

The background of the entire page is a close-up, shallow depth-of-field photograph of various heart-shaped candies. The candies are in shades of light green, orange, yellow, and pink. One green candy in the lower right foreground is in sharp focus and has the words "CALL ME" printed on it in red, capital letters. The other candies are blurred, creating a soft, colorful bokeh effect.

# FEBRUARY

Conway Planning Commission  
Staff Report

7:00pm • February 18, 2020 • 810 Parkway Avenue

# CONWAY PLANNING COMMISSION

Brandon Ruhl, Chairman

Dalencia Hervey, Vice-Chairman

Rhea Williams, Secretary

Rebekah Fincher

Brooks Freeman

Drew Gainor

Arthur Ingram

Latisha Sanders-Jones

Brian Townsend

Anne Tucker

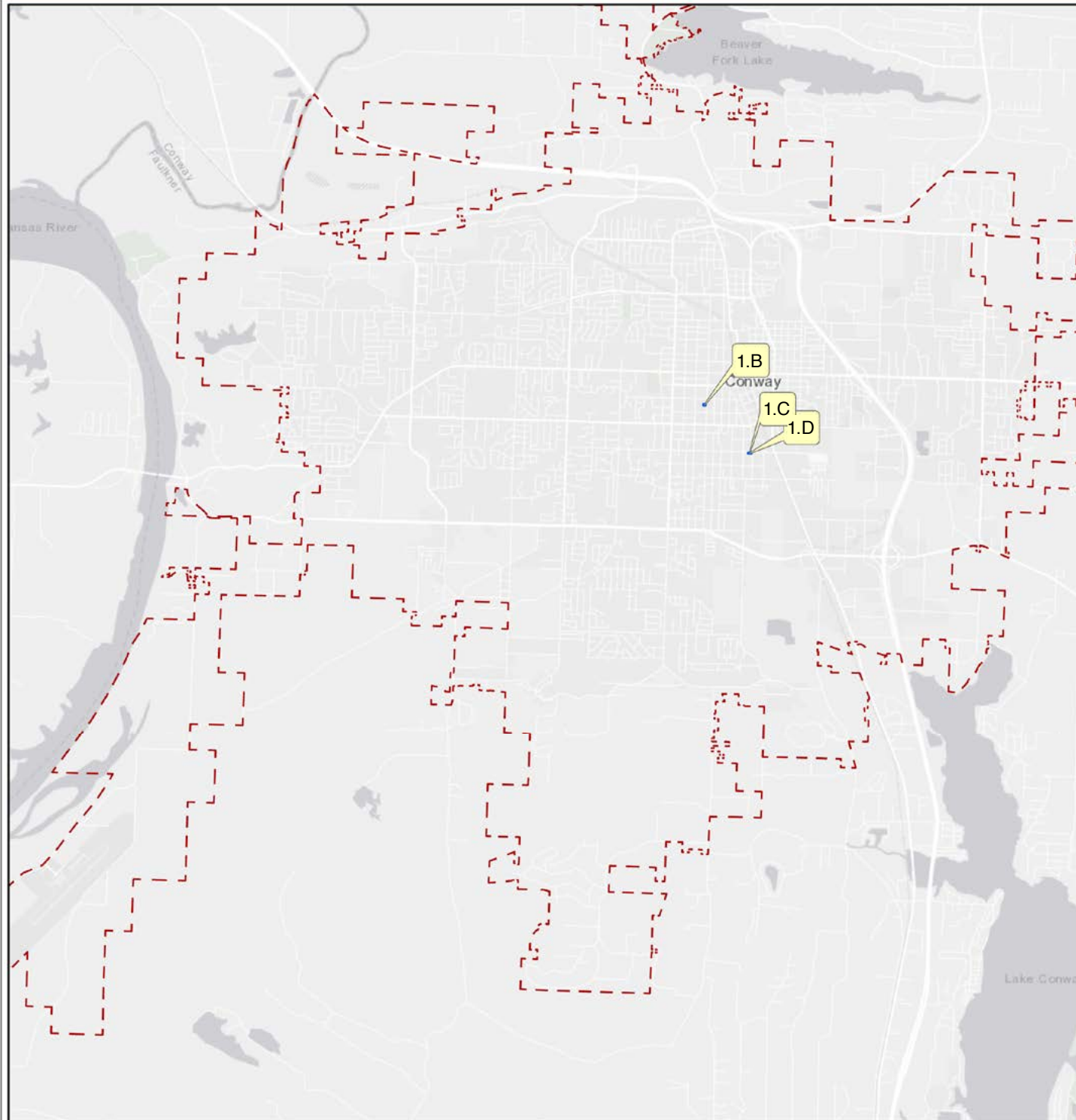
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Contact the Conway Planning Commission at [planningcommission@conwayarkansas.gov](mailto:planningcommission@conwayarkansas.gov)

The Conway Planning Commission makes recommendations to the City Council on public hearing items. The City Council will make a final decision on these items using the Planning Commission recommendations as a guide. Items reviewed at tonight's Planning Commission meeting may be considered by the City Council as early as **February 25, 2020**.

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

Decisions made by the Planning Commission acting as the Board of Zoning Adjustment are final. No appeal may be made to the City Council.



- I. Public Hearings - Rezoning, Conditional Use Permit, Zoning Variance, etc.**
- A. Request to annex +/-18.93-acres in Cedar Park Estates (ANN2020JAN01) *request withdrawn by applicant*
  - B. Request for zoning variance - reduced side setback at 705 Davis Street (VAR2020FEB01)
  - C. Request for zoning variance - reduced rear setback at 237 Locust Avenue (VAR2020FEB02)
  - D. Request to rezone from R-2A to R-2 property located at 237 Locust Avenue (REZ2020FEB01)



# City of Conway PLANNING COMMISSION Agenda • February 18, 2020

## Call to Order.

## Approval of Minutes. January 21, 2020

### I. Public Hearings - Rezoning, Conditional Use Permit, Zoning Variance, etc.

- A. Request to annex +/-18.93-acres in Cedar Park Estates (ANN2020JAN01) *request withdrawn by applicant*
- B. Request for zoning variance - reduced side setback at 705 Davis Street (VAR2020FEB01)
- C. Request for zoning variance - reduced rear setback at 237 Locust Avenue (VAR2020FEB02)
- D. Request to rezone from R-2A to R-2 property located at 237 Locust Avenue (REZ2020FEB01)

### II. Discussion

- A. Items as decided by the Commission

## Adjourn

### Planning Staff Review reports to the Planning Commission

The following items (development reviews, minor subdivisions, plats filed for record, etc.) have been reviewed and approved by the Director of Planning and Development and are being reported to the Planning Commission as required by the Zoning and Subdivision Ordinances:

#### Development Reviews

- Orso Vista Apartments, 375 Denison St
- Conway Housing Authority - Office Renovation, 335 S Mitchell St
- Hambuchen Industrial Building, 1170 Dons Ln
- June Beene Apartments, Phase 4, 2535 Donaghey Ave

#### Lot Splits, Lot Mergers, and Minor Subdivisions (filed for record)

- Addi's Place Replat [county] (P2020-00001)
- Coyote Ridge, Phase 2 [county] (P2020-00002)
- Replat Lot 17R, Timbercrest Addition [county] (P2020-00003)
- Lenderman Dental Addition (P2020-00004)
- Replat Lot 1, Miss Toby's Country Corner (P2020-00005)
- Bell Urban Farm Subdivision (P2020-00006)
- Replat Lots 1-5, Block 1, R.L. Hayes Addition (P2020-00008)
- Eugene S. Gaxiola, Sr. Subdivision (P2020-00009)

#### Lot Splits, Lot Mergers, Minor Subdivisions, and Major Finals (submitted for review)

- Linn's Subdivision Replat (SUB2020JAN03)
- Replat Lot 11, Block 7, Davies & Garvins (SUB2020FEB01)
- Waterworks Subdivision (SUB2020FEB02)
- Replat Lot 2, Hickory Ridge Subdivision (SUB2020FEB03)
- Ingram Village Replat (SUB2020FEB04)

# I.B REQUEST FOR ZONING VARIANCE - 705 DAVIS STREET

REQUEST FOR ZONING VARIANCE TO REDUCE [ACCESSORY] SIDE SETBACK FROM 5' TO 0'

**APPLICANT**

Niki Thompson/Storybook Renovations, LLC  
831 Faulkner St  
Conway, AR 72034

**OWNER**

William Freeman  
705 Davis St  
Conway, AR 72034

**STAFF REVIEW BY**

Levi Hill, Assistant Director

**SITE DATA**

Location. 705 Davis St.

Site Area. 0.34 acres +/-.

Current Zoning. R-2A (Two-Family Residential)

Existing Structures. 2,700 sf Single-Family Residence

Overlay. Old Conway Design Overlay District - Suburban Zone.

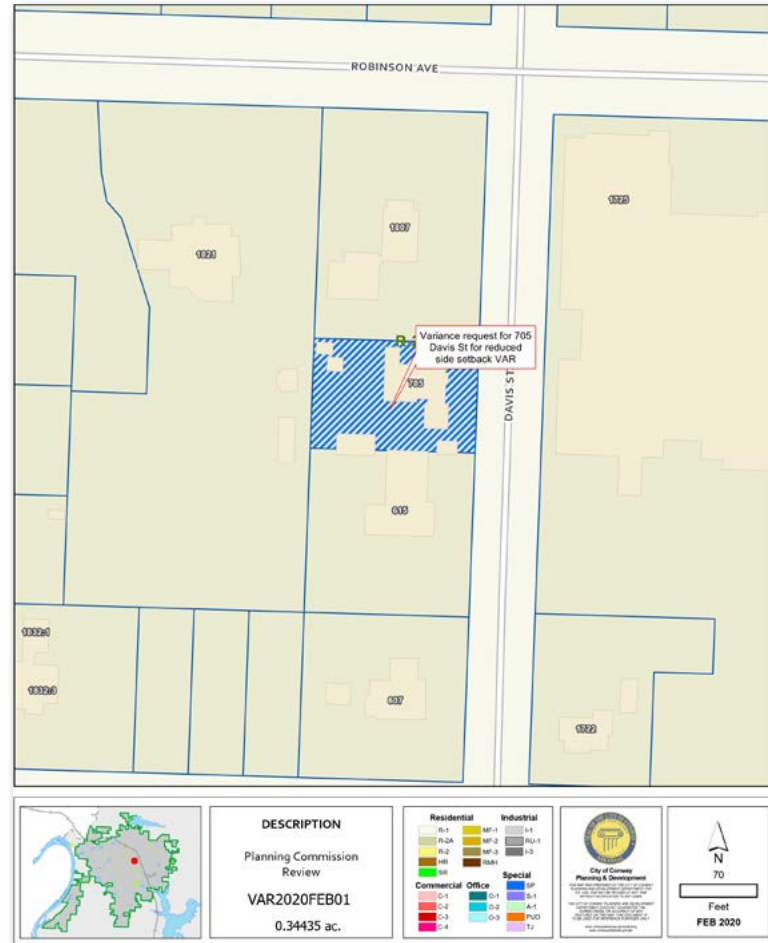
**Requested Variances.**

- Reduce [south] side setback from 5' to 0'.

**General Overview.** The applicant is proposing to construct a 216 square foot cabana at the southwest corner property. The applicant is proposing a 0' setback at the [south] side property line.

**Zoning Ordinance Regulations.** R-2A zoning district requires: Setback - 5 feet for accessory structures.

**Basis of Variance Review.** The Planning Commission acting as the Board of Zoning Adjustment, should only grant zoning variances if strict enforcement of the zoning ordinance will cause undue hardship due to circumstances unique to the individual property. Variances should only be granted when it is demonstrated that such action will be in keeping with the spirit and intent of the ordinance. The Commission may impose conditions in granting a variance to ensure compliance and to protect adjacent property.



