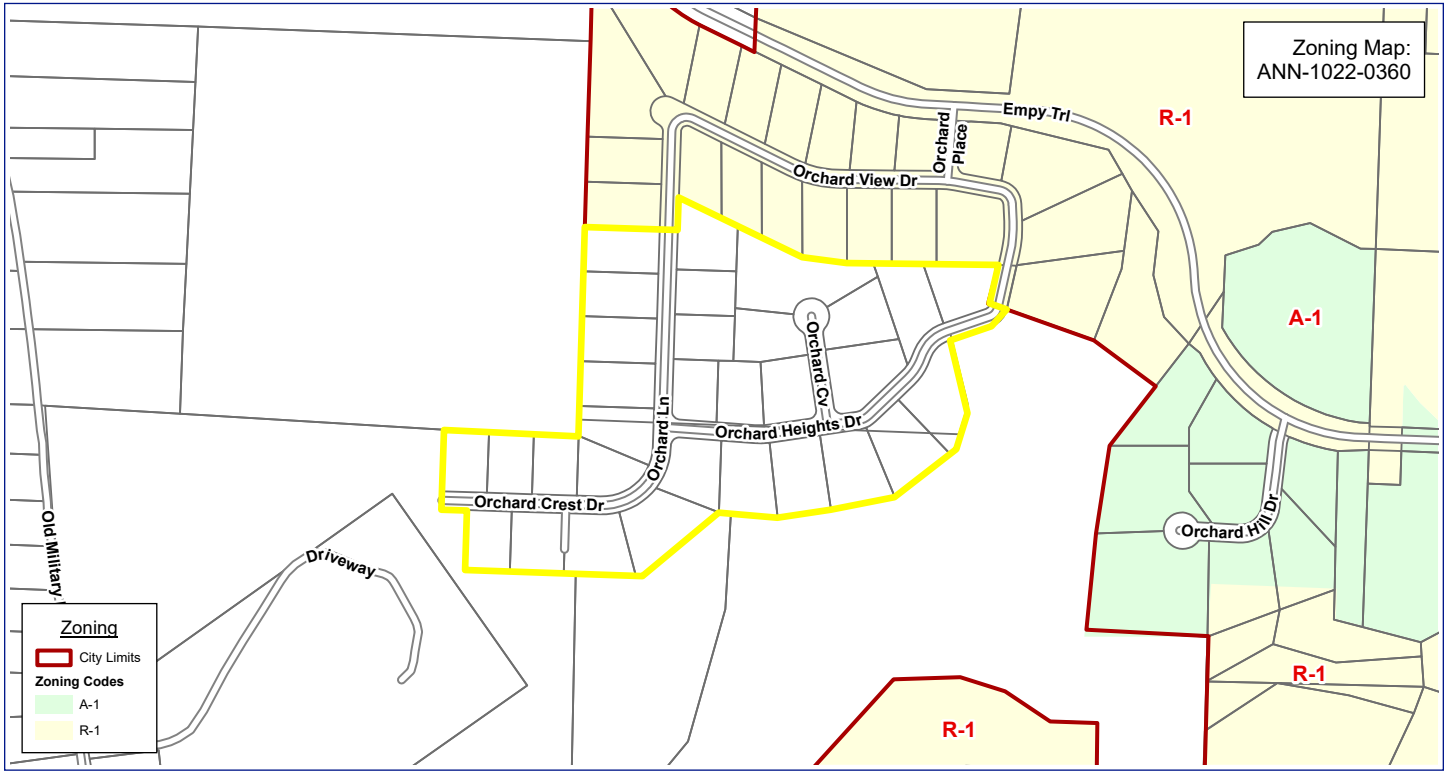
Projected Traffic Impact. Based on the proposed zoning, the traffic impact of the development will be minimal. The property constitutes a 31-lot subdivision. This would generate an estimated 310 vehicle trips per typical weekday.

Flood/Drainage. No portions of the property lie within the 100-year floodplain.

Request to annex 32.24 acres as R-1

South of Empy Trail and Orchard Hill Phase 2

I.C



Utilities. The applicant will need to coordinate with Conway Corporation for any desired utilities not currently in place.

Street Conditions. All streets are in place, as the property was recently platted in accordance with the subdivision regulations.

STAFF COMMENTS

- The property was recently platted as Orchard Hill Subdivision Ph 3, and serves as an extension of the existing subdivision.
- The application is consistent with the Comprehensive Plan.
- R-1 zoning is appropriate for the property and consistent with other properties in the area.
- The applicant is requesting police protection, fire protection, street maintenance, and the ability to connect to Conway Corp Utilities.
- The annexation request complies with the requirements of ordinance #O-22-77 specifying procedures for annexations.

STAFF RECOMMENDATIONS

- Fire Department: Recommends Annexation
- Conway Corporation: Recommends Annexation
- Planning and Development Department: Recommends Annexation
- Transportation Department: Recommends Annexation

Staff recommends approval of this request. As proposed, the annexation would allow for appropriate development of the property, is consistent with the Comprehensive Plan, and would be a valuable addition to the City.

SAMPLE MOTION

I move to accept the staff recommendation to approve the request on the basis that it complies the requirements of the ordinance specifying procedures for annexations and would allow for appropriate development of the property.

Request to annex 32.24 acres as R-1

South of Emory Trail and Orchard Hill Phase 2

I.C



View from Orchard Ln looking S



View from intersection of Orchard Ln and Orchard Heights Dr looking E



View from Orchard Ln looking SW



View from Orchard Heights Dr looking E



View from intersection of Orchard Heights Dr and Orchard Cv looking NE



View from Orchard Heights Dr looking N

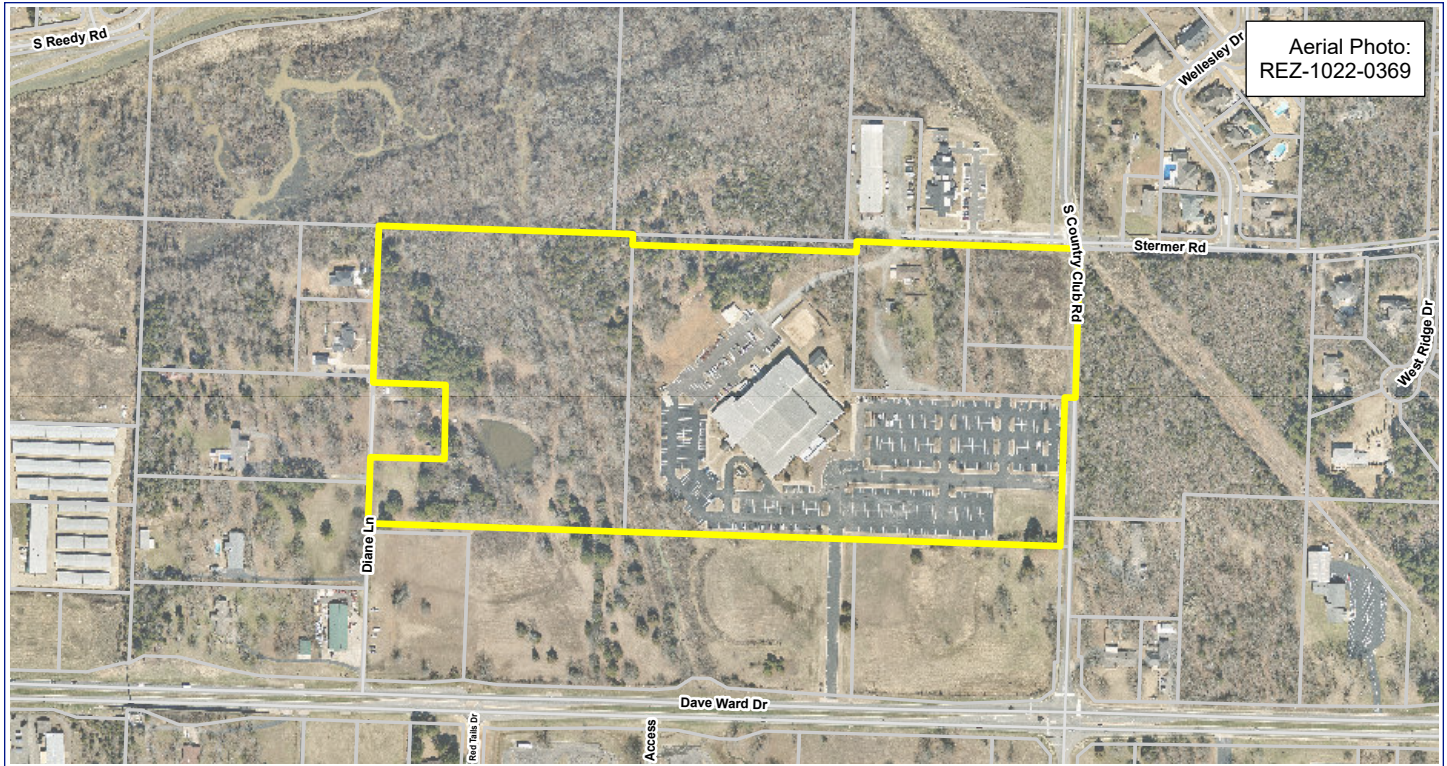
Request to Rezone: O-1 to S-1

I.D

36.45 acres ± at 633 S Country Club Road and 3285 Stermer Road

APPLICANT/OWNER

New Life Church of AR, Inc./New Life Church of Conway, Inc.
PO Box 10689/633 S Country Club Rd
Conway, AR 72034



SITE DATA

Location. 633 S Country Club Rd and 3285 Stermer Rd.

