



CITY OF CONWAY, ARKANSAS PLANNING COMMISSION

September 20, 2021 • 7:00pm • 1111 Main Street



City of Conway

PLANNING COMMISSION

September 20, 2021

PLANNING COMMISSION

Brandon Ruhl, Chairman
Arthur Ingram, Vice-Chairman
Anne Tucker, Secretary
Adam Bell
Rebekah Fincher
Drew Gainor
Latisha Sanders-Jones
Laura King
Larry Webb
Rhea Williams

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 **September 28, 2021**.

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.

Roll Call.

Approval of Minutes. August 16, 2021

I. Old Business

- A. Request for conditional use permit to allow a bank or savings and loan in an O-2 zoning district for property located at 841 Donaghey Avenue (CUP-0721-0075)

II. Public Hearings

- A. Request to rezone 25.45 acres +/- along Bill Bell Lane and Stanley Russ Road from A-1 to R-1 (REZ-0721-0082)
- B. Request to rezone 55.16 acres +/- located at East Dave Ward Drive and Thomas G Wilson Drive from A-1 and C-3 to PUD (PUD-0821-0085)
- C. Request to rezone property located at 517 Fifth Street from R-2A to R-2 (REZ-0821-0091)
- D. Request for Conditional Use Permit to allow Auto-Related Sales or Service establishment in the C-MU zoning district of the Markham Street Neighborhood Specific Plan for property located at 1061 Markham Street and 1056 Spencer Street (CUP-0821-0098)

III. Additional Business

- A. Consideration to amend the Planning Commission By-Laws
- B. Items as decided by the Commission

Adjourn.

Request for Conditional Use Permit: Bank / Savings & Loan in O-2

I.A

841 Donaghey Avenue

APPLICANT/OWNER

Leigh Circle LLC / Christian Lenderman
2033 Foster Dr
Conway, AR 72034



SITE DATA

Location. 841 Donaghey Ave (Suite 3).

Site Area. 0.90 acres ±.

Current Zoning. O-2 (Quiet Office).

Abutting Zoning. West, South, North: R-2A (Two-Family Residential); East: R-1 (One-Family Residential).

Existing Structures. 7,266 sf Clinic/Office Building of which 2,294 sf is tenant lease space.

Overlay. Old Conway Design Overlay District - Suburban Zone.

Requested Conditional Use. Bank or Savings and Loan.

Comprehensive Plan. Single-Family.

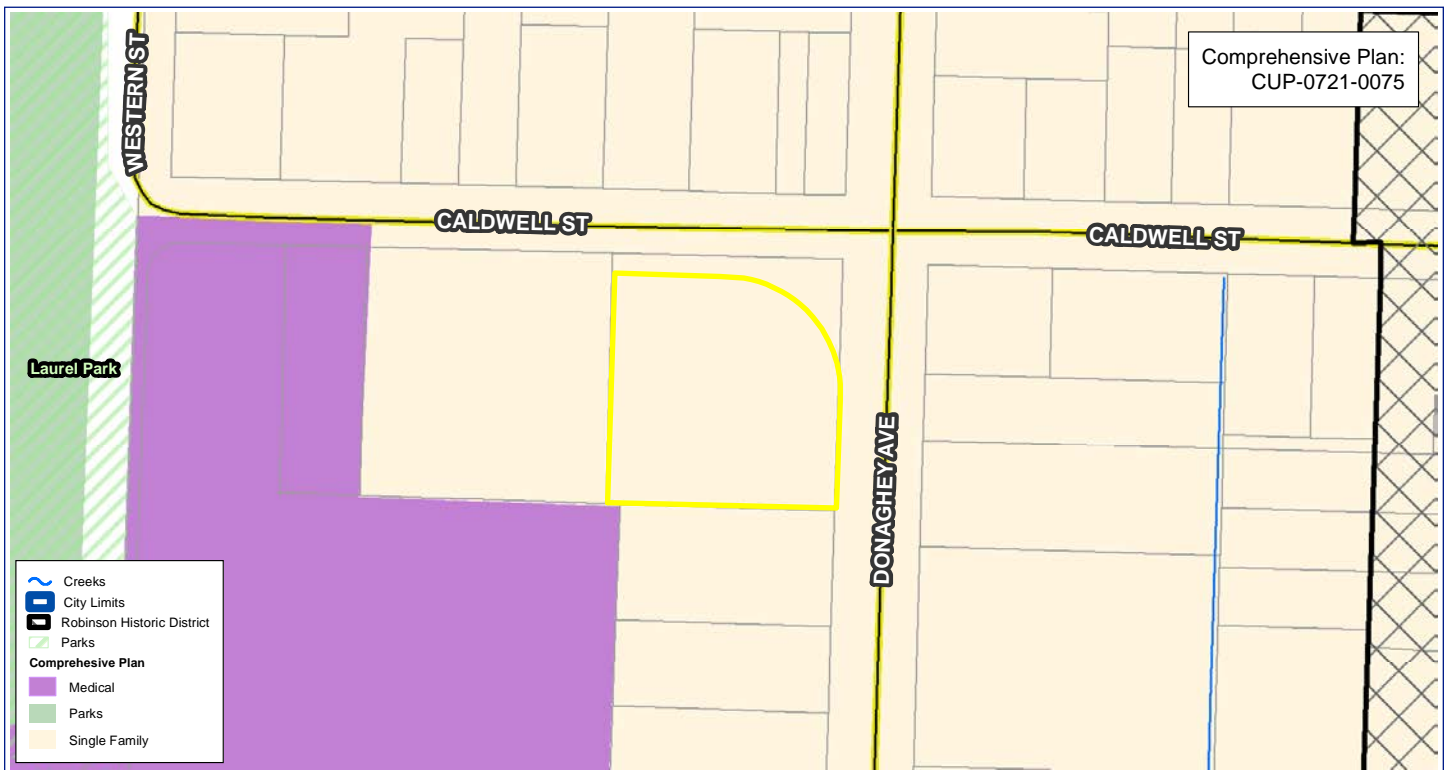
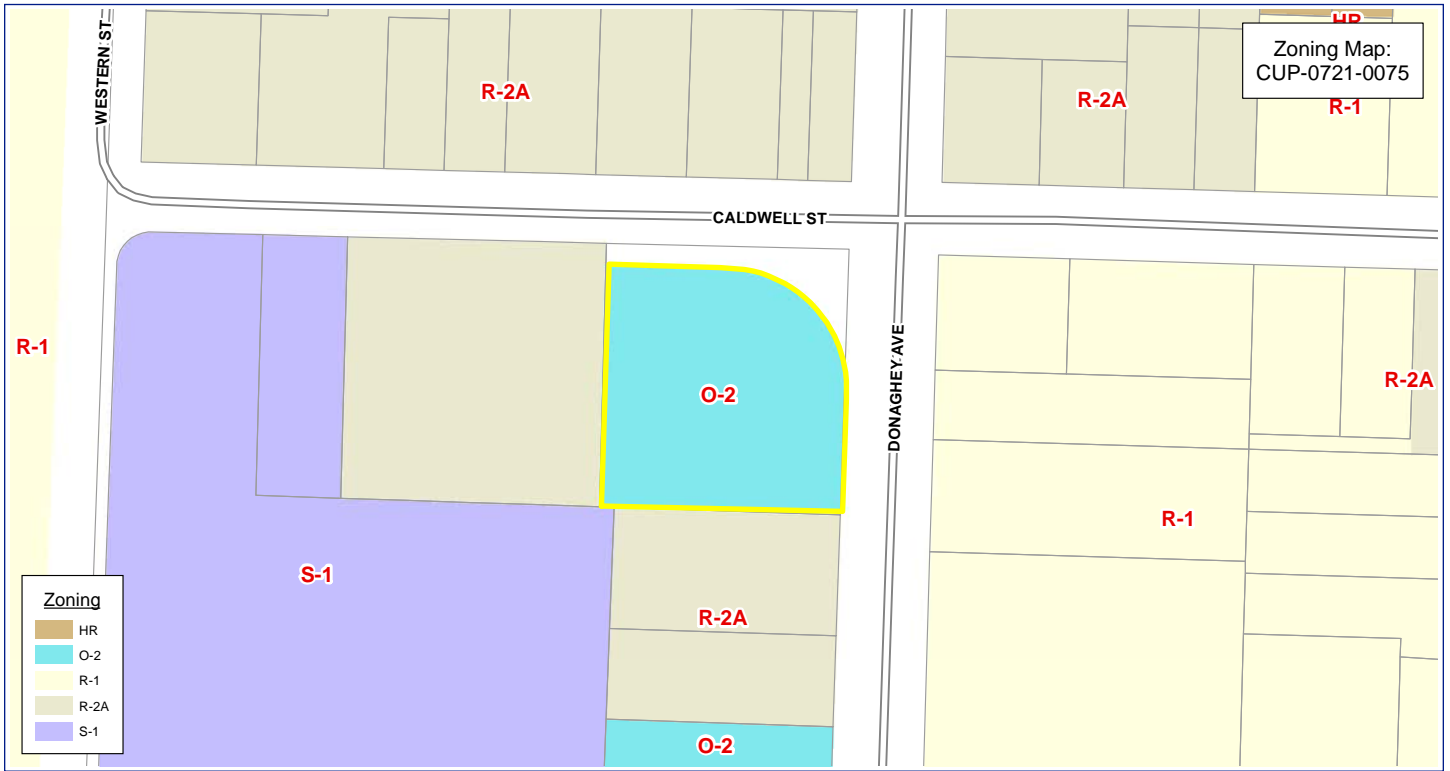
Projected Traffic Impact. As conditioned, the requested use would likely have minimal impact on traffic increase. With 2,294 sf devoted to the mortgage office, the anticipated traffic increase is expected to be between 22-27 daily trips more than the current use.