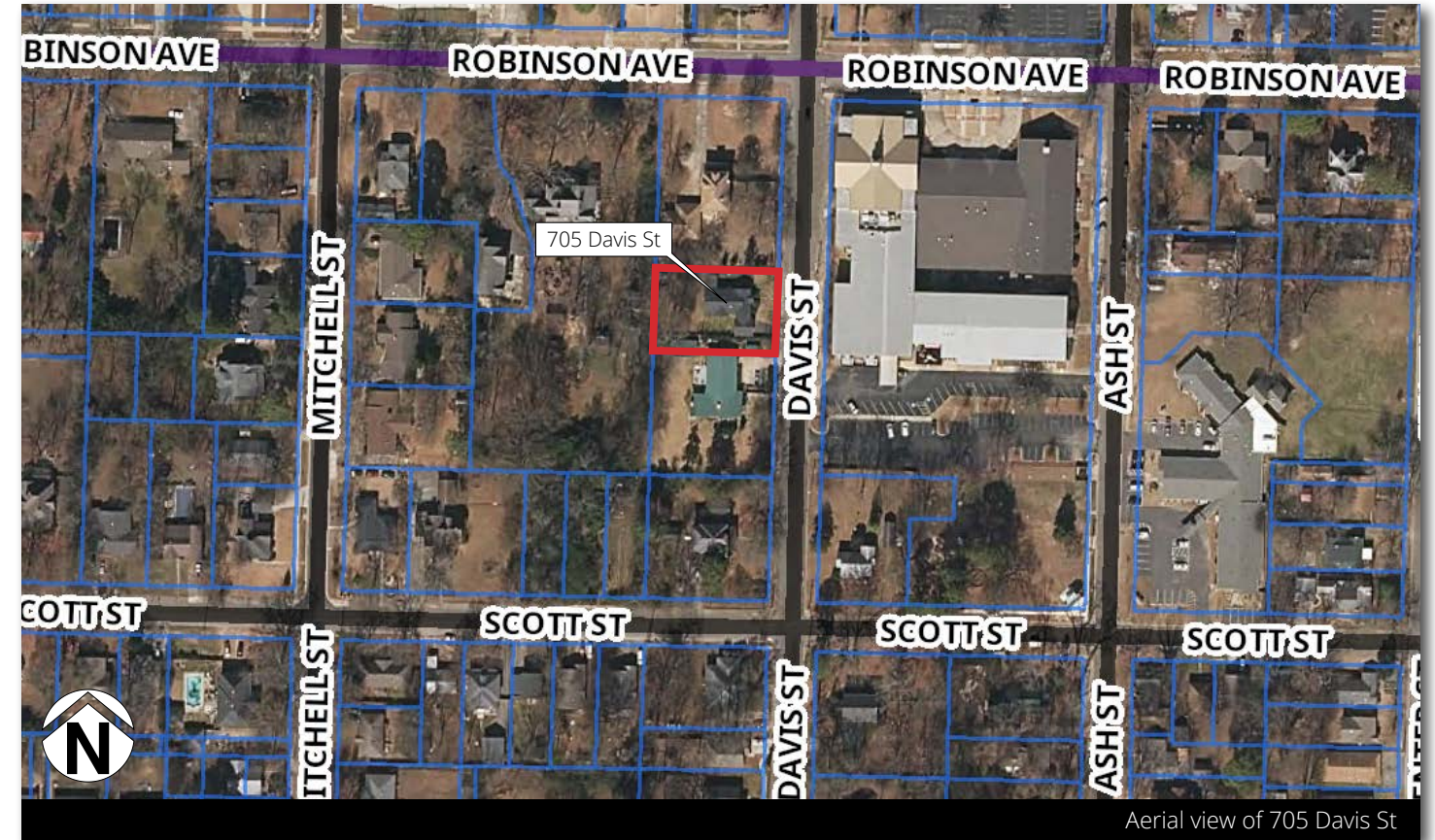
**STAFF COMMENTS**

1. The site does not appear to present any physical or topographical constraints unique to the specific property.
2. The property is situated on two platted lots totaling approximately 15,000 square feet and measuring 100 feet wide.
3. The Arkansas Fire Prevention Code requires a 10 foot separation between all buildings. Allowing a reduced setback less than 5 feet would create an unnecessary hardship on the neighboring property owners to meet this requirement.
4. The applicant has not demonstrated any special conditions or circumstances that exist which are peculiar to the land which are not applicable to other properties in the same district.

**STAFF RECOMMENDATIONS**

Staff recommends denial of the variance on the following basis:

The applicant has not demonstrated any special conditions or circumstances that exist which are peculiar to the land which are not applicable to other properties in the same district. Additionally, granting the variance would create an unnecessary hardship on neighboring property owners and would not be in keeping with the spirit and intent of the ordinance.