Site Area. 36.45 acres ±.

Current Zoning. O-1 (General Office).

Adjacent Zoning. North: S-1, RU-1 (Restricted Use), O-1, A-1 (Agricultural), and MF-3 (Multi-family, 24 units/acre); West: R-1 (One-Family Residential) and O-1; South: O-1, East: O-2 (Quiet Office) and R-1.

Requested Rezoning. S-1 (Institutional District).

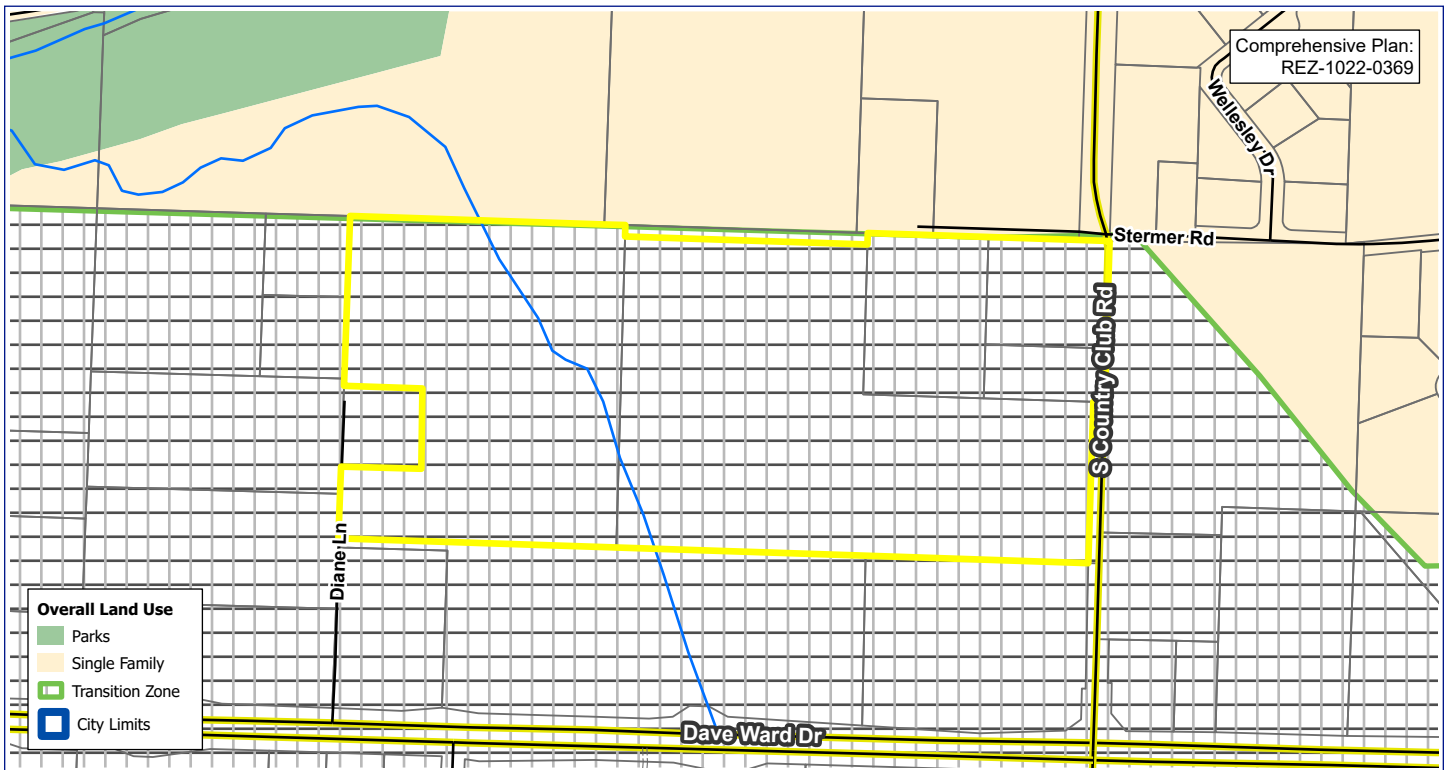
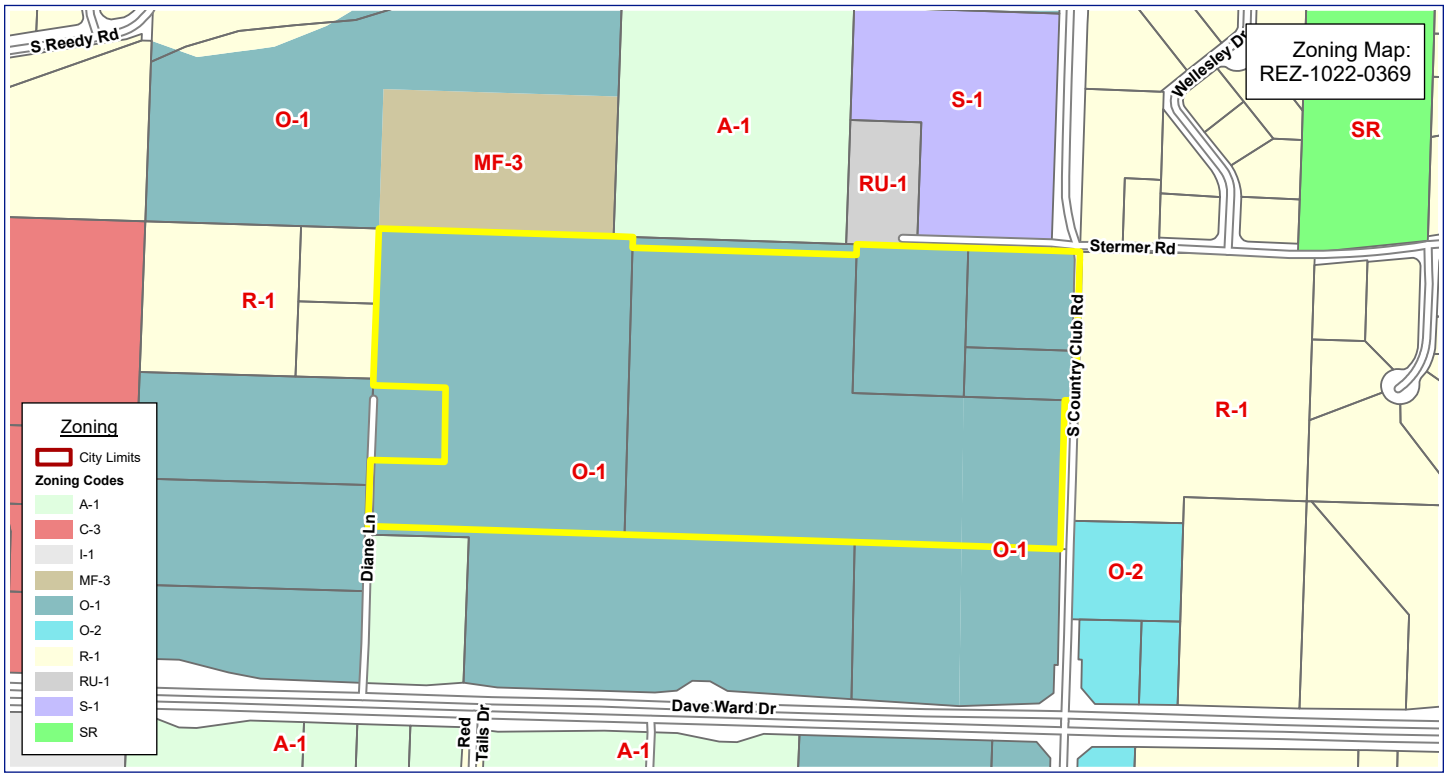
Existing Structures. ±72,000 sf church facility, ±9,600 sf storage outbuilding, a 1,800 sf single-family residence, a 1,750 sf single-family residence, plus additional associated outbuildings.

Overlay. None.

Comprehensive Plan. Transition Zone.

Request to Rezone: O-1 to S-1

36.45 acres ± at 633 S Country Club Road and 3285 Stermer Road



Request to Rezone: O-1 to S-1

36.45 acres ± at 633 S Country Club Road and 3285 Stermer Road

Projected Traffic Impact. With a rezoning to S-1 and continued use as a church and educational facility no increase to traffic is expected as the site is presently developed. It is difficult to estimate additional potential traffic impact as the applicant has not identified specific development plans. The highest intensity uses permitted by right in S-1 are school and hospital services, though additional development potential will be limited by the portion of property in regulatory floodplain and traffic increase will be partially managed by the Dave Ward Drive Access Management Plan.

Current Traffic Counts. 31,000 ADT (Dave Ward Dr west of the Salem Rd intersection; approximately 1.25 miles from the subject property). No relevant traffic counts are available for Country Club Rd or Diane Ln.

Flood/Drainage. A portion of the northwest quadrant of the site lies within FEMA Flood Hazard Zone AE with a base flood elevation of 283'. This area represents approximately 12% of the undeveloped portion of the property.