Current Traffic Counts. Donaghey Ave - 11,000 ADT.

Request for Conditional Use Permit: Bank / Savings & Loan in O-2

841 Donaghey Avenue

I.A



841 Donaghey Avenue

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

Utilities. The site is developed and currently served by utilities.

Master Street Plan. Donaghey Ave – Minor Arterial; Caldwell St – Minor Arterial.

Street Improvement. Donaghey Ave is currently being reconstructed from Dave Ward Dr and Prince St.

STAFF COMMENTS

- *This request was reviewed by the Planning Commission at the August 2021 meeting, at which time the Commission voted to table the request to the next regularly scheduled meeting.*
- The applicant has leased an existing tenant space for use as a mortgage office. A bank or savings & loan is not a use permitted by right in the current zoning (O-2), but is allowed as a conditional use.
- The Zoning Code defines a Bank or Savings and Loan as, “A completely enclosed facility the primary use of which is the custody, loan, exchange, or issue of money, the extension of credit, and the transmission of funds.”
- The Comprehensive Plan indicates the area is appropriate for single-family. The site was rezoned in 2017 to O-2 for Quiet Office use and has since been developed as a dental clinic with 2 additional tenant lease spaces.
- As conditioned, the requested conditional use would have minimal impact on traffic and will not likely negatively impact adjacent properties.

STAFF RECOMMENDATIONS

Staff recommends approval of the request with the following conditions:

1. No drive-through services shall be permitted.
2. All signage shall comply with Article 1301 of the Conway Zoning Code (Sign Ordinance).

Request for Conditional Use Permit: Bank / Savings & Loan in O-2

841 Donaghey Avenue

I.A



View of site from Caldwell St looking SE



View of site from Caldwell St looking S



View along Caldwell St looking E



View of adjacent properties looking W along Caldwell St



Properties adjacent to the N



Property adjacent to the N

Request to Rezone: A-1 to R-1

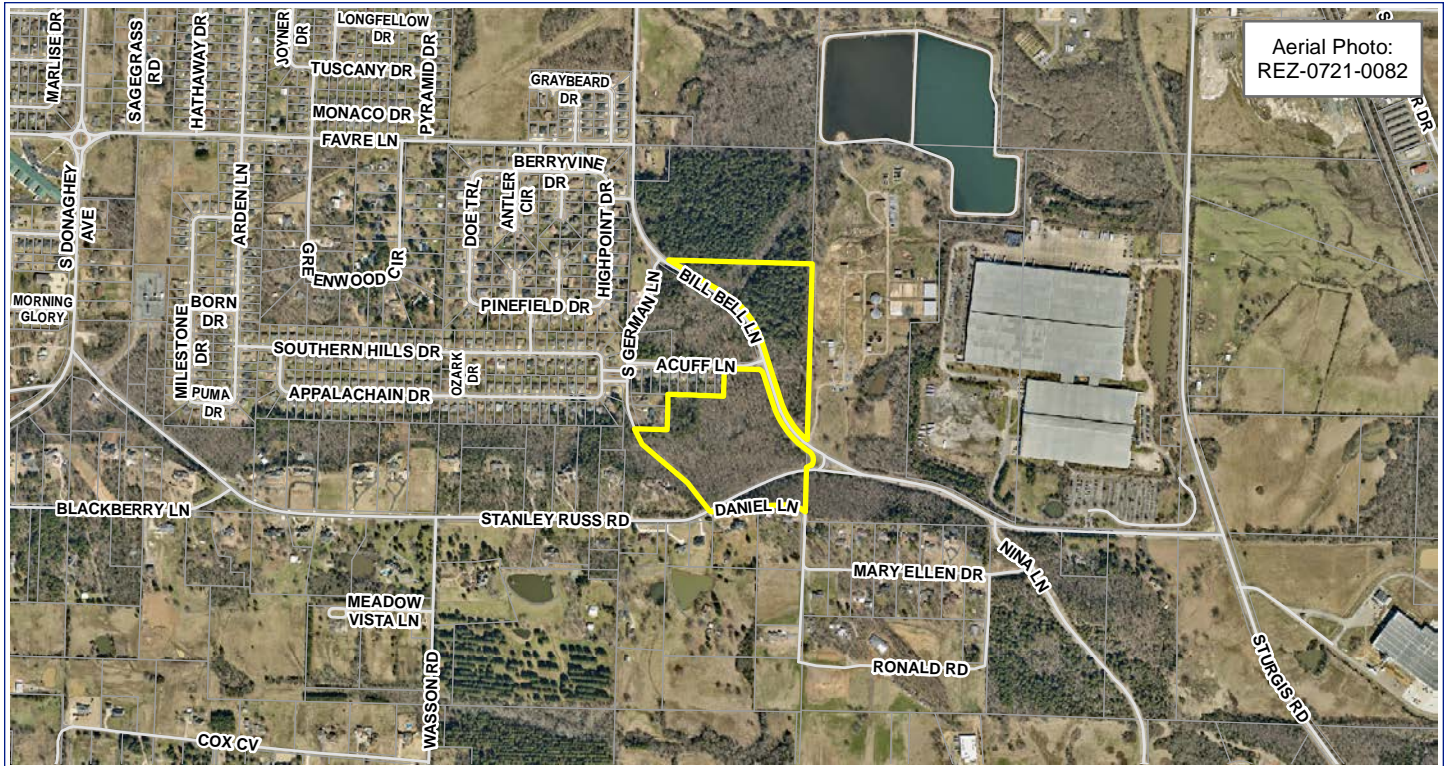
25.45 acres +/- along Bill Bell Lane, Stanley Russ Road, and Daniel Lane

APPLICANT/AUTHORIZED AGENT

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

OWNER

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



SITE DATA

Location. Immediately south of the intersection of Bill Bell Lane and South German Lane.

Site Area. 25.45 acres ±.

Current Zoning. A-1 (Agricultural).

Requested Rezoning. R-1 (One-Family Residential).

Adjacent Zoning. North, East, South, West – A-1 and R-1.

Existing Structures. None.

Overlay. None.