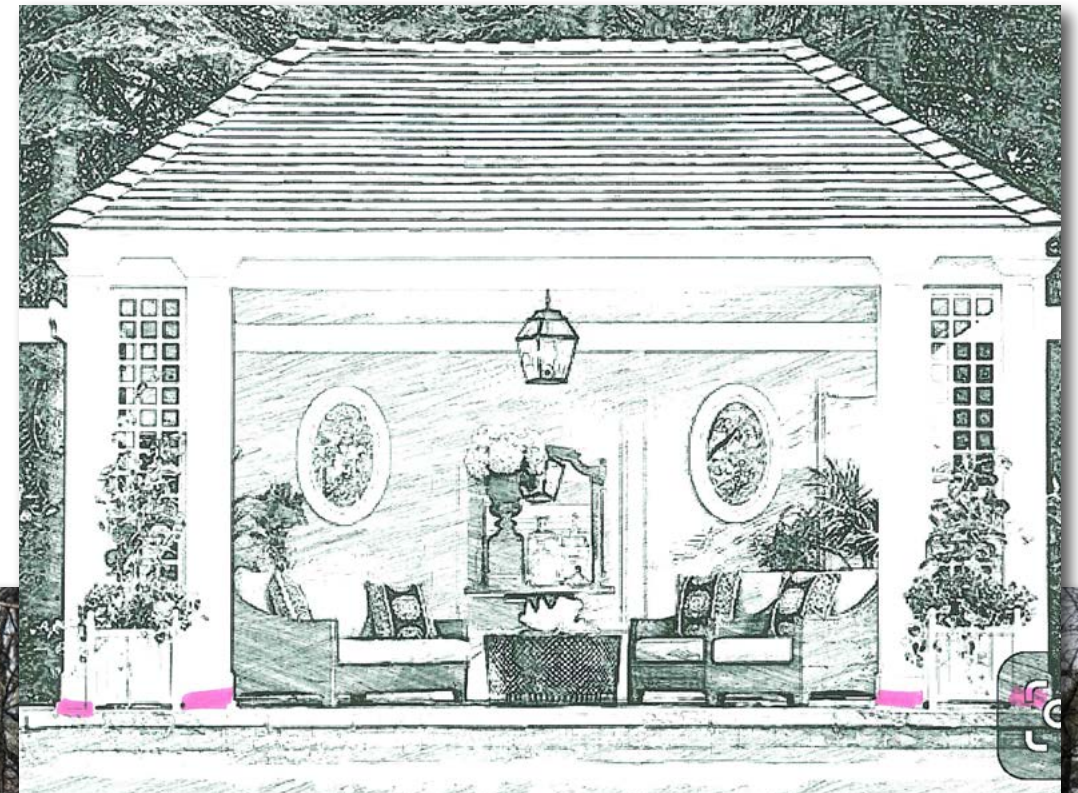
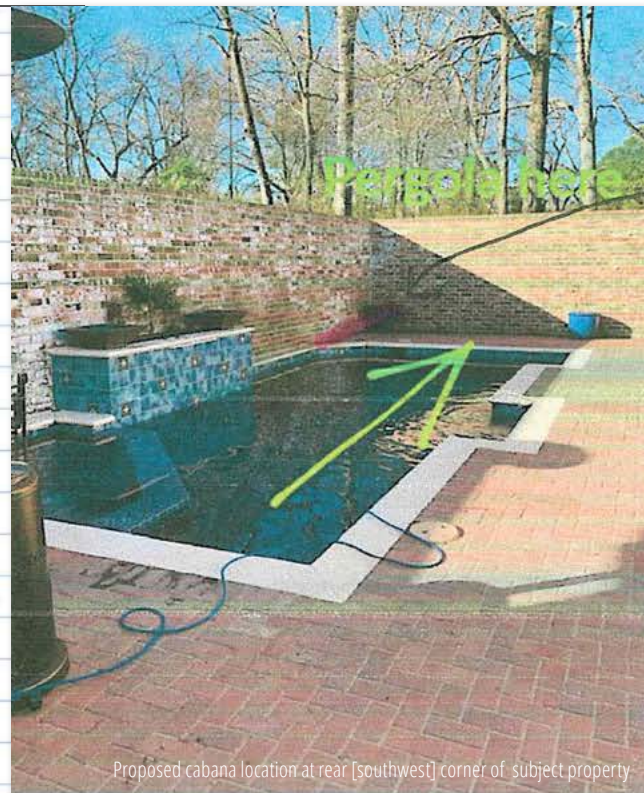
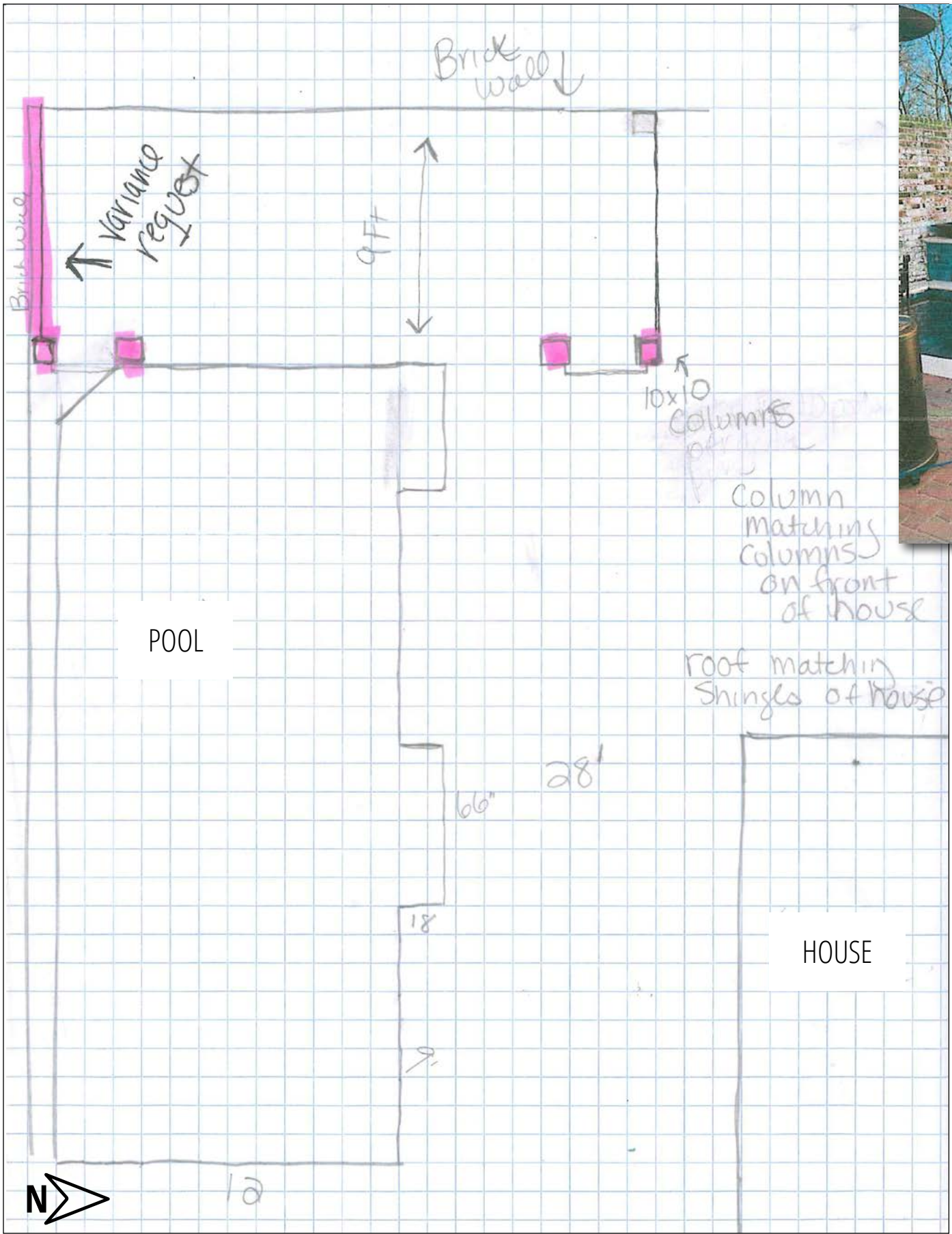


Aerial view of 705 Davis St



705 Davis St in the Comprehensive Plan

**I.B REQUEST FOR ZONING VARIANCE - 705 DAVIS STREET**



View of shared property line between 705 and 615 Davis St, looking west

I.B REQUEST FOR ZONING VARIANCE - 705 DAVIS STREET



Adjacent property to the south



705 Davis St



Adjacent property to the north



Adjacent property to the east



# I.C REQUEST FOR ZONING VARIANCE - 237 LOCUST AVENUE

REQUEST FOR ZONING VARIANCES TO  
REDUCE REQUIRED REAR AND EXTERIOR SETBACKS;  
REDUCE MINIMUM LOT DEPTH  
237 LOCUST AVENUE

**APPLICANT**

Aaron Knight  
PO Box 10150  
Conway, AR 72034

**OWNERS**

Tim & Jennifer Morse  
34 Rolling Hills Dr  
Conway, AR 72032

**STAFF REVIEW BY**

James Walden, AICP, Director

**SITE DATA**

Location. 237 Locust Ave.

Site Area. 0.29 acres +/-.

Current Zoning. R-2A (Two-Family Residential)

Existing Structures. 1,850 sf Duplex, 540 sf Detached Garage.

Overlay. Old Conway Design Overlay District - Suburban Zone.