Utilities. The site is currently developed. Conway Corporation Engineering will review and consider the adequacy of existing infrastructure. The applicant shall coordinate with Conway Corporation regarding extensions and re-routing of utilities that will be required for future development. Easements will likely be required to provide for future area development.

Master Street Plan. Dave Ward Dr – Major Arterial (100' ROW); Country Club Rd – Minor Arterial (80' ROW); Diane Ln – Local Residential (50' ROW).

Street Improvement. No current improvement plans.

STAFF COMMENTS

- The applicant is seeking a rezoning of a portion of its campus property from O-1 (General Office) to S-1 (Institutional).
- The S-1 district is, "...designed to provide a use area for large developments involving schools..., churches and other institutional uses and for limited retail and service uses that are accessories to the principal use."
- The Comprehensive Plan indicates the area as a Transition. This zone is, "...located along major roadways where more intense land uses are deemed appropriate...Transitional zone development will require a "site plan review" process which in turn shall address compatibility issues, buffering and intensity of non-single family applications."
- The subject property is currently developed and used as a church, childcare facility, and college, all of which are permitted by right in S-1 (a childcare facility requires a conditional use permit to operate in O-1, for which one does not exist).
- If the rezoning is approved, the associated Conditional Use Permit No. 1154, allowing restricted retail, shall be revoked in accordance with §902.6.E of the Conway Zoning Code.
- The request will bring the use of the property into conformance and will allow for appropriate future development. Any future development will be subject to Development Review in accordance with Article 1101 of the Conway Zoning Code.
- The request is consistent with the Comprehensive Plan and will not likely negatively impact adjacent property.

STAFF RECOMMENDATIONS

Planning Staff recommends approval of this rezoning request as it is consistent with the Comprehensive Plan and will bring the established uses of the property into conformance as well as allow for appropriate future development.

SAMPLE MOTION

I move to accept the staff recommendation to approve the request on the basis that it is congruent with the Comprehensive Plan, will further conformance of the site and established uses, and will not likely negatively impact adjacent property.



Property adjacent to the W

Request to Rezone: O-1 to S-1

36.45 acres ± at 633 S Country Club Road and 3285 Stermer Road

I.D



View of the subject property from S Country Club Rd looking W



View from interior of subject property looking E



View of subject property from Stermer Rd looking S



View from interior of subject property looking S



Property adjacent to the W



View of subject property from Diane Ln looking N

Request for Conditional Use Permit: Duplex/2 Family Dwelling in C-2

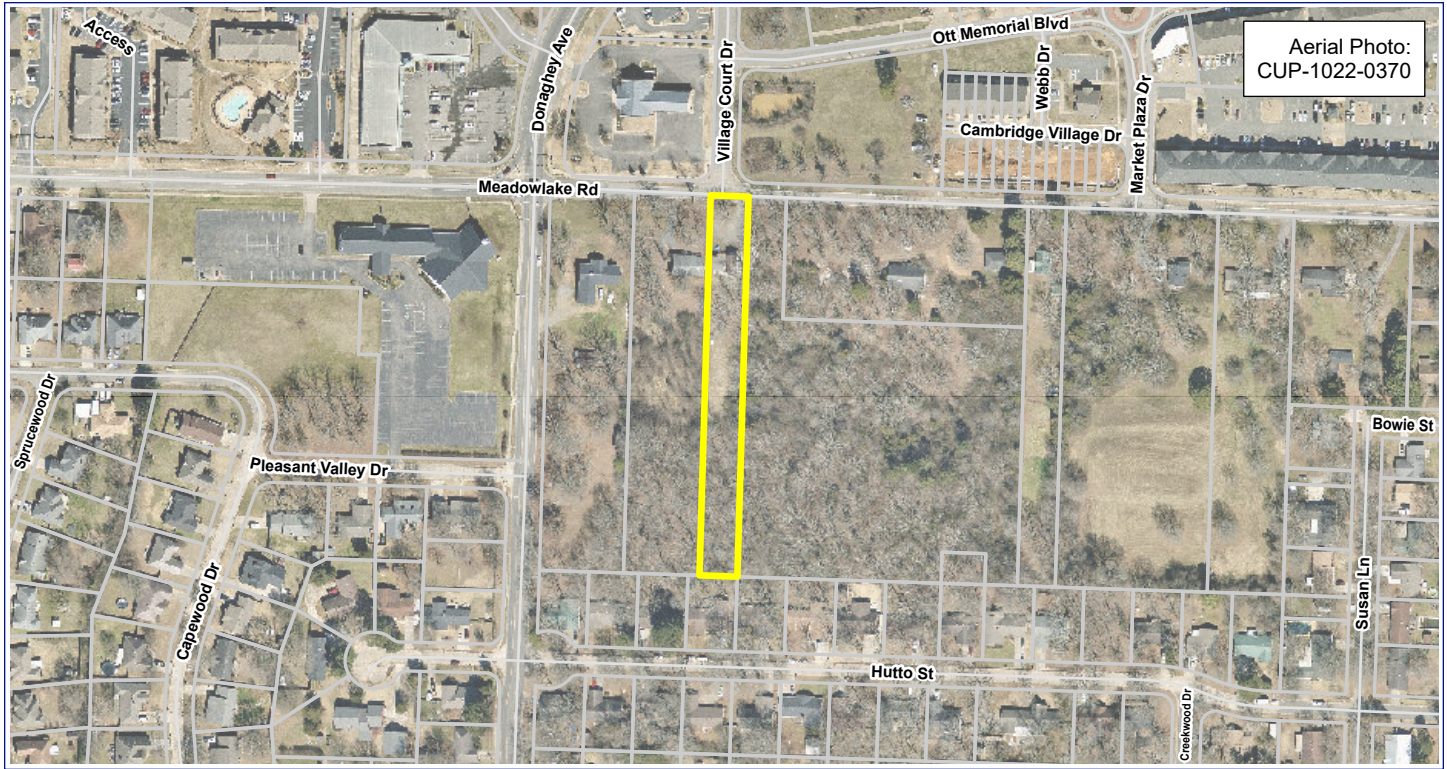
2005 Meadowlake Road

APPLICANT/AUTHORIZED AGENT

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

OWNER

Rhett Thompson
Timberwolf Holding Co, LLC
2010 Washington Ave
Conway, AR 72032



SITE DATA

Location. 2005 Meadowlake Rd.

Site Area. 1.00 acres ±.

Current Zoning. C-2 (Neighborhood Commercial).

Existing Structures. 1,276 sf home. Unpermitted work has been done on the structure and site.

Overlay. None.

Requested Conditional Use. Duplex/2 Family Dwelling in C-2 zoning district.

Comprehensive Plan. Single-Family.

Projected Traffic Impact. This development is projected to yield approximately 19 vehicle trips per typical weekday on Meadowlake Rd. As such, development at the site would likely have a minimal impact on traffic.