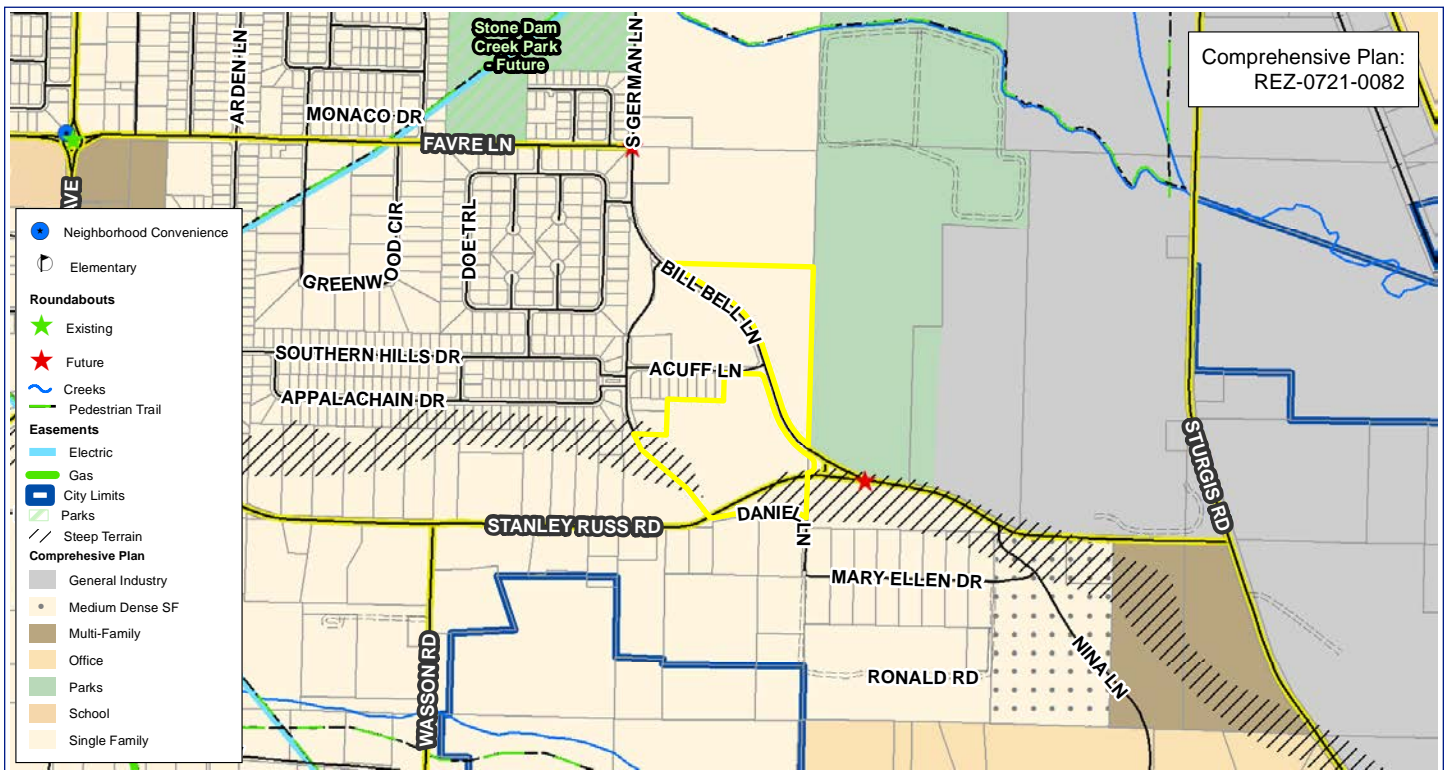
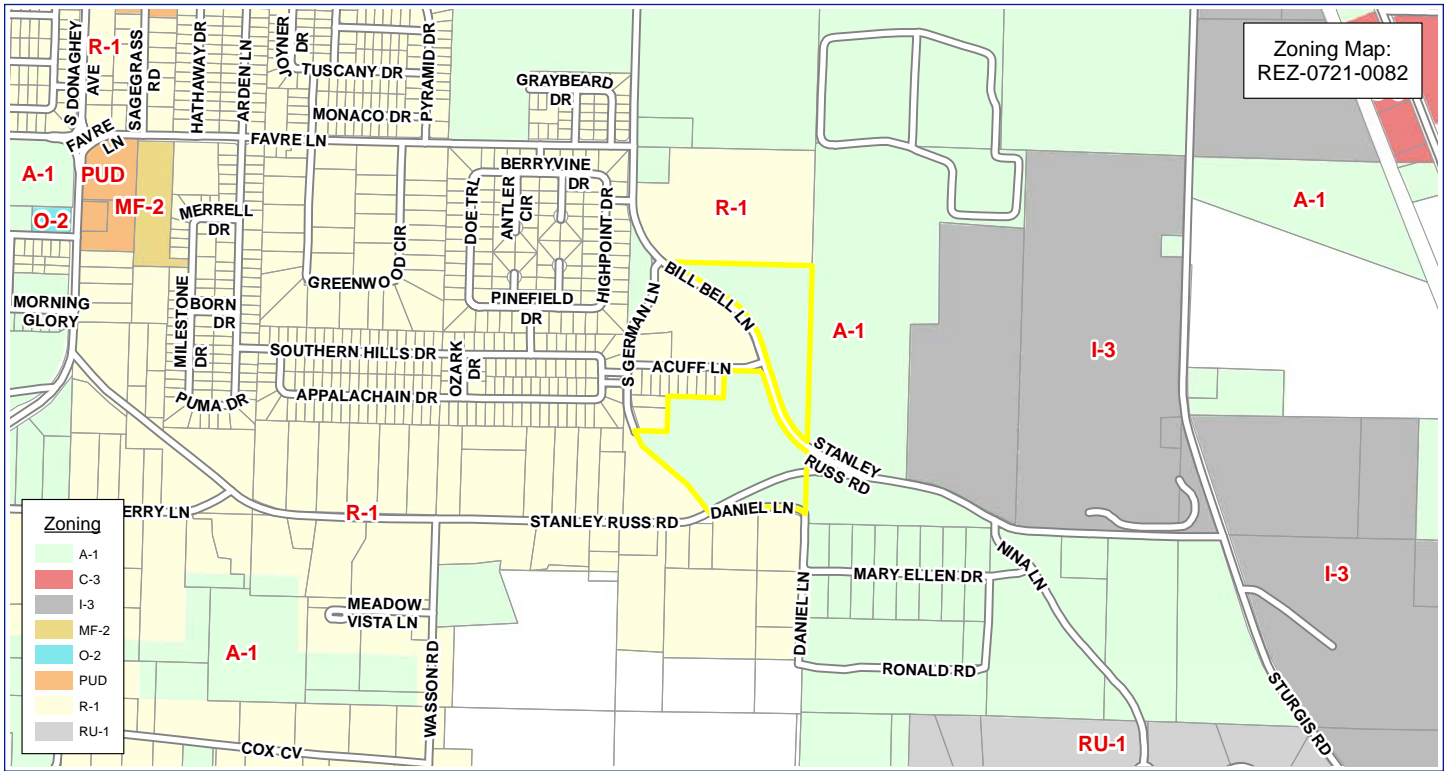
Comprehensive Plan. Single Family.

Projected Traffic Impact. With a rezoning to R-1 and fully developed as single-family residential, the likely increase in traffic impact would be modest. Development of the property at that density would generate an estimated 1,388 vehicle trips per typical weekday. This estimate is based on the assumption of a maximum development of 147 single-family dwellings.

Current Traffic Counts. S German Ln - 6,300 ADT.

Request to Rezone: A-1 to R-1

25.45 acres +/- along Bill Bell Lane, Stanley Russ Road, and Daniel Lane



Request to Rezone: A-1 to R-1

II.A

25.45 acres +/- along Bill Bell Lane, Stanley Russ Road, and Daniel Lane

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

Utilities. The applicant will need to coordinate the extension of utilities with Conway Corporation.

Master Street Plan. S German Ln – Collector; Bill Bell Ln – Collector; Stanley Russ Rd – Minor Arterial.

Street Improvement. No improvements are planned at this time.

STAFF COMMENTS

- The applicant is requesting a rezoning to R-1 for the purpose of developing single-family residential development.
- A 10.58-acre portion of the property is located on the east side of Bill Bell Ln while a separate non-contiguous 13.65-acre portion of the property is located on the west side of Bill Bell Ln, south of Acuff Ln. An additional 1.22-acre triangular portion of the property is situated between Stanley Russ Rd and Daniel Dr.
- In July 2021, the applicant requested a different rezoning of a 14.18 acre portion of the same property; the request was not approved. The current rezoning request represents a revision to the original request.
- The surrounding area is predominantly single-family residential and rural/undeveloped.
- The Comprehensive Plan designates the area as single-family, which is consistent with the requested zoning.

STAFF RECOMMENDATIONS

Staff recommends approval of the rezoning as requested as it would allow for appropriate use of the property in context to the surrounding area and would not likely negatively impact adjacent properties.

Request to Rezone: A-1 to R-1

25.45 acres +/- along Bill Bell Lane, Stanley Russ Road, and Daniel Lane

II.A



View of 13.65-acre tract from Bill Bell Ln looking N



View of 10.58-acre tract from Bill Bell Ln looking N



View of 1.22-acre tract from Stanley Russ Rd looking NE



View of 13.65-acre tract from Bill Bell Ln looking NW

Request to Rezone: A-1 and C-3 to PUD

55.16 acres +/- at the southeast corner of East Dave Ward Drive and Thomas G Wilson Drive

APPLICANT/AUTHORIZED AGENT

Eric Holloway
Holloway Engineering
200 Casey Dr
Maumelle, AR 72113

OWNER

Maly Farms, Inc.
650 United Dr, Ste 220
Conway, AR 72032



SITE DATA

Location. 1301 E Dave Ward Dr.

Site Area. 55.16 acres ±.

Current Zoning. A-1 (Agricultural District) & C-3 (Highway Commercial).

Adjacent Zoning. North: C-2; East: Unzoned, outside city limits; West: C-3; South: C-3/I-3.

Existing Structures. An 18,103 sf, 4-story hotel is currently under construction on the site.