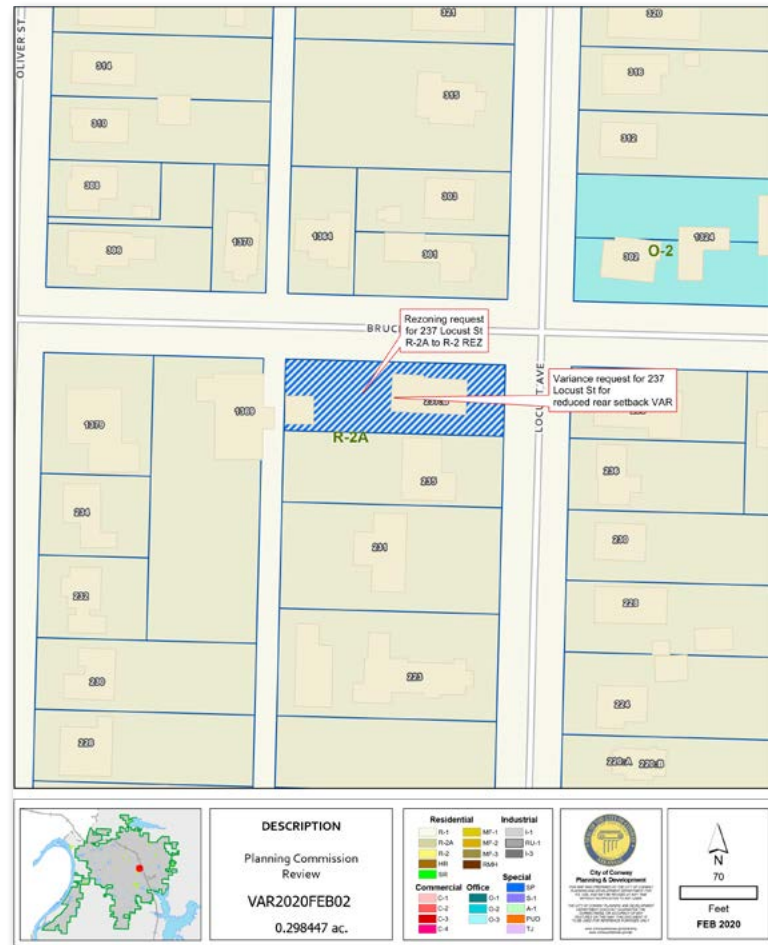
**Requested Variances.**

- Reduce rear setback from 20' to 6' (Proposed Lot 11B)
- Reduce exterior setback from 25' to 13' (Proposed Lot 11B)
- Reduce lot depth from 100' to 65' (Proposed Lot 11A)

**General Overview.** The applicant is proposing to split the existing lot at 237 Locust Ave to accommodate the construction of a new single-family home or duplex on the newly created lot. This action would necessitate the granting of two variances to accommodate the lot split. The first is a reduction in the rear and exterior setbacks for proposed Lot 11B. The second is a reduction in the required lot depth for Lot 11A. The lot split would result in an accessory building being permitted on a lot without a principal structure. As such, granting of the variance should be conditioned on the demolition of the accessory structure. The applicant is additionally seeking to concurrently rezone the property to R-2 to meet the minimum required lot area for the proposed lots.

**Zoning Ordinance Regulations.**

R-2A zoning district requires:  
Setbacks - Front/Exterior 25', Sides 6', Rear 20'  
Lot Depth - 100'