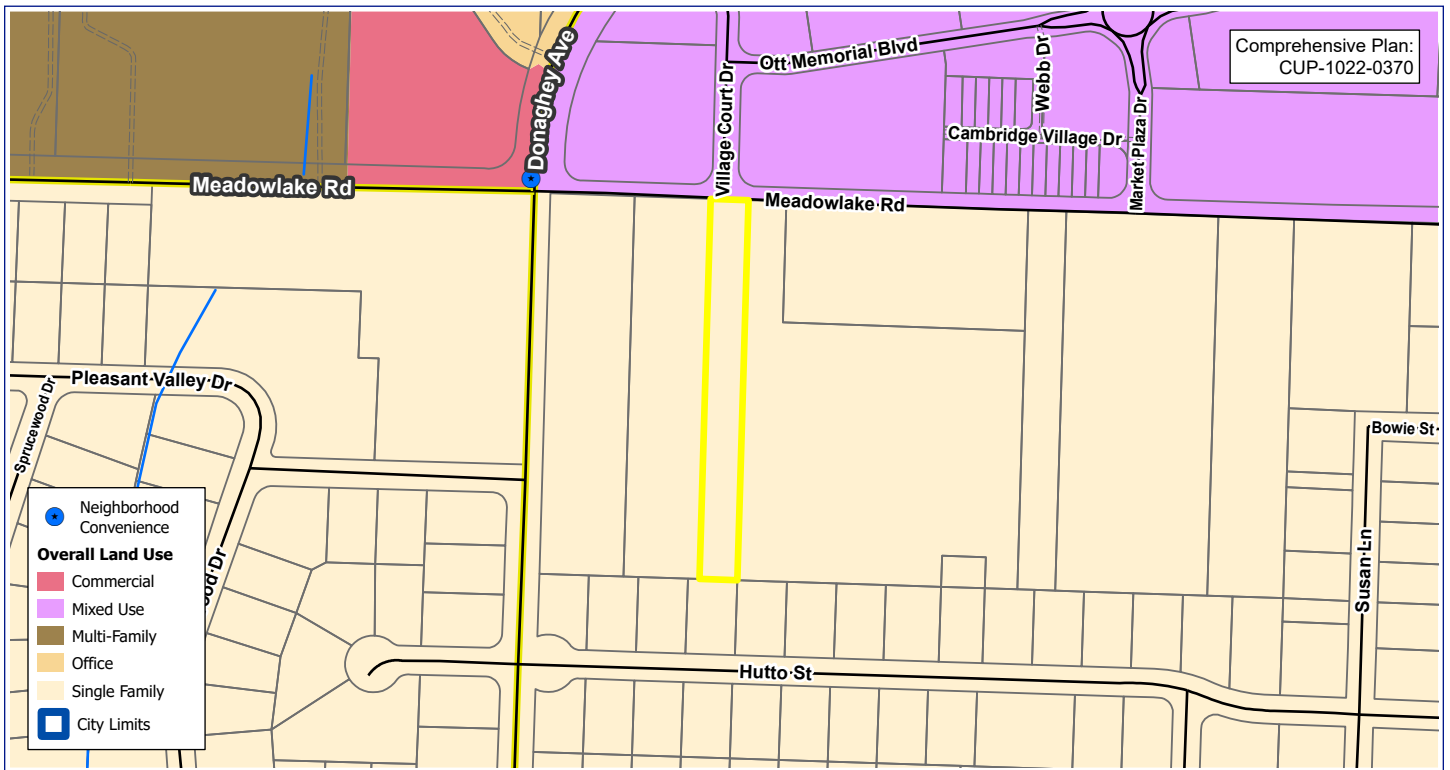
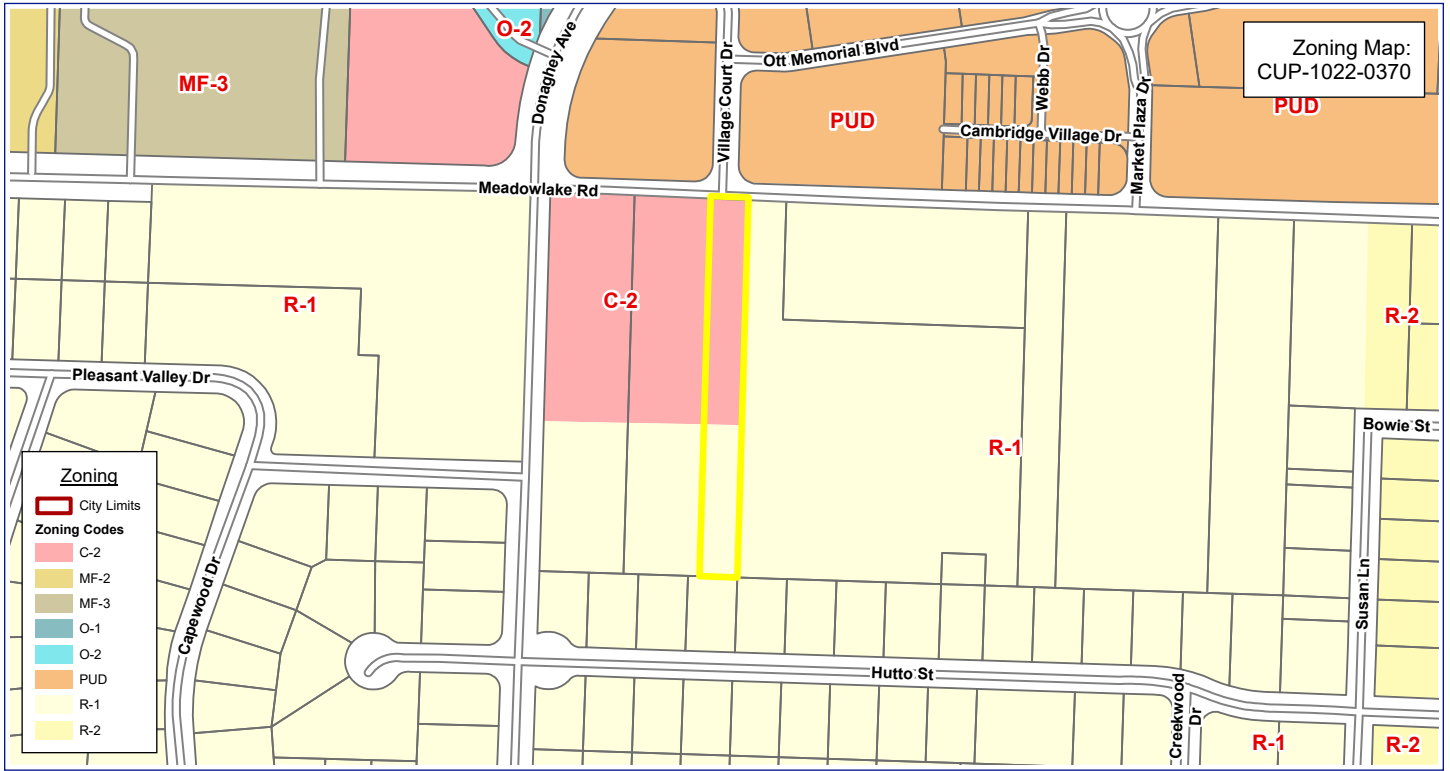
Current Traffic Counts. 2,600 ADT - Meadowlake Rd (east of the West St intersection); 11,500 ADT - Donaghey Ave (north of the Meadowlake intersection).

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

Request for Conditional Use Permit: Duplex/2 Family Dwelling in C-2

I.E

2005 Meadowlake Road



Utilities. Conway Corporation utilities at the site.

Master Street Plan. Meadowlake Rd – Collector (60' right-of-way).

Street Improvement. No improvements are planned at this time.

STAFF COMMENTS

- The applicant desires to use the existing structure as a duplex in the C-2 zoning district. This type of structure is not permitted by right in the current zoning district but is allowed as a conditional use.
- Planning was made aware of improvements to the site by the Permits and Inspections Department, triggering review and determination that a Conditional Use permit would be needed to satisfy requirements.
- The proposed use of a duplex is less intense than a commercial use at this 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.
2. All standards and uses other than those defined shall be governed by restrictions of the R-2A zoning district.
3. Given the lot size, only one driveway is allowed off Meadowlake Road; the second driveway and culvert shall be removed.
4. 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.
5. All remaining gravel areas should be removed and landscaping shall be installed.
6. Any expansion of the structure or site shall require development review approval.
7. Any change to the use may require a new or amended conditional use permit.
8. Any expansions or additions to the structure as well as any changes to the use shall require an amended or new conditional use permit.
9. No variance of any kind may be subsequently requested.
10. The conditional use shall automatically expire if the approved use ceases for more than 18 consecutive 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/2 Family Dwelling in C-2

2005 Meadowlake Road

I.E



View of subject property from Meadowlake Rd looking S



Caption



Property adjacent to the E



Property adjacent to the W



Property adjacent to the N

Request to Rezone: O-1 to C-2

I.F

5.56 acres ± at the northwest corner of the Dave Ward Drive and S Country Club Road intersection

APPLICANT/AUTHORIZED AGENT

Daniel Lazenby
Engineering Service, Inc.
PO Box 282
Springdale, AR 72765

OWNER

Paladino Real Properties, LLC
225 Sturgis Rd
Conway, AR 72032



SITE DATA

Location. Northwest corner of the intersection of Dave Ward Dr and S Country Club Rd.

Site Area. 5.79 acres ±.

Current Zoning. O-1 (General Office District).

Requested Rezoning. C-2 (Neighborhood Commercial).

Adjacent Zoning. West, North, South: O-1; East: O-2 (Quiet Office).

Existing Structures. None.

Overlay. None.

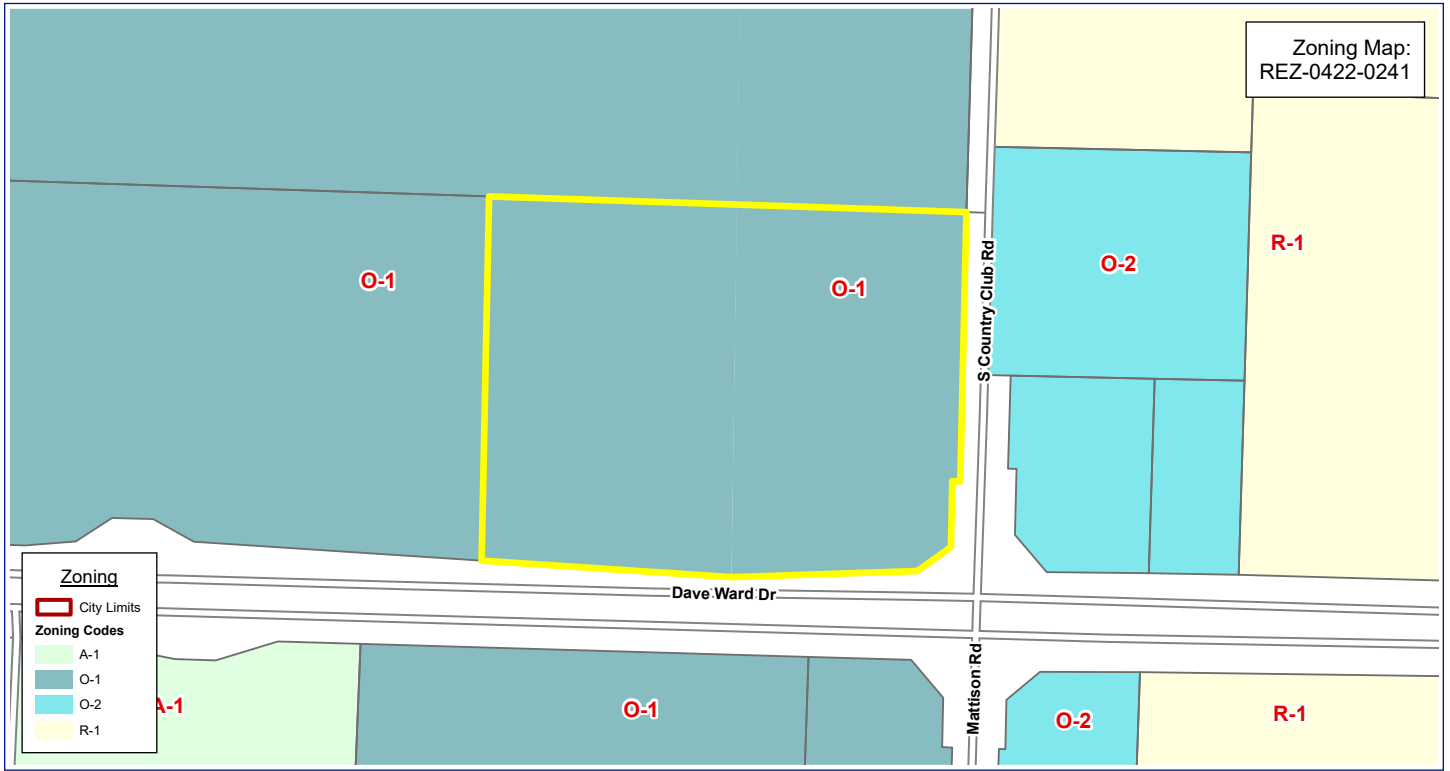
Subarea Plan. Dave Ward Drive Access Management Plan.