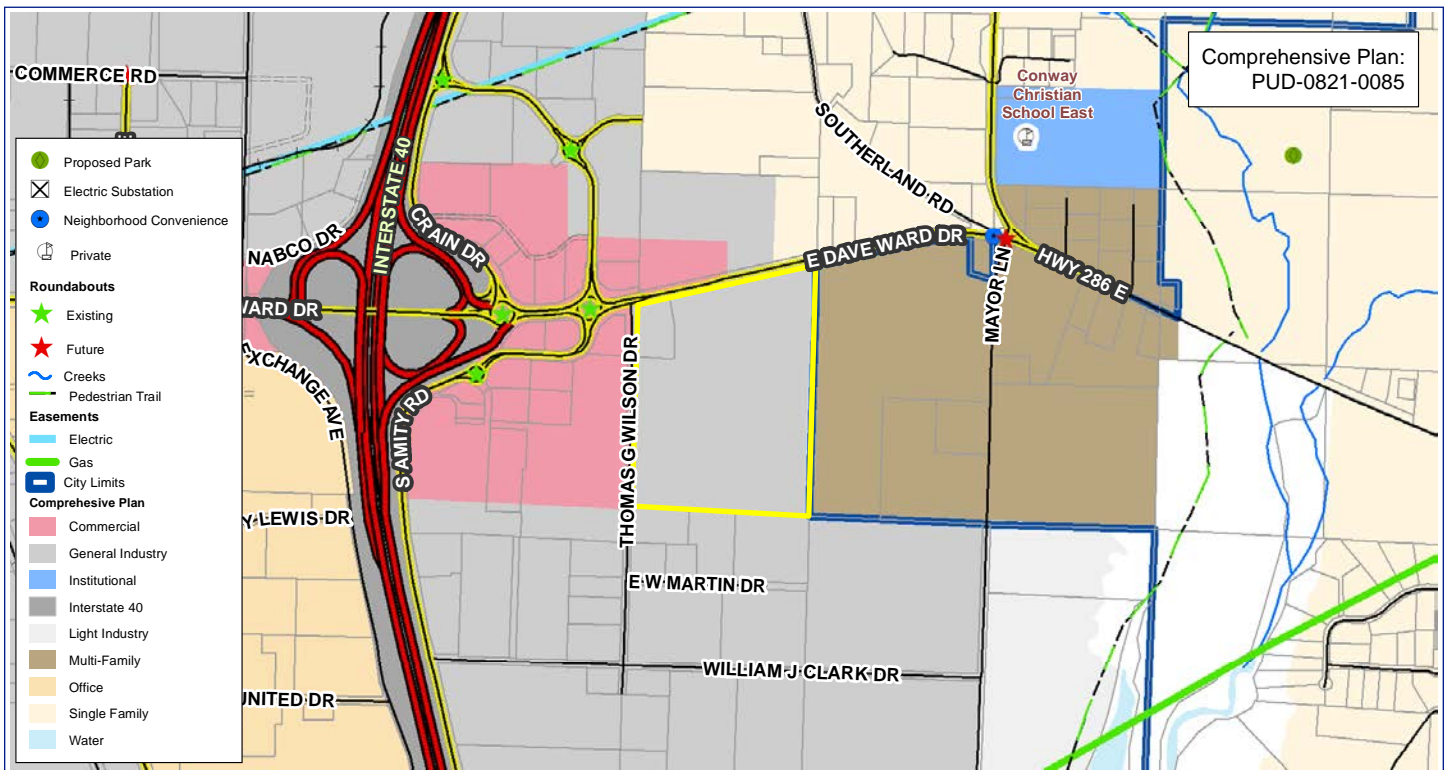
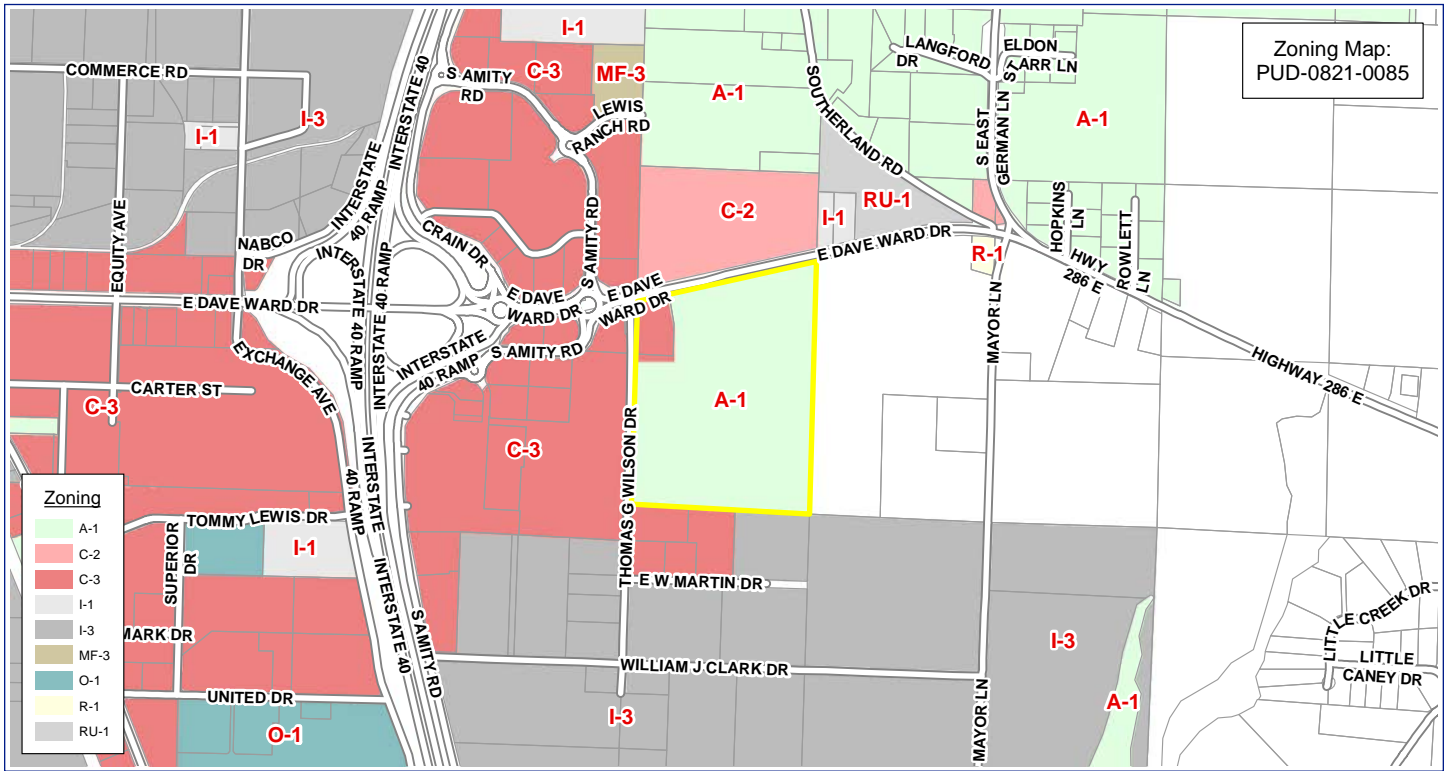
Overlay. None.

Requested Rezoning. PUD (Planned Unit Development).

Comprehensive Plan. Industrial.

Request to Rezone: A-1 and C-3 to PUD

55.16 acres +/- at the southeast corner of East Dave Ward Drive and Thomas G Wilson Drive



Request to Rezone: A-1 and C-3 to PUD

II.B

55.16 acres +/- at the southeast corner of East Dave Ward Drive and Thomas G Wilson Drive

Projected Traffic Impact. The proposed PUD will feature a variety of uses, making estimating traffic generation somewhat difficult. It is likely the following estimate will greatly overestimate the amount of traffic generated by the site, as many of the trips generated at the site may begin and terminate inside the development due to the complementary nature of the proposed uses. Numbers reported as Average Daily Traffic.

- Lot 1 – Hotel: 1,078 ADT
- Lot 2A – Restaurant: 1,838 ADT
- Lot 2B – Retail: 932 ADT
- Lot 2C – Retail: 932 ADT
- Lot 2D – Event Center: 833 ADT
- Lot 3A – Gas Station: 5,532 ADT
- Lot 3B – Retail: 1,135 ADT
- Lot 3C – Retail: 697 ADT
- Lot 3D – Entertainment: 1,585 ADT
- Lot 4 – Multi-Family: 3,514 ADT
- Lot 5 – Hotel: 1,102 ADT

The projected impact is significant. The intersection of E Dave Ward Dr and Maly Curve may likely require intersection improvements over time. Should this development be approved, it is recommended the Planning Commission revisit the Master Street Plan in this area to maximize the benefit of any intersection improvements that may occur at the site. These traffic impacts will be largely borne by E Dave Ward Dr which is maintained by ARDOT. Thus, no impacts to the City of Conway are anticipated.

Current Traffic Counts. 17,000 ADT.

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

Utilities. Utilities are available on site.

Master Street Plan. E Dave Ward Dr – Major Arterial; Thomas G. Wilson Dr – Collector.

Street Improvement. ARDOT has coordinated with the city previously regarding improvements to Dave Ward Dr. However, no timeline has been established for making improvements to that site.

Project Description. The applicant has provided the following description of the project:

The owner/developer of Maly District desires to create a 55-acre mixed use development that will be a premier entertainment destination location for the City of Conway. The development takes advantage of the emerging success of the existing commercial developments (Lewis Crossing, Lewis Ranch, etc.) along East Dave Ward Drive at I-40. The intended uses for the PUD will consist of retail sales, office, restaurants, hotels, a 28,000 square foot event center, a 55,000 square foot entertainment/bowling center, a 480-unit multifamily residential development, and a central plaza with a pavilion and food truck court. These uses have been arranged along a collector street and a promenade walk from the event center to the central plaza. The collector street (Maly Curve) has been designed to have large green spaces with raised mounds to screen parking lots. Some parallel parking has been added to the street within the retail plaza and the entertainment district core.

STAFF COMMENTS

- While the intended uses for the site do not conform to the Comprehensive Plan designation for the site, the development of Lewis Crossing adjacent to the site has dramatically changed the context of the area. As such, the proposed uses are appropriate to the site.
- The applicant's proposed design standards deviate significantly from the city's commercial design standards. The proposed design standards indicate a cohesive theme, however. Relaxing some, but not all, of the masonry requirements may be warranted.
- The proposed PUD will constitute a significant addition to the city and bring uses to the city that are not currently present.
- The development will generate a considerable amount of traffic in the future, providing access to adjacent property will be important to ensure as many trips are diverted off Dave Ward Dr, as possible.

STAFF RECOMMENDATIONS

Staff recommends approval of the PUD application. While not consistent with the comprehensive plan, the proposed uses are appropriate to the area and context. The development will present a substantial development and bring uses not currently present in the city.