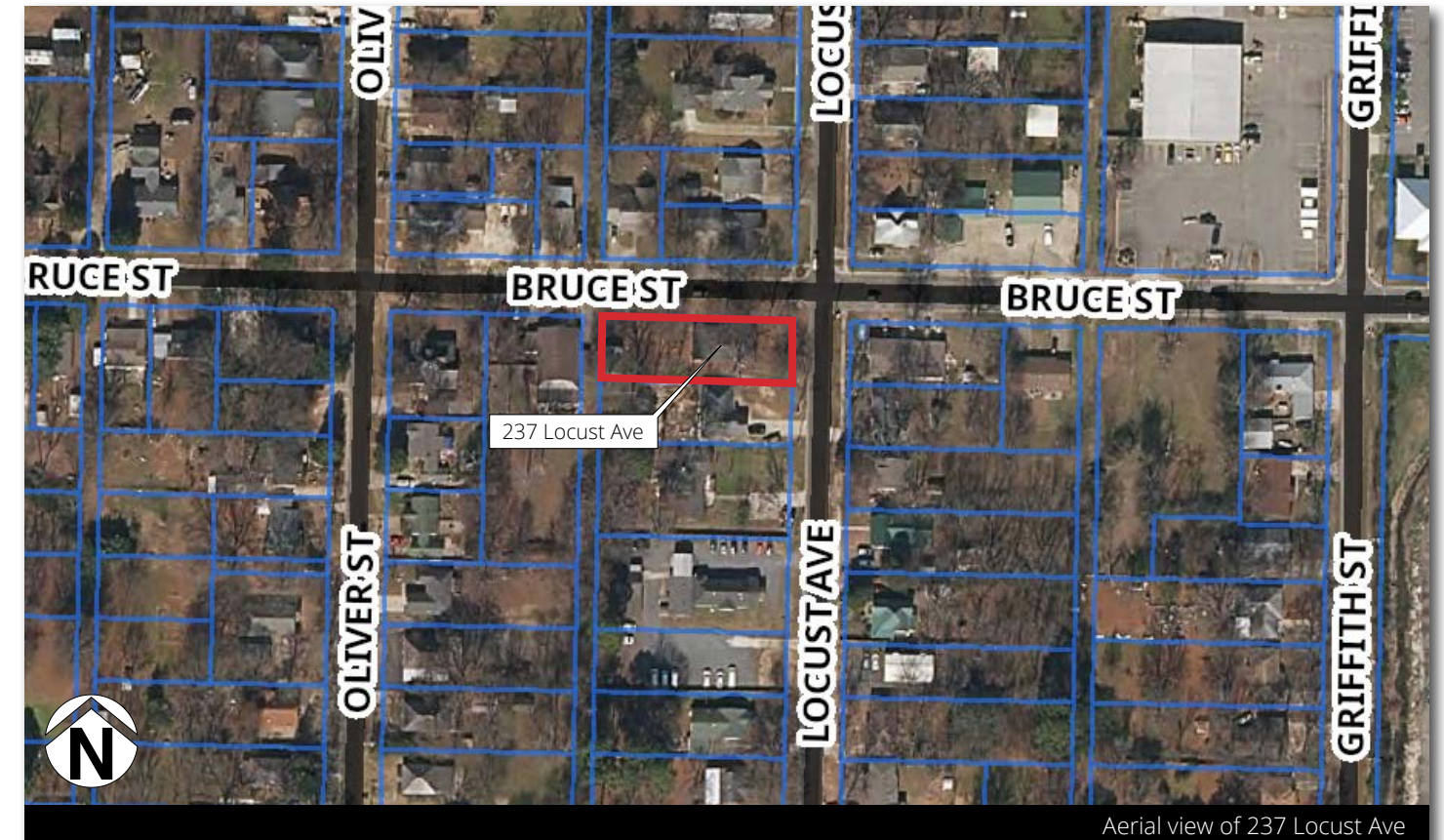


**Basis of Variance Review.**

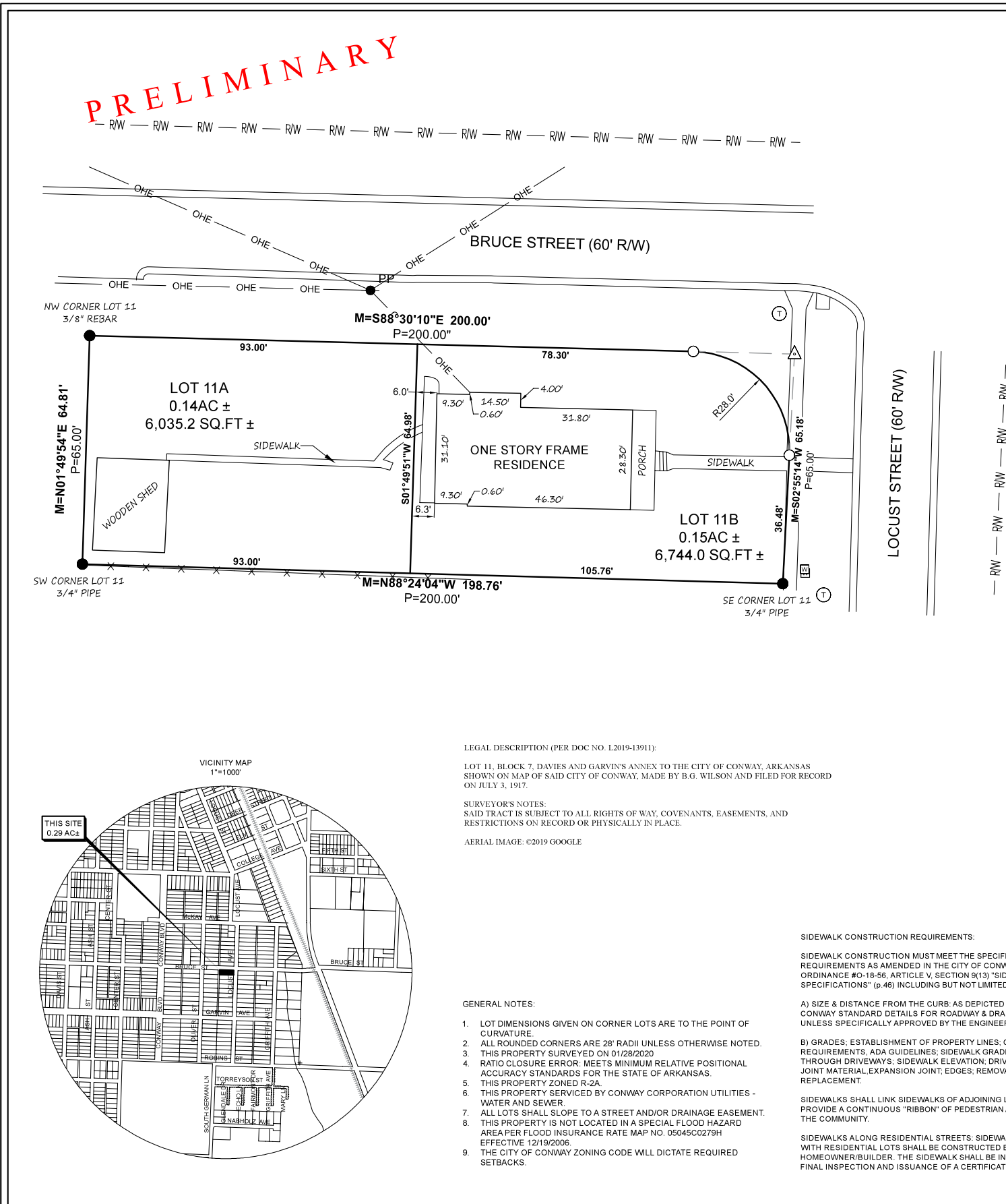
The Planning Commission acting as the Board of Zoning Adjustment, should only grant zoning variances if strict enforcement of the zoning ordinance will cause undue hardship due to circumstances unique to the individual property. Variances should only be granted when it is demonstrated that such action will be in keeping with the spirit and intent of the ordinance. The Commission may impose conditions in granting a variance to ensure compliance and to protect adjacent property.

**STAFF COMMENTS**

1. The property is located within the Old Conway Design Overlay District. A goal of the overlay district is to accommodate and encourage appropriate infill development within the area. Such infill development helps decrease the per capita cost of providing municipal services to the area, helps create a more vibrant neighborhood, and encourages reinvestment into existing structures.
2. The existing lot rests as a corner lot, making it an appropriate location for infill development without disrupting the overall pattern of development in the area.
3. Given the shallow existing exterior setback from 237 Locust Ave and the shallow front setback of 1369 Bruce St, meeting the minimum lot depth requirements for proposed Lot 11A is of less concern than for most lots in the area.



# I.C REQUEST FOR ZONING VARIANCE - 237 LOCUST AVENUE



**CERTIFICATE OF OWNER**

WE, THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED, AND SUBDIVIDED AND DO HEREBY LAY OFF, PLAT, SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC THE STREETS, RIGHTS OF WAY, AND EASEMENTS AS SHOWN ON SAID PLAT.

DATE OF EXECUTION: \_\_\_\_\_ SIGNED: \_\_\_\_\_

SOURCE OF TITLE: D.R. \_\_\_\_\_ PAGE \_\_\_\_\_

**CERTIFICATE OF RECORDING**

COUNTY RECORDING STAMP

SIGNED: \_\_\_\_\_  
CRYSTAL TAYLOR  
FAULKNER COUNTY CIRCUIT CLERK

**CERTIFICATE OF FINAL PLAT APPROVAL**

PURSUANT TO THE CONWAY SUBDIVISION REGULATIONS AND ALL OTHER CONDITIONS AND APPROVAL HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED. THIS CERTIFICATE IS HEREBY EXECUTED UNDER THE AUTHORITY OF THE SAID RULES AND REGULATIONS.