Comprehensive Plan. Transition Zone.

Request to Rezone: O-1 to C-2

I.F

5.56 acres ± at the northwest corner of the Dave Ward Drive and S Country Club Road intersection



Request to Rezone: O-1 to C-2

I.F

5.56 acres ± at the northwest corner of the Dave Ward Drive and S Country Club Road intersection

Projected Traffic Impact. With a rezoning to C-2, the traffic impact could be significant. Trips would be distributed onto Dave Ward Dr and S Country Club Rd. The applicant is proposing a retail food store development with the addition of an automobile service station through a future conditional use permit application. Given this, it is anticipated that the proposed development could generate up to 3,970 vehicle trips per typical weekday.

Current Traffic Counts. 31,000 ADT - Dave Ward Dr (east of the Farris Rd intersection); 12,000 ADT - Salem Rd (north of the Dave Ward Dr intersection).

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

Utilities. Utilities are available; applicant shall coordinate extension of utilities with Conway Corp.

Master Street Plan. Dave Ward Dr – Major Arterial (100' ROW); Country Club Rd – Minor Arterial (80' ROW).

Street Improvement. No improvements are planned at this time.

STAFF COMMENTS

- The applicant is seeking the rezoning for the purpose of developing a retail food store, though many other uses would be permitted by right in the requested zoning district.
- High intensity uses for this zoning include eating place (without drive through service), childcare facilities, and school facilities.
- The applicant plans to submit an application for a Conditional Use Permit at the next Planning Commission meeting requesting a automobile fuel component for this site.
- *"The C-2 District provides use areas for retail trade and personal service enterprises designed to serve surrounding residential neighborhoods. Parking requirements and bulk regulations are more stringent in this area to ensure compatibility with the residential districts which surround it."*
- This is a major intersection within the city and there is a need for this type of use in the area.
- While the Comprehensive Plan does not identify this intersection as a commercial node, the area is in the Transitional Zone. This district allows for more intense land uses (multi family, professional offices, limited commercial) when deemed appropriate only when sensitivity to adjoining residential areas is taken into account.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning. The proposed zoning would accommodate uses appropriate to the area and would not negatively impact adjacent property.

SAMPLE MOTION

I move to accept the staff recommendation to approve the request as it allows for appropriate use of the property and would likely not negatively impact adjacent property.

Request to Rezone: O-1 to C-2

5.56 acres ± at the northwest corner of the Dave Ward Drive and S Country Club Road intersection

I.F



View from the subject property looking SW



View from the subject property looking NW



View from the subject property looking N



View from the subject property looking E



View of the subject property from the private drive looking E



View from the subject property looking SE

Request to Rezone: O-1 to C-2

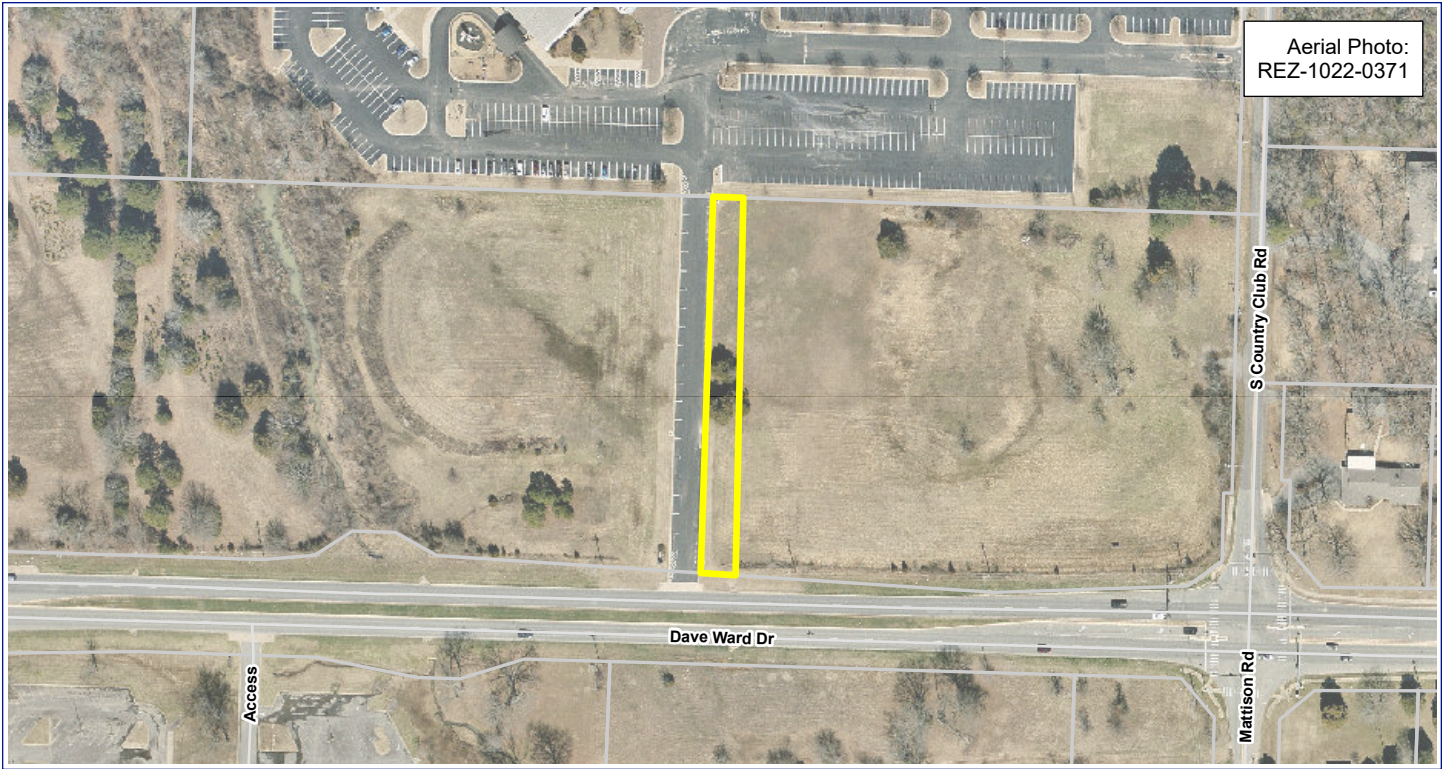
0.50 acres ± at the northwest corner of the Dave Ward Drive and S Country Club Road intersection

APPLICANT/AUTHORIZED AGENT

Brandon Rush
Engineering Service, Inc.
PO Box 282
Springdale, AR 72765

OWNER

New Life Church of AR, Inc.
633 S Country Club Rd
Conway, AR 72034



SITE DATA

Location. 0.1 miles west of Dave Ward Dr and S Country Club Rd intersection. Property is the eastern 50' of property owned by New Life Church of Arkansas.

Site Area. 0.50 acres ±.

Current Zoning. O-1 (General Office District).

Requested Rezoning. C-2 (Neighborhood Commercial).

Adjacent Zoning. West, North, South: O-1; East: O-2 (Quiet Office).

Existing Structures. None.