The following conditions of approval are recommended for the development:

1. The development shall be constructed in a manner consistent with the proposed sketch plan with regard to the general location of buildings.
2. The height of structures shall not exceed 35 feet; with exception of Lots 1, 4, and 5 shall not be developed with structures that exceed the ability of the fire department's apparatus to effectively provide fire protection.
3. Except where explicitly permitted as a condition of approval, the zoning, landscaping, and signage requirements of the C-3 district shall apply to lots 1, 2A, 2B, 2C, 2D, 3A, 3B, 3C, 3D, 5, and any subsequent subdivision of these lots.
4. Except where explicitly permitted as a condition of approval, the zoning, landscaping, and signage requirements of the MF-3 district shall apply to Lot 4 and any subsequent subdivision of this lot.
5. The development shall be recognized as a regional scale development and permitted up to 2 ground-mounted multi-tenant signs in addition to other permitted signage. Such signs shall not exceed 40' in height or 550 sf in total area for each sign, shall have a design consistent to the theme of the development, and shall require approval of the Planning Director.
6. With exception of design standards for building facades, the development shall meet all applicable standards for Article 1101.
7. Design standards for building facades for Lot 1 shall be governed by the development review plans approved on March 31st, 2021.
8. Design standards for building facades for Lots 2A, 2B, 2C, 2D, 3A, 3B, 3C, 3D, 5, and any subsequent subdivision of these lots will be as described below: Architecture shall be modern with sharp, clean lines; Predominant exterior finishes shall be Exterior Insulation Finish System (EIFS); Color schemes shall be mainly white mixed with smaller percentages of grays; Architectural metal cladding and brick and/or EIFS brick to be used as accents; No structure may have less than 25% of its exterior covered in masonry – EIFS or cement fiber siding in any form shall not be considered masonry; Other products may be approved by the Planning Director when complementing the overall development theme; Painted CMU or Economy or industrial style metal wall panels similar to standard R-Panel shall be prohibited.
9. Design standards for building facades for Lot 4 and any subsequent subdivision of this lot will be as described below: Architecture shall be modern with sharp, clean lines; Color schemes shall be mainly white mixed with smaller percentages of grays; Architectural metal cladding to be used as accents; Other products may be approved by the Planning Director when complementing the overall development theme; All facades shall fully comply with the standards of Article 1101.
10. Articles 4 and 7 of the Declaration of the Covenants, Conditions, and Restrictions for Maly District shall become a part of the requirements of this PUD and may not be modified without approval of the Planning Director.
11. All proposed site improvements shall be subject to Development Review as handled within Article 1101 of the Zoning Code.
12. Uses shall be restricted to the uses indicated on the submitted plan except that for lots 2A, 2B, 2C, 2D, 3A, 3B, 3C, 3D, 5, and any subsequent subdivision of these lots; any use permitted in C-3 shall be permitted by right with exception of any use involving the outdoor display of goods, aircraft sales or service, auto glass or muffler shop, tire shop, auto auction, boat sales or storage, lumber yard, bus garage, bus sales or service, mini-storage, cesspool cleaning, cold storage plant, construction equipment sales, contractor yard, manufacturing, diaper service, exterminator, glass sales or service, industrial hardware sales, machinery sales or service, manufactured home sales, automotive or motorcycle sales or service, oil field equipment sales or service, packing or crating, pawn shop, plumbing or air conditioning sales or service, secondhand auto parts dealer, taxi garage, taxidermist, tire recapping, tool and equipment rental with outside storage, truck terminal, vehicle sales, large animal veterinary clinic, or warehousing.



HOLLOWAY ENGINEERING
SURVEYING & CIVIL DESIGN

200 Casey Drive, Maumelle, AR 72113 | Work: 501.851.3366

Maly District PUD

Description of existing conditions:

The property is 55 +/- acres owned by Maly Farms. It is located at the Southeast Corner of Thomas G. Wilson Drive and East Dave Ward Drive in Conway, Arkansas. The site is currently undeveloped pastureland with two small stock ponds in the center of the property. From a previous application a commercial collector street is being built bisecting the 55 acres connecting Lewis Crossing to East Dave Ward Drive.

Purpose and Intent of the PUD:

The owner/developer of Maly District desires to create a 55-acre mixed use development that will be a premier entertainment destination location for the City of Conway. The development takes advantage of the emerging success of the existing commercial developments (Lewis Crossing, Lewis Ranch, etc.) along East Dave Ward Drive at I-40. The intended uses for the PUD will consist of retail sales, office, restaurants, hotels, a 28,000 square foot event center, a 55,000 square foot entertainment/bowling center, a 480-unit multifamily residential development, and a central plaza with a pavilion and food truck court. These uses have been arranged along a collector street and a promenade walk from the event center to the central plaza. The collector street (Maly Curve) has been designed to have large green spaces with raised mounds to screen parking lots. Some parallel parking has been added to the street within the retail plaza and the entertainment district core.

List of allowable land uses, height and size of proposed building types:

Land uses and building types will be per the provided plan. Height restrictions are as follows:

- Lot 1: 65 feet
- Lot 2A: 35 feet
- Lot 2B: 35 Feet
- Lot 2C: 35 feet
- Lot 2D: 35 feet
- Lot 3A: 35 feet
- Lot 3B: 35 feet
- Lot 3C: 35 feet
- Lot 3D: 35 feet
- Lot 4: 85 feet
- Lot 5: 65 feet

Site-specific development standards:

Design standard will be per the submitted site plan for review.

Development phasing and construction schedule:

The imminent construction will consist of a Marriott Hotel on Lot 1, a nearly 29,000-sf event center on Lot 2D, and a 55,000-sf entertainment center on Lot 3. It is the developer's current plan to have these first three businesses constructed and opened by mid to late Spring 2022. The residential component on Lot 4 is currently in the design phase and likely will be submitted for you in 2022 with a construction start date of late summer or fall of 2022. The remaining structures will mostly be marketed for various retail/office uses with design review plans to be submitted as lease spaces fill up. As of now the developer/owner intends to construct, own, and maintain the entire 55 acres development for the future.

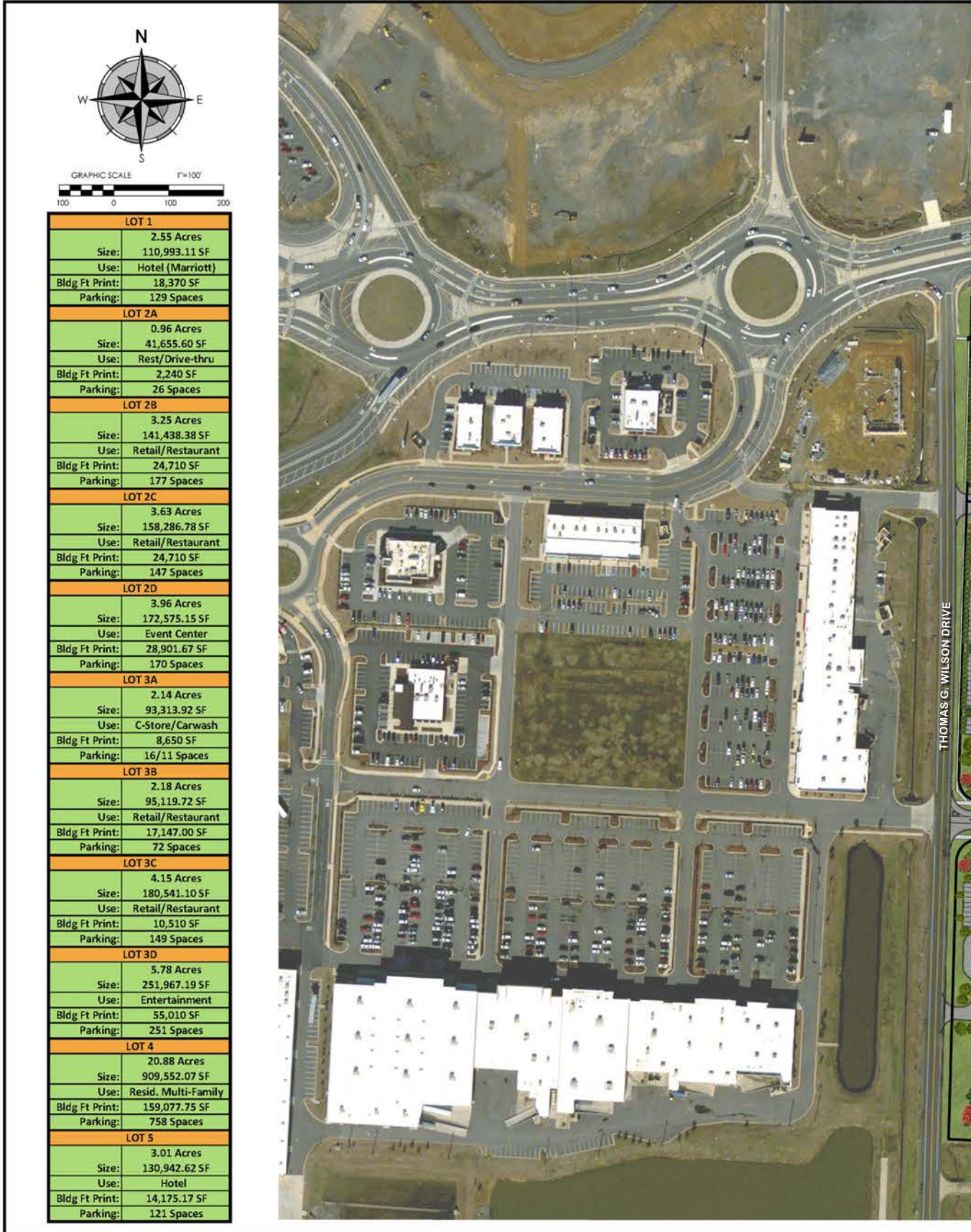
The Covenants and restrictions have been uploaded in separate files.

Here is our description for exterior finishes.