DATE OF EXECUTION: \_\_\_\_\_



4. Allowing the variances would not preclude the applicant from meeting all other requirements of the zone.
5. Granting the variances would not likely harm adjacent property.

**STAFF RECOMMENDATIONS**  
Staff recommends approval of the variance with conditions on the following basis:

Granting the variance would allow appropriate infill development of the site without harming adjacent property. Granting the variance will meet the spirit and intent of the zoning ordinance, and prevents harm to the applicant due to the hardships of the site configuration.

- Conditions:
1. The applicant shall be required to replat the property for the variance to become effective.
  2. The property must be rezoned to R-2 for the variance to become effective.
  3. The applicant must remove the detached garage from the property for the variance to become effective.



# I.D REQUEST TO REZONE R-2A TO R-2 - 237 LOCUST AVENUE

**REQUEST TO REZONE FROM R-2A TO R-2  
237 LOCUST AVENUE**

**APPLICANT**

Aaron Knight  
PO Box 10150  
Conway, AR 72034

**OWNERS**

Tim & Jennifer Morse  
34 Rolling Hills Dr  
Conway, AR 72032

**STAFF REVIEW BY**

James Walden, AICP, Director

**SITE DATA**

Location. 237 Locust Ave.

Site Area. 0.29 acres +/-.

Current Zoning. R-2A (Two-Family Residential)

Existing Structures. 1,850 sf Duplex, 540 sf Detached Garage.

Overlay. Old Conway Design Overlay District - Suburban Zone.

Requested Rezoning. R-2 (Low Density Residential)

Comprehensive Plan. Single-Family Residential.

**Projected Traffic Impact.** With a rezoning to R-2, the likely increase in traffic impact would be modest. With an assumption of the site devoted to a duplex use, it is anticipated the site would generate about 20 additional vehicle trips per typical week day.

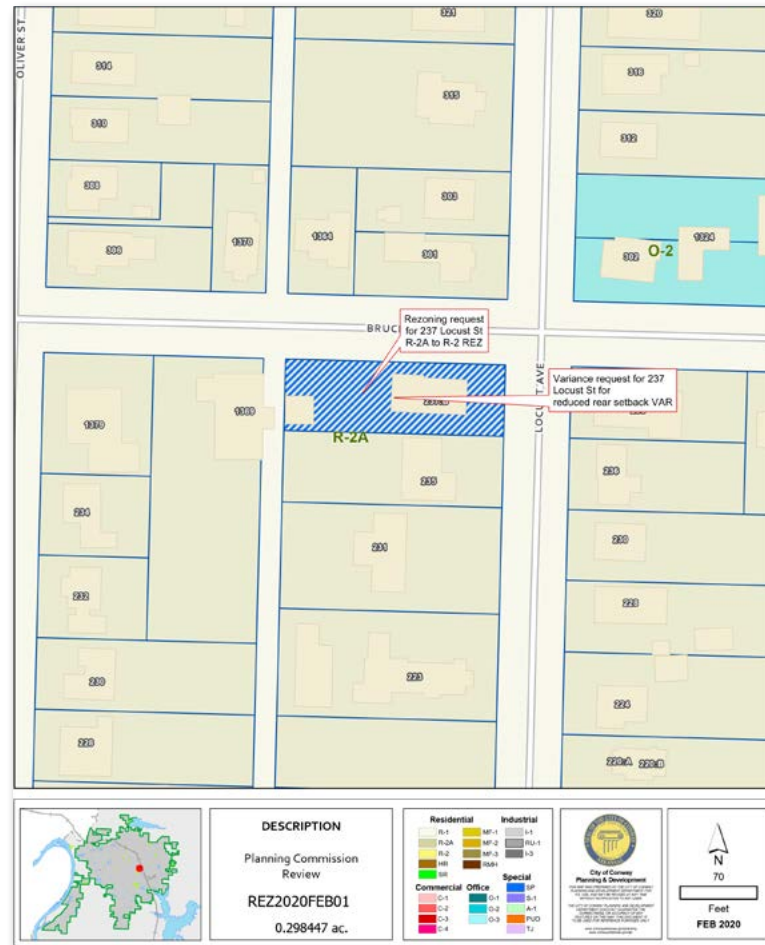
**Current Traffic Counts.** N/A (Estimated to likely be between 1,500-5,000 vehicles per day.