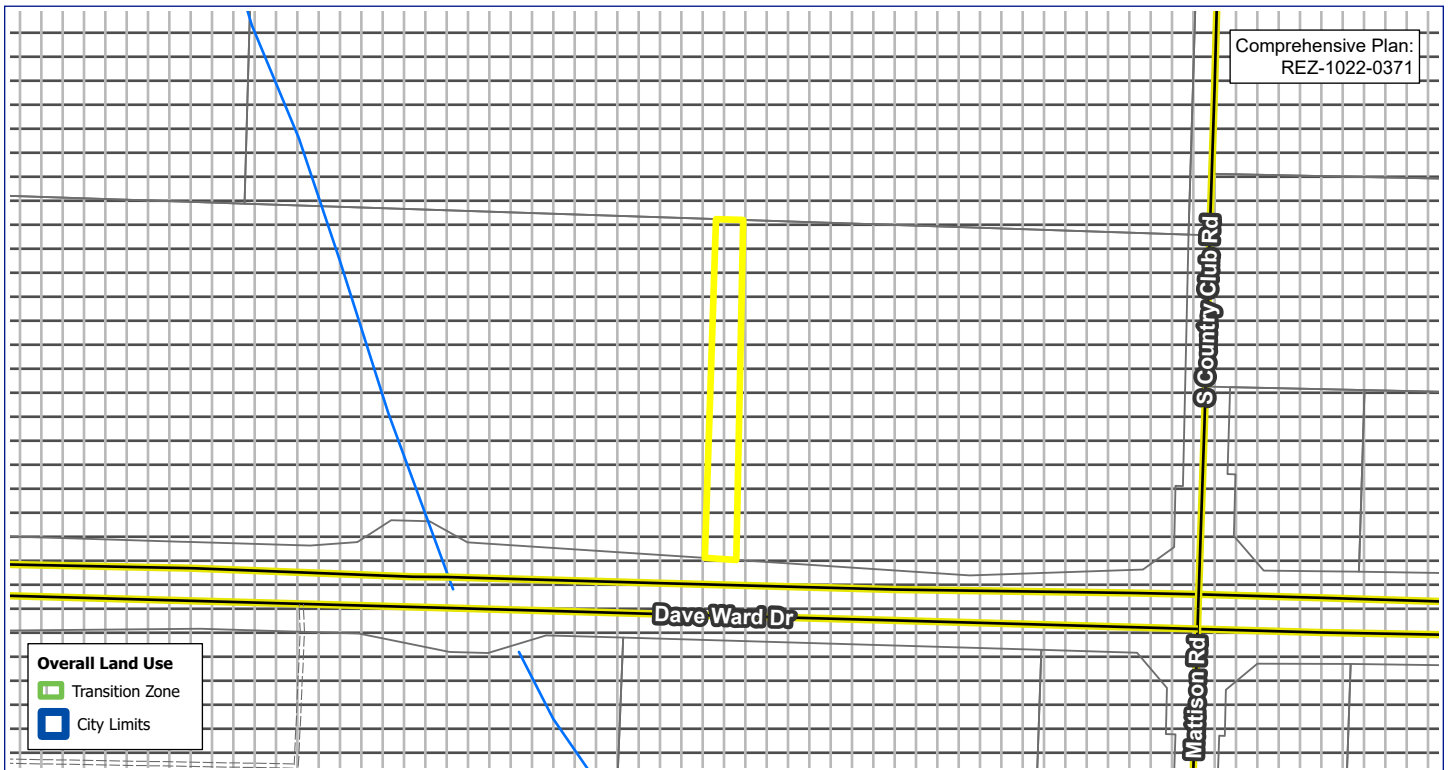
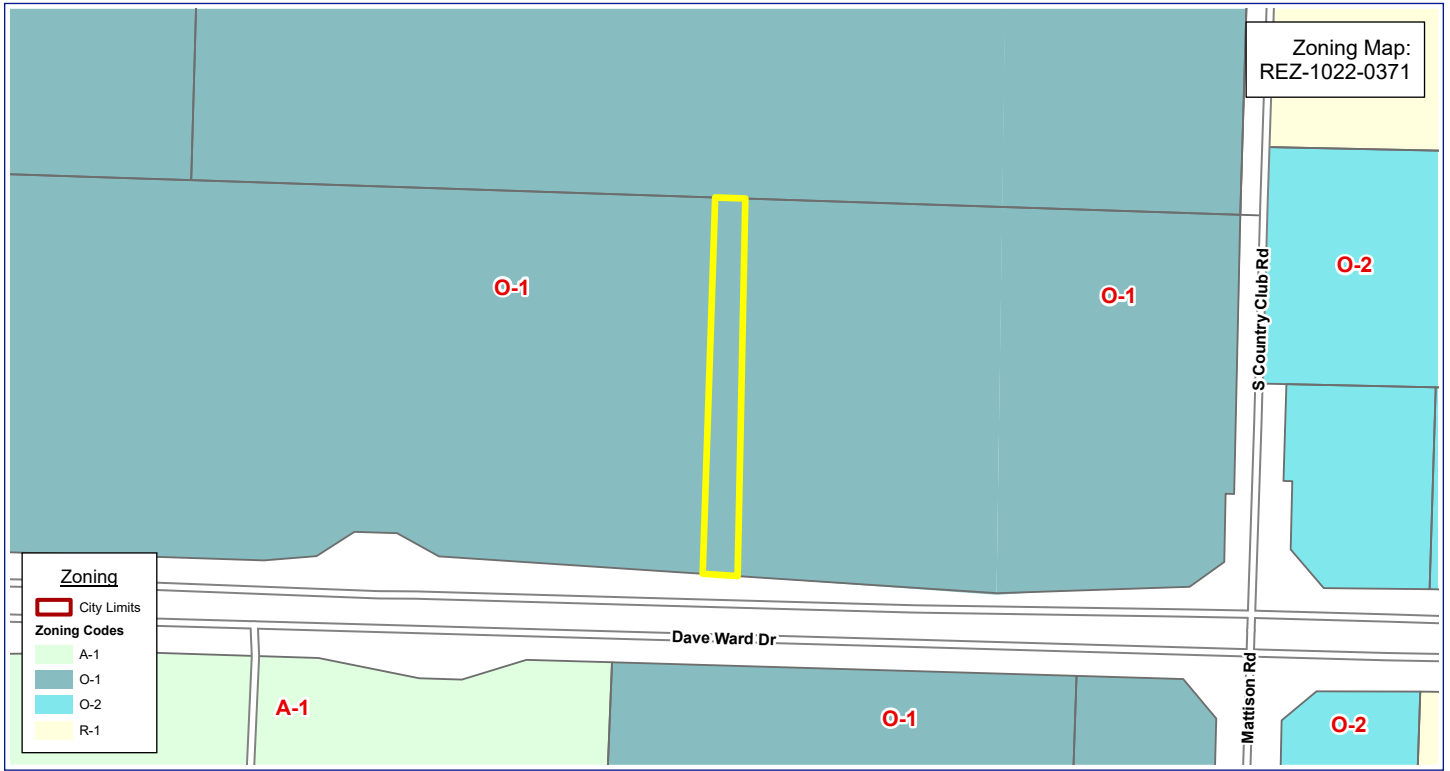
Overlay. None.

Subarea Plan. Dave Ward Dr Access Management Plan.

Comprehensive Plan. Transition Zone.

Request to Rezone: O-1 to C-2

0.50 acres ± at the northwest corner of the Dave Ward Drive and S Country Club Road intersection



Request to Rezone: O-1 to C-2

I.G

0.50 acres ± at the northwest corner of the Dave Ward Drive and S Country Club Road intersection

Projected Traffic Impact. With a rezoning to C-2, the traffic impact could be significant. Trips would be distributed onto Dave Ward Drive and S Country Club Rd. The applicant is proposing a retail food store development with the addition of an automobile service station through a future conditional use permit application. Given this, it is anticipated that the proposed development could generate up to 3,970 vehicle trips per typical weekday.

Current Traffic Counts. 31,000 ADT - Dave Ward Dr (east of the Farris Rd intersection); 12,000 ADT - Salem Rd (north of the Dave Ward Dr intersection).

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

Utilities. Utilities are available; applicant shall coordinate extension of utilities with Conway Corp.

Master Street Plan. Dave Ward Dr – Major Arterial (100' ROW); Country Club Rd – Minor Arterial (80' ROW).

Street Improvement. No improvements are planned at this time.

STAFF COMMENTS

- This application is associated with the previous item, I.F.
- The applicant is seeking the rezoning for the purpose of developing a retail food store, though many other uses would be permitted by right in the requested zoning district.
- High intensity uses for this zoning include eating place (without drive through service), childcare facilities, and school facilities.
- The applicant plans to submit an application for a Conditional Use Permit at the next Planning Commission meeting requesting a fuel component for this site.
- *"The C-2 District provides use areas for retail trade and personal service enterprises designed to serve surrounding residential neighborhoods. Parking requirements and bulk regulations are more stringent in this area to ensure compatibility with the residential districts which surround it."*
- This is a major intersection within the city and there is a need for this type of use in the area.
- While the Comprehensive Plan does not identify this intersection as a commercial node, the area is in the Transitional Zone. This district allows for more intense land uses (multi family, professional offices, limited commercial) when deemed appropriate only when sensitivity to adjoining residential areas is taken into account.

STAFF RECOMMENDATIONS

Staff recommends approval of the rezoning. The proposed zoning would accommodate uses appropriate to the area and would not negatively impact adjacent property.

SAMPLE MOTION

I move to accept the staff recommendation to approve the request as it allows for appropriate use of the property and would likely not negatively impact adjacent property.