- Architecture throughout development is Modern with sharp, clean lines
- Predominant exterior finish is Exterior Insulation Finish System (EIFS)
 - EIFS color scheme will be mainly white mixed with smaller percentages of grays
- Architectural metal cladding and brick and/or EIFS brick to be used as accents
- Will consider additional or new products as long as they match and compliment the overall development theme
- Materials that will not be permitted for exterior finishes:
 - Painted CMU
 - Economy or industrial style metal wall panel similar to standard R-Panel

Request to Rezone: A-1 and C-3 to PUD

55.16 acres +/- at the southeast corner of East Dave Ward Drive and Thomas G Wilson Drive



Request to Rezone: A-1 and C-3 to PUD

55.16 acres +/- at the southeast corner of East Dave Ward Drive and Thomas G Wilson Drive

II.B





Holloway Engineering,
Surveying & Civil Design

200 Casey Drive
Maunelle, AR 72113
(501) 851-3366
www.holloway-eng.com

REV.	DATE	DESCRIPTION

Sketch Plan of
Maly District
City of Conway, Faulkner Co., Arkansas
For: Maly Farms

6/1/21



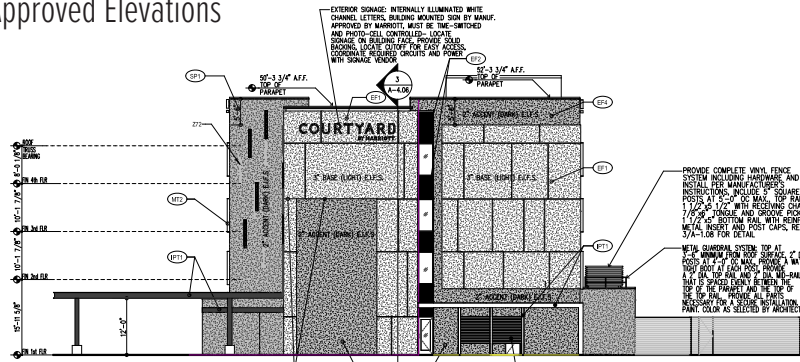
JOB NO.: 2018-128
DATE: 6/1/21
DRAWN BY: KMD
SHEET NUMBER:

C1.01

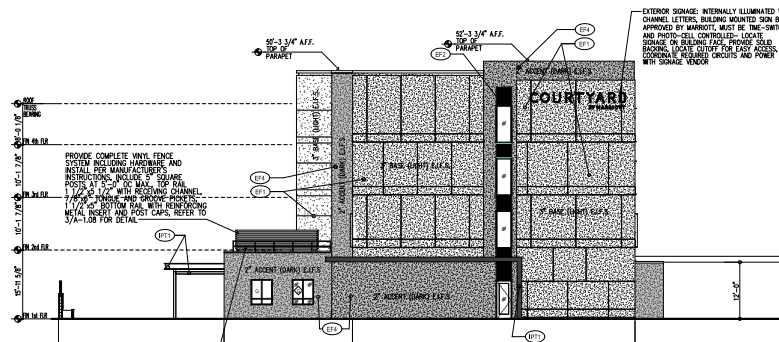
Request to Rezone: A-1 and C-3 to PUD

55.16 acres +/- at the southeast corner of East Dave Ward Drive and Thomas G Wilson Drive

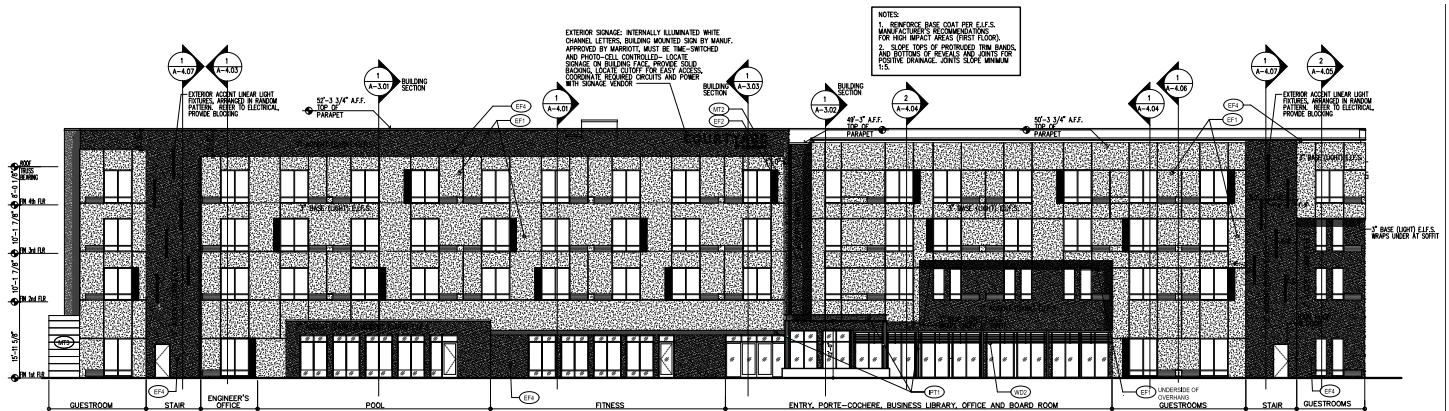
Courtyard Marriott (Lot 1) - Approved Elevations



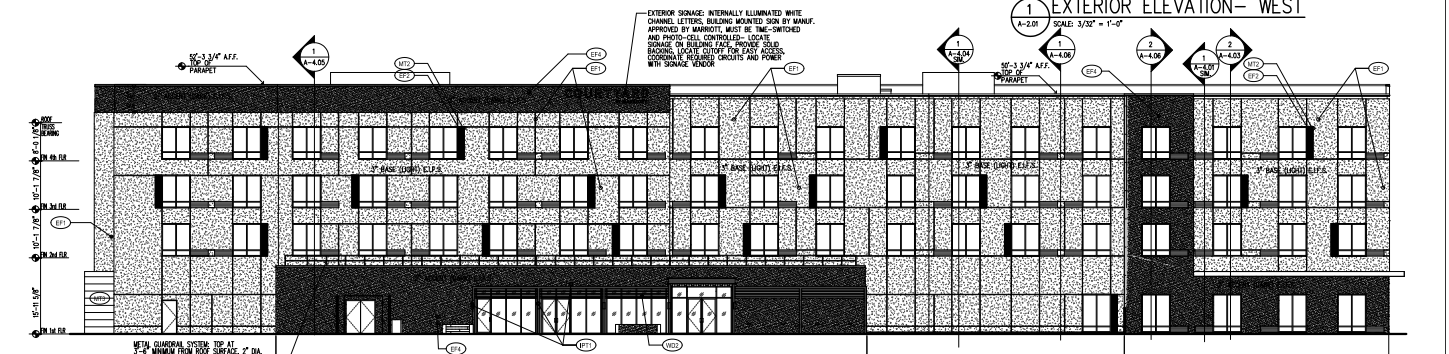
1 EXTERIOR ELEVATION - SOUTH
A-201 SCALE: 3/32" = 1'-0"



2 EXTERIOR ELEVATION - NORTH
A-202 SCALE: 3/32" = 1'-0"



1 EXTERIOR ELEVATION - WEST
A-201 SCALE: 3/32" = 1'-0"



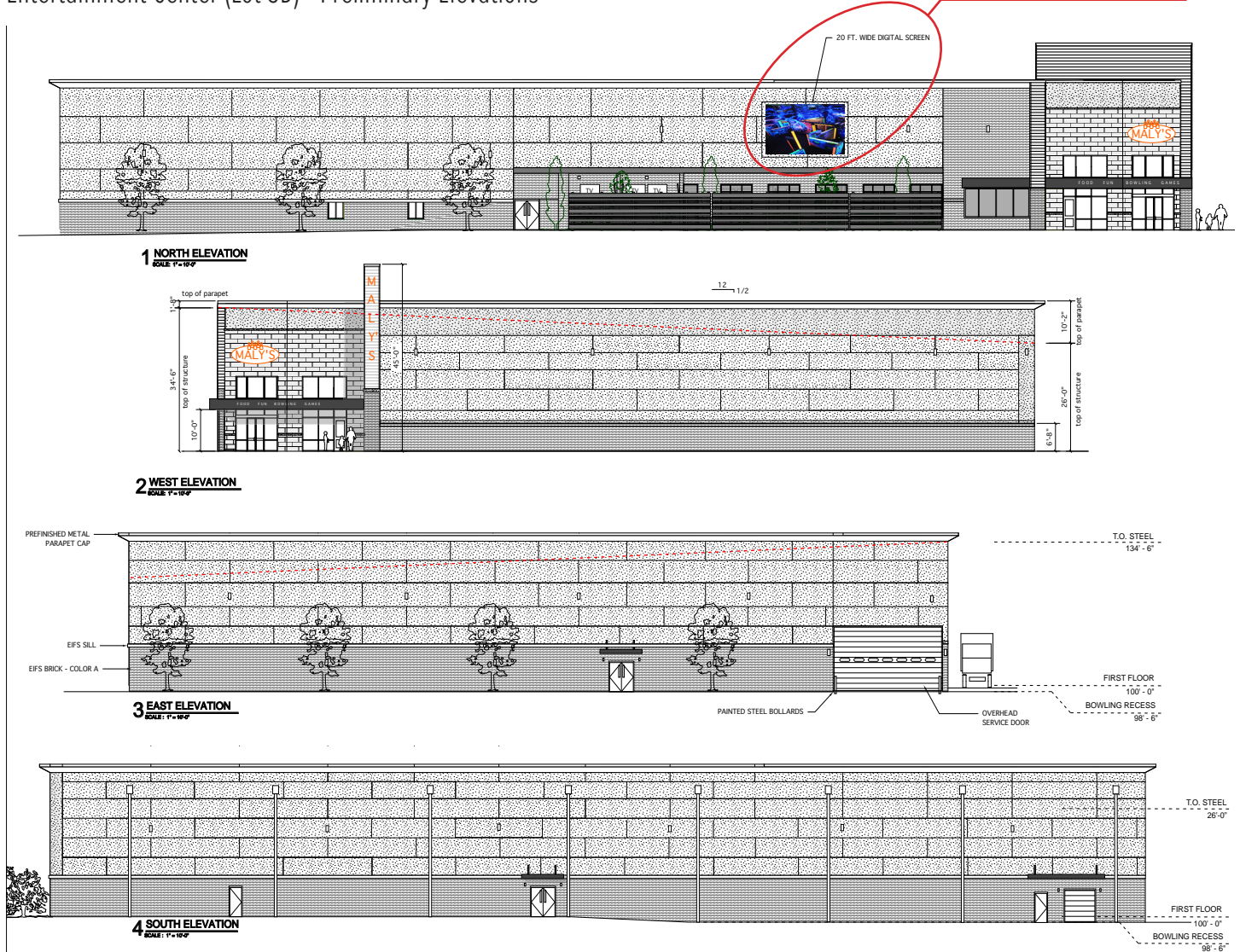
2 EXTERIOR ELEVATION - EAST
A-201 SCALE: 3/32" = 1'-0"