**Flood/Drainage.** The site is not within any regulated floodplains or floodways.

**Utilities.** The site is currently served by utilities.

**Master Street Plan.** Bruce St – Collector, Locust Ave – Collector.

**Street Improvement.** No current improvement plans.

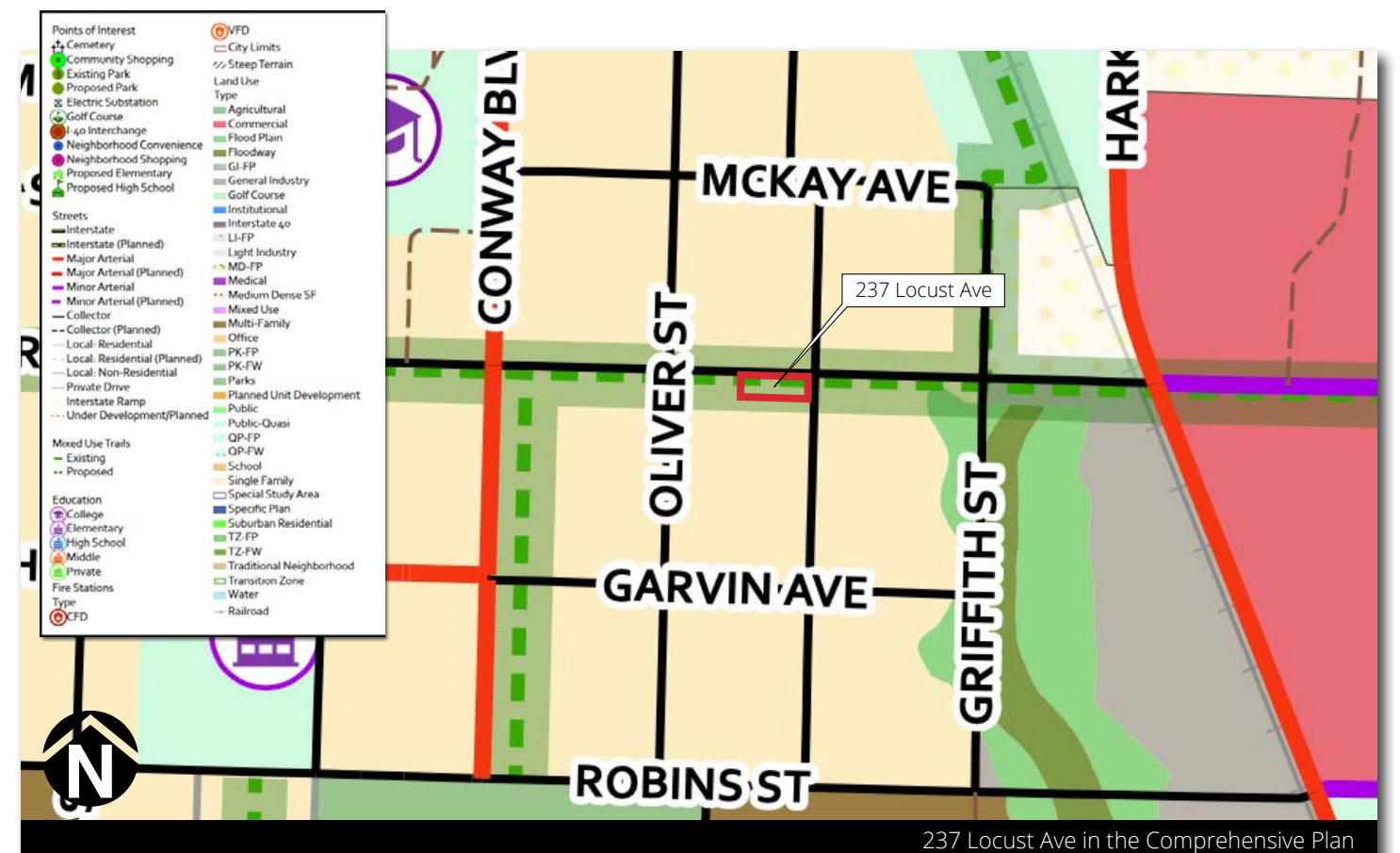
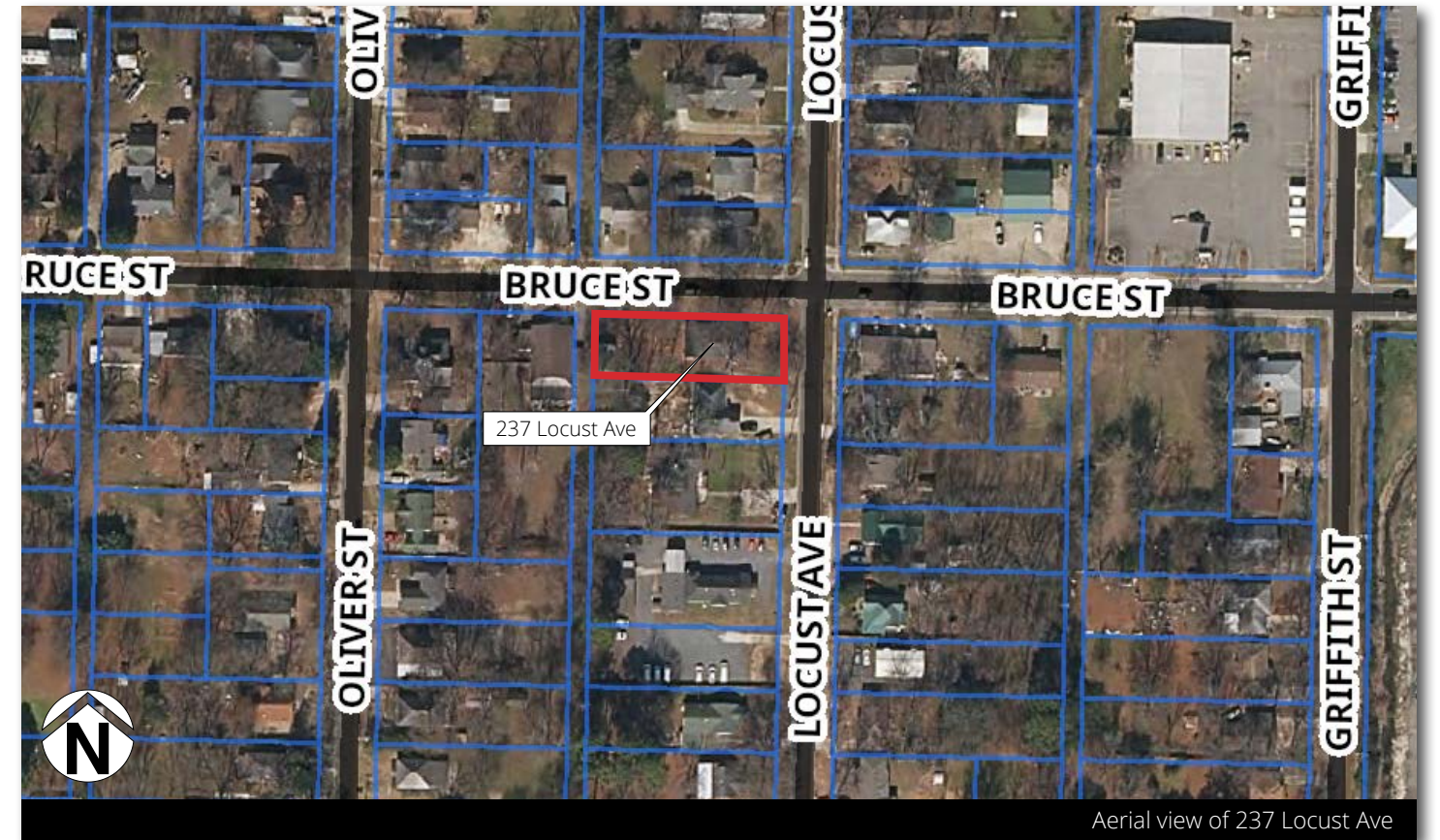


**STAFF COMMENTS**

1. The applicant intends to split the existing lot to accommodate the construction of a new single-family home or duplex.
2. The applicant is seeking a concurrent application for three variances. Such variances are dependent upon approval of this rezoning application.
3. The effective result of the rezoning would be to permit an additional duplex instead of an additional single-family home on the site.
4. The property is in close vicinity to existing O-3 and R-2 zoning.
5. The zoning change is not consistent with the land use plan. However, the current zoning is not consistent with the Comprehensive Plan either.
6. The zoning would not likely result in harm to adjacent property.

**STAFF RECOMMENDATIONS**

Staff recommends approval of the rezoning. The proposed zoning is consistent with the present and proposed use of the site and will likely not cause harm to surrounding properties.





View of properties across Bruce St to the north



View of properties to the northeast



View of properties across Locust Ave to the southeast



View of subject property from Locust Ave looking southwest



View of subject property from Bruce St looking southeast



View of property to the west