Request to Rezone: O-1 to C-2

0.50 acres ± at the northwest corner of the Dave Ward Drive and S Country Club Road intersection



View from the subject property looking SW



View from the subject property looking NW



View of subject property looking E



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2023 Conway Planning Commission Schedule

Application Deadline	Review Comments Available Applicant	Revisions Deadline	Staff Report Published	Planning Commission Meeting
December 15, 2022 ¹	December 28, 2022	January 5, 2023	January 12, 2023	January 17, 2023 ²
January 20, 2023	February 1, 2023	February 9, 2023	February 16, 2023	February 21, 2023 ³
February 17, 2023	March 1, 2023	March 9, 2023	March 16, 2023	March 20, 2023
March 17, 2023	March 29, 2023	April 6, 2022	April 13, 2022	April 17, 2023
April 14, 2023	April 26, 2023	May 4, 2023	May 11, 2023	May 15, 2023
May 19, 2023	May 31, 2023	June 8, 2023	June 15, 2023	June 20, 2023 ⁴
June 16, 2023	June 28, 2023	July 6, 2023	July 13, 2023	July 17, 2023
July 21, 2023	August 2, 2023	August 10, 2023	August 17, 2023	August 21, 2023
August 18, 2023	August 30, 2023	September 7, 2023	September 14, 2023	September 18, 2023
September 15, 2023	September 27, 2023	October 5, 2023	October 12, 2023	October 16, 2023
October 20, 2023	November 1, 2023	November 9, 2023	November 16, 2023	November 20, 2023
November 17, 2023	November 29, 2023	December 7, 2023	December 14, 2023	December 18, 2023

- Conway Planning Commission meetings are held the 3rd Monday of each month at 6:30pm.
- All meetings are held in the City Council Chambers of Conway City Hall, 1111 Main Street.
- All applications/submissions are due by 3:00pm on the submission deadline date. The Planning & Development Department receives submissions for planning and subdivision review via the Civic Access Portal at the following link: [APPLY ONLINE](#).
- Incomplete applications will be deferred to another month's agenda. (refer to applications checklists)
- The Planning Commission Meeting date associated with the Application Deadline is the earliest an item can be heard by the Planning Commission if Staff determines that all comments have been addressed.
- All comments on public hearing items, received by noon on the day of the meeting, will be forwarded to the Planning Commission via email. Any public comments on public hearing items will be published in the Planning Commission Staff Report if received by end of business one week prior to the meeting. To submit a comment or if you have questions please contact Planning Staff by email at planning@conwayarkansas.gov or phone at (501) 450-6105.

¹ Submission deadline moved due to City Employee Appreciation Event

² Meeting moved due to Martin Luther King Jr. Day observance

³ Meeting moved due to Presidents' Day observance

⁴ Meeting moved due to Juneteenth observance

In accordance with Conway Planning Commission By-Laws, Article II, Section B, *"The Commission shall elect each November, from its membership, a Chair, a Vice-Chair, and a Secretary for terms of one (1) calendar year. Officer terms shall run from January to December."*

Chair:

The Chair shall preside at all meetings and hearings of the Commission, shall sign all approved minutes and other appropriate documents on behalf of the Commission, and, in coordination with Planning staff, be responsible for the orientation and training of new members.

Vice-Chair:

The Vice-Chair assumes all duties of the Chair in the Chair's absence.

Secretary:

The Secretary, in coordination with staff, is responsible for monitoring the minutes of each meeting, maintaining a copy of the by-laws for the Commission, maintaining a record of the current membership including terms of office, maintaining a record of the organization of the Commission, and the distribution of conflict of interest forms at the appropriate time.

Accessory Dwelling Units

The following code revisions are provided to reform current treatment of accessory dwelling units. Current code allows for manager or caretaker residences. This allowance has served as a loophole to allow accessory dwelling units (ADUs) with few restrictions. ADUs are incredibly popular because of the housing affordability crisis nationwide and the silver tsunami. Cities across the US and state have legalized ADUs, as they are way of allowing increased density with minimal impacts on neighborhood character, often being described as “invisible density”. They additionally provide a means for providing long-term care to aging relatives, allow multi-generational housing with less friction, help curb rising rents, and provide important income producing opportunities for homeowners. These provisions would close the current loophole while providing reasonable restrictions on the allowances of ADUs.

SECTION 530 – ACCESSORY DWELLING UNITS

530.1 – GENERAL AND APPROVAL

- A. Allowance: Accessory dwellings units shall only be allowed on lots where there is an existing single-family residence. An existing single-family dwelling may be converted to an accessory dwelling unit.
- B. Approval: Approval shall require zoning review by the Administrative Official in addition to building permitting requirements.
- C. Existing Nonconforming Structures: Existing accessory dwelling units permitted or constructed prior to January 31, 2023, made non-conforming by these regulations shall be considered legal and conforming and may be reconstructed if demolished or destroyed for any reason.

530.2 – STANDARDS

- A. Owner Occupancy: The property owner must maintain permanent residence in either the principal structure or the accessory dwelling unit and shall provide proof of property tax records demonstrating the redemption of an Arkansas Homestead Tax Credit for the property prior to approval of permits for the accessory dwelling unit.
- B. Maximum Occupancy: Occupancy of the accessory dwelling unit shall be limited to one (1) family with no more than one (1) bedroom.
- C. Number Allowed: One (1) accessory dwelling unit per principal structure.
- D. Size Limits: The accessory dwelling unit must be less than forty (40) percent of the size of the principal structure or 1,000 square feet in gross floor area, whichever is less. It must also be at least 400 square feet in gross floor area.
- E. Location: The unit must be placed within the rear yard of the lot, behind the principal structure.
- F. Design: The façade materials of the unit must match or complement the façade materials of the principal structure. The applicant shall provide a materials list at the time of approval for the structure.
- G. Parking: One (1) paved parking space shall be provided adjacent and abutting the existing required parking area for the principal structure, unless the unit is placed within a structure that includes a garage. Existing parking or on-street parking directly adjacent to the property may be counted to meet this requirement. If the unit is placed along an alley, the required parking may be placed adjacent to the alley.
- H. Utilities: Separately metered utilities shall be required for the accessory dwelling unit.
- I. Accessory Structure Conversion: An existing accessory structure may be converted in whole or in part to an accessory dwelling unit provided the accessory structure is conforming and the structure or portion of the structure deemed an accessory dwelling unit meets the requirements of this section and all applicable building codes.

Discussion: Proposed Changes to Zoning Code §530

II.C

Accessory Dwelling Units

Definition

Accessory Dwelling Unit: A smaller, secondary site-built detached dwelling unit on the same lot as an existing single-family dwelling. The unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, designed for residential occupancy independent of the primary dwelling unit.

Discussion: Proposed Changes to Zoning Code §616

II.D

Hospital Services

The following language is being considered for removal from the Zoning Code. The language does not appear to have been utilized and would stand as a major impediment to Conway Regional, if enforced. Additionally, the enforcement of the Old Conway Design Overlay District provides protection of neighboring property for much the eastern side of the hospital property.

SECTION 616 – HOSPITAL SERVICES

Any and all hospitals shall be subject to the following conditions:

- A. No ingress or egress (other than a service entrance on an alley) shall be more than fifty (50) feet from a major or collector street.
- B. No building, work area or recreation area shall be nearer to a zoned lot in an R district than fifty (50) feet.
- C. There shall be a screening wall maintained in good condition adjacent to any zoned lot in an A-1 or R district.

#O-11-97 replaced the Board of Zoning Adjustment with the Planning Commission. Previously, the Board of Zoning Adjustment was separately appointed from the Planning Commission with an independent membership. Arkansas Code Annotated § 14-56-416. Zoning ordinance – requires a board of zoning adjustment, but allows the membership of the Planning Commission to “sit” as the Board of Zoning Adjustment rather than replace it. As such, while the intent of O-11-97 is very much consistent with state law, but likely not fully following state law requirements. The amendments are provided to correct that issue as well allow for small special exceptions and provide enhanced review criteria for variances.

ARTICLE VII. BOARD OF ZONING ADJUSTMENT

SECTION 701 – CREATION, APPOINTMENT, AND MEETINGS

701.1 – CREATION AND APPOINTMENT

The Board of Zoning Adjustment is established and shall consist of the membership of the Planning Commission. The officers of the Planning Commission shall hold the same offices on the Board of Zoning Adjustment.

701.2 – RULES AND MEETINGS

The Board of Zoning Adjustment shall hold all meetings in conjunction with regular or special called meeting dates of the Planning Commission. All rules for the conduct of its business, establishment of a quorum, and procedures shall follow such rules established for the Planning Commission unless separate bylaws are formed. Each session of the Board of Adjustment is a public meeting and public notice of the meeting and agenda must be published in a newspaper of general circulation in the City of Conway, at least one (1) time fifteen (15) days prior to the meeting.

SECTION 702 – POWERS AND DUTIES

The Board of Zoning Adjustment shall have all the powers and duties prescribed by law and by this ordinance, which are more particularly described as follows:

702.1 – ADMINISTRATIVE REVIEW APPEALS

Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrative Official in the enforcement of the Zoning Code. The Board may affirm or reverse, in whole or in part, said decision of the administrative official.

702.2 – VARIANCES

Hear and decide variance requests from the literal provisions of the Zoning Code in instances where strict enforcement of the Zoning Code would cause undue hardship because of circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the Zoning Code.