Request to Rezone: A-1 and C-3 to PUD

55.16 acres +/- at the southeast corner of East Dave Ward Drive and Thomas G Wilson Drive

Entertainment Center (Lot 3D) - Preliminary Elevations

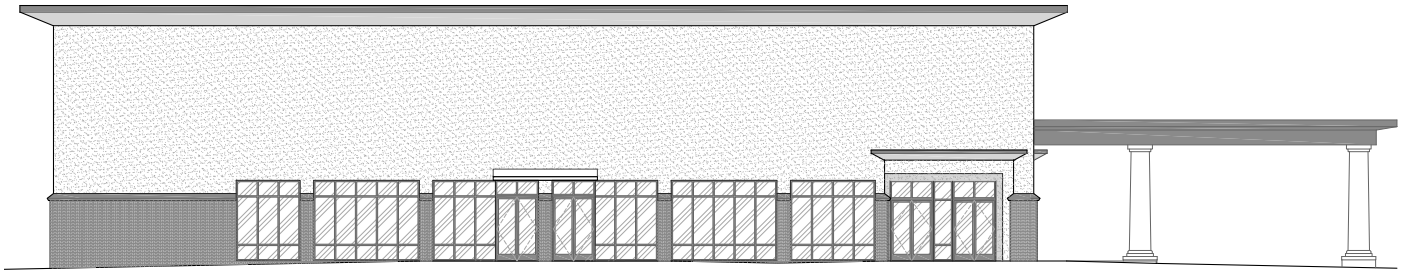
This proposed element is prohibited.



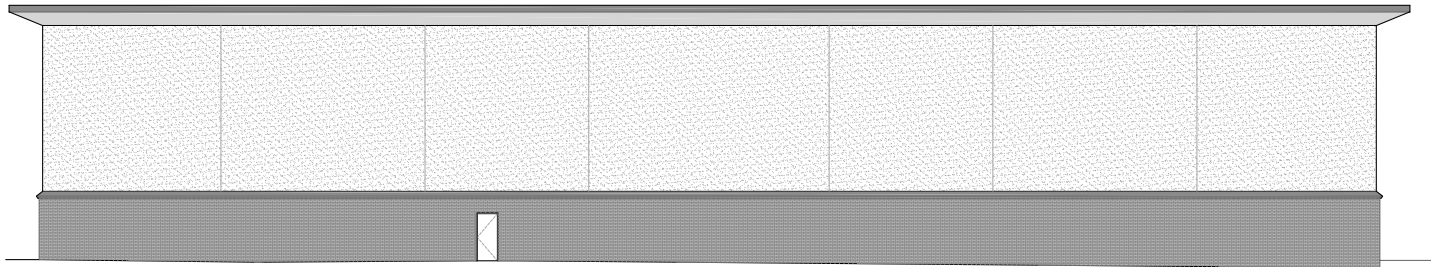
Event Center (Lot 2D) - Preliminary Elevations



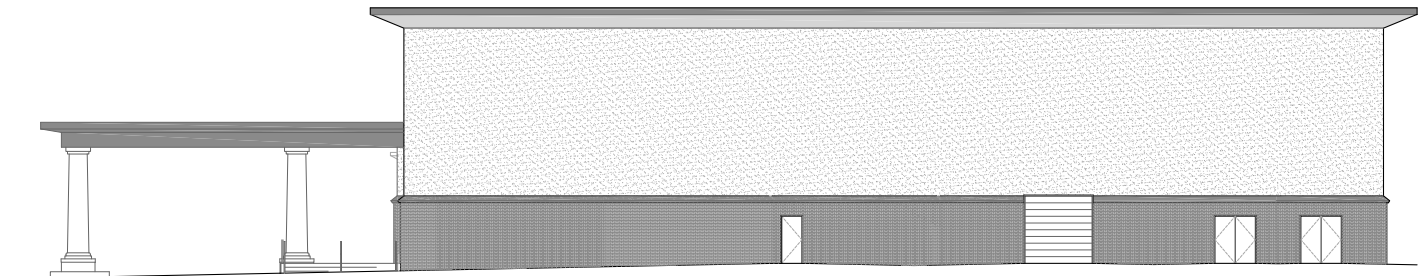
PRELIMINARY FRONT ELEVATION



PRELIMINARY LEFT END ELEVATION



PRELIMINARY REAR ELEVATION

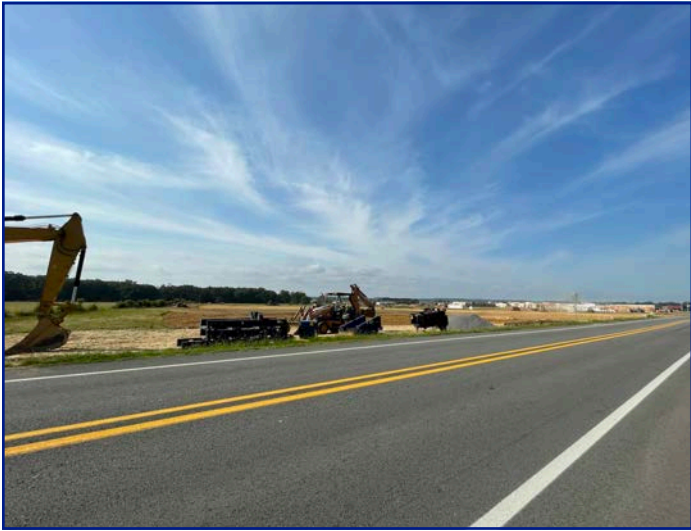


PRELIMINARY RIGHT END ELEVATION

Request to Rezone: A-1 and C-3 to PUD

55.16 acres +/- at the southeast corner of East Dave Ward Drive and Thomas G Wilson Drive

II.B



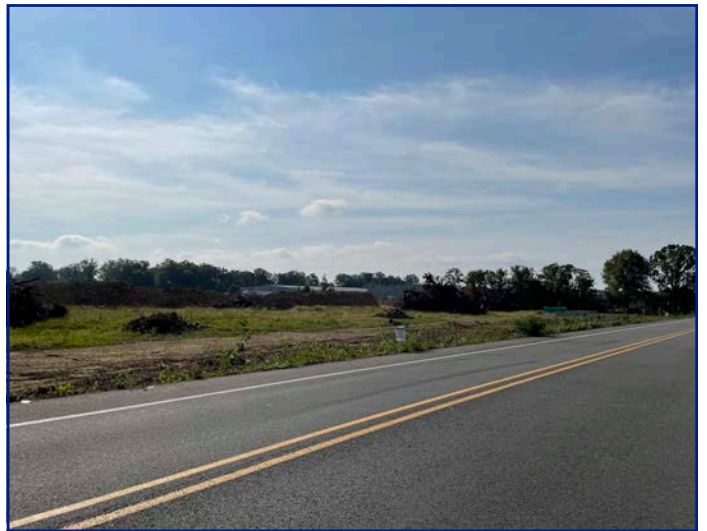
View of site from E Dave Ward Dr looking SW



View of hotel construction from E Dave Ward Dr looking SW



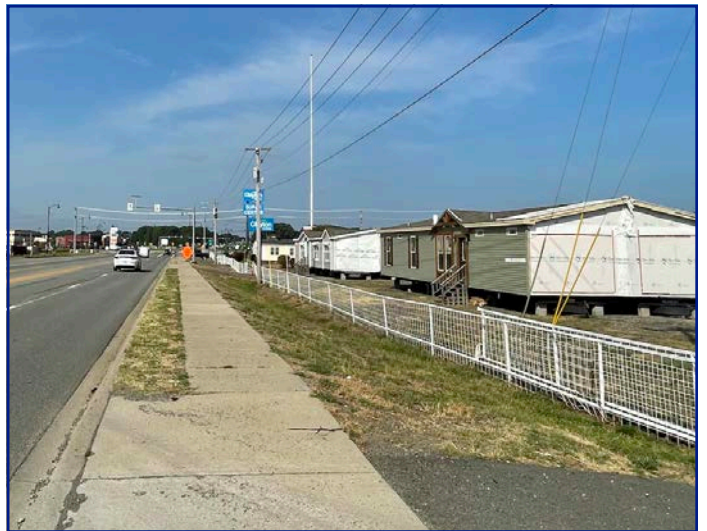
View of site from Thomas G Wilson Dr looking NE



View of site from Thomas G Wilson Dr looking SE



View of adjacent property to the W (Lewis Crossing Shopping Center)



View of adjacent property to the N

Request to Rezone: R-2A to R-2

517 Fifth Street

APPLICANT/AUTHORIZED AGENT

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

OWNER

Esmeralda Castro
PO Box 941
Conway, AR 72033



SITE DATA

Location. 571 Fifth St.