702.3 – SPECIAL EXCEPTIONS

Hear and decide requests on interpreting zoning district boundaries where uncertainty exists as to the boundaries of the zoning districts or when the street or property lines existing on the ground are at variance with those shown on the Zoning District Map.

SECTION 703 – ADMINISTRATIVE REVIEW APPEALS

Appeals of any decision or determination of the Administrative Official may be made by any person aggrieved by the decision or determination within thirty (30) days of the decision or determination. Appeals shall be made in writing by means provided by the City of Conway. No appeal shall be accepted and processed without all required materials and payment of fees.

703.1 – APPLICATION

The appeal shall include the following information and documents:

- A. Applicant Information. The name and address of the person making the appeal.
- B. Decision. Information detailing the decision or determination made by the Administrative Official which is being appealed. Such information shall include the specific code provision
- C. Justification. Applicant's justification for why the decision or determination by the Administrative Official was made in error.
- D. Additional Information. The applicant made include additional information supporting the appeal, as may be desired.
- E. Fee. Payment of the prescribed nonrefundable fee as indicated the Schedule of Fees adopted by the City Council. The fee shall be at least three hundred twenty-five (\$325) dollars.

703.2 – HEARING AND REVIEW

- A. Application Acceptance. Upon receipt of the application, the appeal shall be placed on the agenda for the next regular meeting of the Board of Zoning Adjustment following the Planning Commission calendar.
- B. Administrative Official Report. The Administrative Official shall prepare a written report detailing why the decision or determination was made and the relevant code provisions related to the decision. The written report shall be provided to the appeal applicant at least seven (7) days prior to the hearing at which the appeal shall be heard.
- C. Hearing. At the hearing the applicant shall demonstrate why he/she believes the Administrative Official was incorrect in his/her decision or determination based upon the facts of the case and provisions of the Zoning Code. The Board may question the appeal applicant or Administrative Official to determine additional facts in the case.
- D. Decision. Following the hearing, Board shall render a decision on the appeal within thirty (30) days of the commencement of the hearing. The Board may uphold, partially uphold, or reverse the decision of the Administrative Official. The Board shall consider all the facts presented in determining whether the Administrative Official was correct in carrying out the provisions of the Zoning Code.
- E. Final Action. The appeal applicant or a member of the City Council may appeal the decision of the Board to the City Council within thirty (30) days of the decision of the Board. If no appeal is made, the action of the Board shall be considered final.

SECTION 704 – VARIANCES AND SPECIAL EXCEPTIONS

704.1 – APPLICATION

An application for a variance or special exception shall be made by the property owner/authorized agent. The application may accompany a rezoning request and shall be made by means provided by the City of Conway in accordance with the Planning Commission calendar. No application shall be accepted and processed without all required materials and payment of fees.

The application shall include the following information and documents:

- A. Applicant Information. The name and address of the applicant.
- B. Property Owner/Authorized Agent Form. Form indicating that the applicant is the owner(s) of the property or the applicant is authorized to apply and act on behalf of the owner(s).
- C. Location Information. Address and accurate legal description of the property.

- D. Variance Request. Information detailing the variance being requested citing the specific code provisions from which variance relief is sought.
- E. Scaled Site Plan. A scaled site plan showing property boundaries, building locations, building outlines, driveways, parking, screening, abutting streets, north arrow, and other pertinent information as may be required by the Administrative Official. The Administrative Official shall have the authority to require plans prepared and stamped by a licensed design professional.
- F. Fee. Payment of the prescribed nonrefundable fee as indicated the Schedule of Fees adopted by the City Council. The fee shall be at least three hundred twenty-five (\$325) dollars.

704.2 – PUBLIC NOTICE

Public notice for variance and special exception applications shall consist of public notice signs on the property and mailed notice to property owners within two hundred (200) feet. No application may be heard for a public hearing by the Board of Zoning Adjustment until all forms of public notice have been made. The following requirements shall satisfy public notice requirements:

A. Public Notice Signs

The applicant shall be responsible for posting a sign or signs of public notice on the property at least fifteen (15) days prior to the public hearing. Sign posting shall meet the following requirements:

1. One (1) sign for each five hundred (500) feet of street frontage with at least one (1) sign per street frontage.
2. Signs shall be placed at the property line nearest the street, and be clearly visible to passing vehicle and pedestrian traffic.

Signs shall be supplied by the City of Conway and the Administrative Official shall determine the number of required signs. The applicant shall pay a nonrefundable fee established by the Schedule of Fees adopted by the City Council. The fee shall be at least ten (\$10) dollars per sign.

Photographic proof of posting of the required public notice signs shall be provided to the Administrative Official at least ten (10) days prior to the public hearing.

B. Letters of Public Notice

The applicant shall mail, by USPS First Class mail with Certificates of Mailing, a notice of the public hearing to all property owners within two hundred (200) feet of the property as well as all school board members and the school superintendent of the school district in which the property is located. Notice must be mailed at least fifteen (15) days prior to the public hearing. The City of Conway shall supply the required mailing list.

Notice shall be made using a completed form provided by the City of Conway which shall at least include a description of the conditional use being sought, location, and date/time/location of the public hearing. The applicant may include additional information regarding the application.

Proof of mailing, including Certificates of Mailing and a copy of notice letter, shall be provided to the Administrative Official at least ten (10) days prior to the public hearing.

704.3 – REVIEW PROCEDURE

A. Staff Review

The Administrative Official shall review the application and may provide a recommendation for action on the item.

B. Board of Zoning Adjustment Review

The Board of Zoning Adjustment shall hold a public hearing on the application and render a decision within at least forty-five (45) days following the closing of the public hearing.

1. Approval: If the Board of Zoning Adjustment approves the application, this action shall be considered final, and the Administrative Official shall issue the variance or special exception permit.

2. Denial: If a variance or special exception application is denied by the Board of Zoning Adjustment, written notice of denial shall be provided to the applicant within fifteen (15) days of the decision being rendered. Such written notice shall include the reasons for denial of the application. The applicant may appeal the denial to the City Council in writing, stating why they consider the Board's findings and decision to be in error. The appeal must be filed with the Administrative Official within thirty (30) days of receiving the written notice of denial and shall be subject to a public hearing before the City Council. The applicant must complete the public notice requirements indicated in § 704.2 and pay a nonrefundable fee prescribed in a Schedule of Fees adopted by the City Council. The fee shall be at least three hundred twenty-five (\$325) dollars.

If no appeal is filed, the decision of the Board shall be final and no further action on the application shall take place.

704.4 – STANDARDS OF APPROVAL

The Board of Zoning Adjustment shall not approve a variance unless making a finding of fact that affirms the following:

- A. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, the strict application of this Zoning Code would result in an undue hardship to the owner, as distinguished from a mere inconvenience.
- B. The conditions causing the need for a variance are unique to the property and are not applicable, generally, to other property within the same zoning classification.
- C. The literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Code.
- D. The alleged difficulty or hardship is caused by this code and has not been created by the applicant.
- E. The granting of the variance will not harm the public welfare, other property, or improvements in the neighborhood in which the property is located.
- F. The proposed variance complies with the spirit and intent of restrictions imposed by this code and is the minimum variance necessary to make reasonable use of the property.

No variance may be approved that would allow a use that is not permitted or that is implicitly or expressly prohibited. The Board may provide conditions on the approval of a variance. Violation of these conditions shall be considered a violation of this Zoning Code.

704.5 – CONDITIONS OF APPROVAL

The Board of Adjustment may require such conditions or restrictions upon the construction, location, and operation of a variance, as deemed necessary to secure the general objectives of this code.

704.6 – LAPSE OF VARIANCE

A variance shall become lapse and void under the following:

- A. The use for which the variance is tied is not commenced within eighteen (18) months.
- B. The building or structure that caused the need for the variance has not begun construction within eighteen (18) months.

SECTION 705 – ADMINISTRATIVE WAIVERS

The Administrative Official shall have the authority to grant administrative waivers of any area requirements such as setbacks, height, lot size, or lot coverage established within Article III of this code, where such action will not be harmful to the public welfare. No administrative waiver may be granted for more than ten percent (10%) of the numerical standards, and no administrative waiver for a requirement that does not have a numerical standard. Granting of all such administrative waivers shall be reported to the Planning Commission within thirty (30) days of being approved.

SECTION 706 – BOARD OF ZONING ADJUSTMENT APPEALS

Decisions of the Board of Zoning Adjustment may be appealed to the City Council in accordance with the Arkansas Code Annotated § 14-56-416. Such appeals shall follow the procedures established in this article.

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

- Hawks Mobile Homes Office (SDR-0622-0275)
- ARCare Expansion (SDR-0922-0328)
- Rock N' Roll Sushi Patio Dining (SDR-0922-0342)

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

- Replat of Lot 2, The Greens at Nutter's Chapel (P2022-00071)
- University Lofts Subdivision (P2022-00072)
- Replat of Lot 2, Westin Park (P2022-00073)
- Marable Commons (P2022-00075)
- D/B Starkey Subdivision (P2022-00076)
- Caldwell Subdivision (P2022-00077)
- Hilltop Subdivision (P2022-00078)
- South Sterling Phase 2 (P2022-00079)
- J's Round Mountain Replat (P2022-00080)