Site Area. 0.22 acres ±.

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

Adjacent Zoning. North, East, West, South: R-2A.

Existing Structures. None.

Overlay. Old Conway Design Overlay District – Suburban Zone.

Requested Rezoning. R-2 (Low Density Residential).

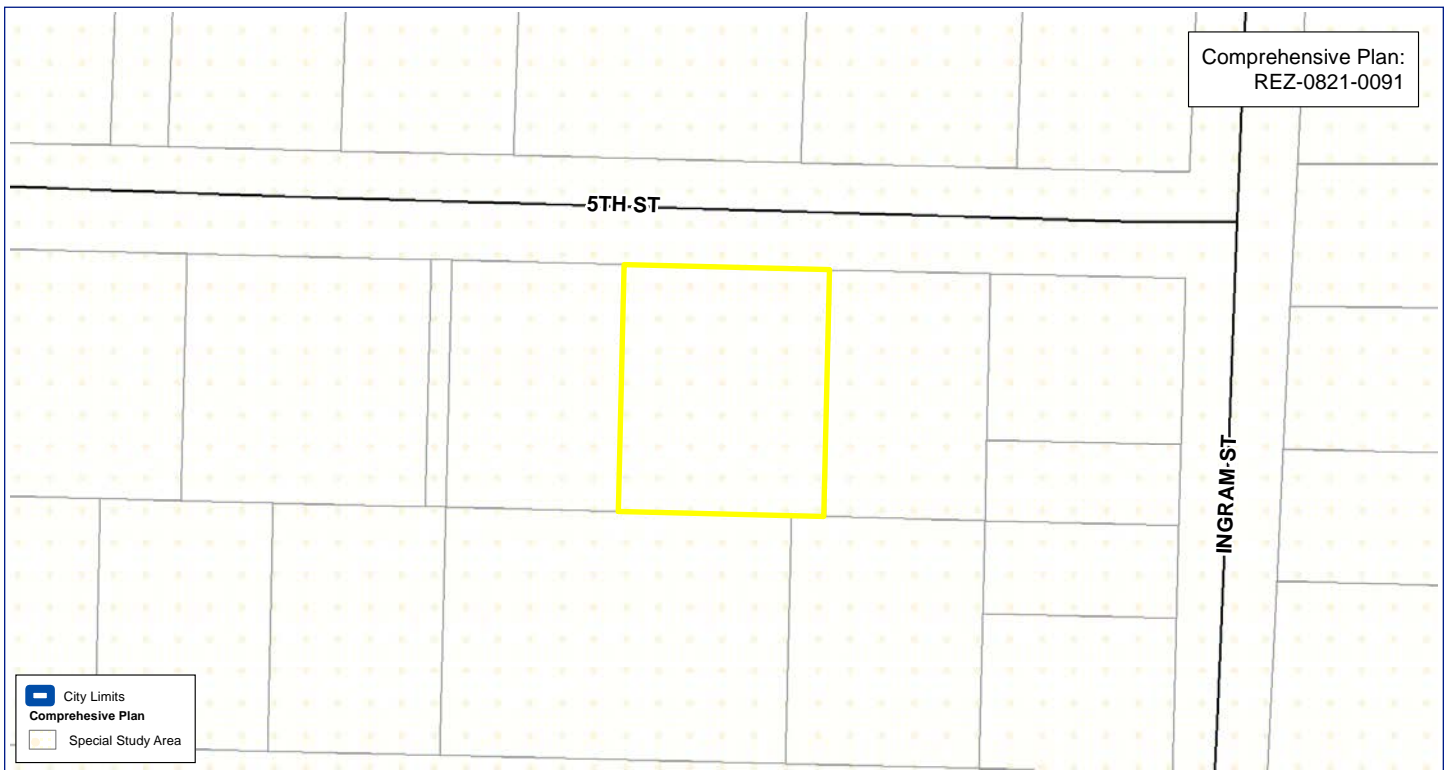
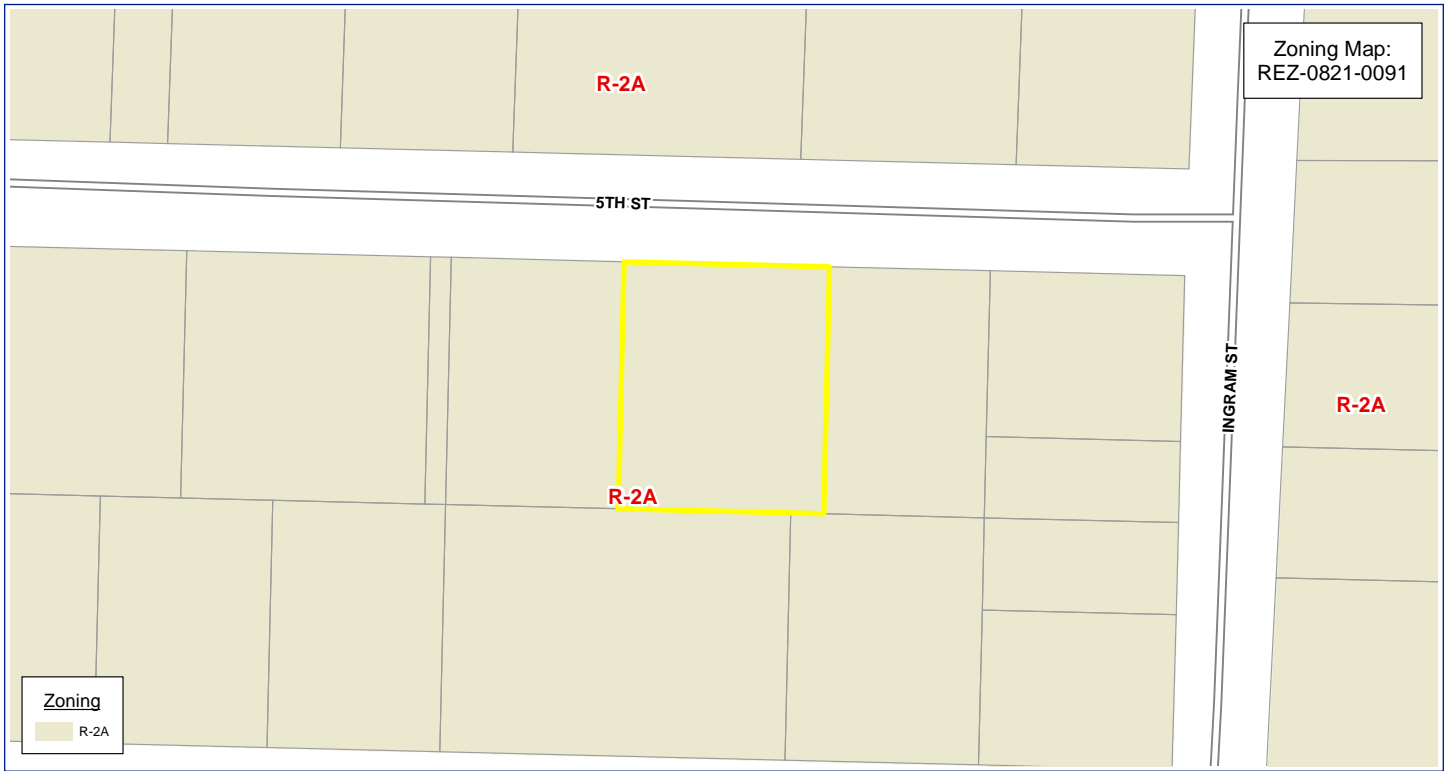
Comprehensive Plan. Single Family.

Projected Traffic Impact. The proposed rezoning is being sought to allow the construction of a duplex. If approved, it is anticipated the development would generate approximately 19 daily average trips. This would be approximately 9.5 average daily trips higher than anticipated under its current zoning.

Request to Rezone: R-2A to R-2

517 Fifth Street

II.C



517 Fifth Street

Current Traffic Counts. Exact traffic information is not available, though average daily traffic is estimated to be less than 1,500 vehicles per day.

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

Utilities. Utilities are available on site.

Master Street Plan. Fifth St – Local Residential.

Street Improvement. No current improvement plans.

STAFF COMMENTS

- The applicant is seeking a rezoning to R-2 for the purpose of constructing a duplex.
- While the R-2A zoning permits duplexes, various requirements of R-2A are designed to intentionally limit the number of duplexes that can be constructed in an R-2A zone.
- The Comprehensive Plan designates the property as single-family.
- The design of a 2,300 sf single-family residence was approved by the Historic District Commission in October 2020. The applicant was the previous property owner.
- The property was replatted in November 2020 as a requirement of the proposed construction.
- The property is presently 417 square feet short of the minimum lot size to accommodate duplex construction, though duplex construction would not be possible due to other requirements on the site.
- While a limited number of duplexes exist within the immediate area, the prevailing land use pattern is that of small to medium-sized single-family homes. Allowing R-2 zoning in this area could provide a precedent for future R-2 zoning requests in the immediate area and alter the prevailing land use pattern, similar to the area east of this site.

STAFF RECOMMENDATIONS

Staff does not recommend approval of the rezoning request. While R-2 zoning would accommodate a use otherwise allowed under R-2A zoning, a rezoning to R-2 could set a precedent for future R-2 zonings in the area. This could drastically change the land use pattern in the area. Additionally, the proposed rezoning is not consistent with the Comprehensive Plan.

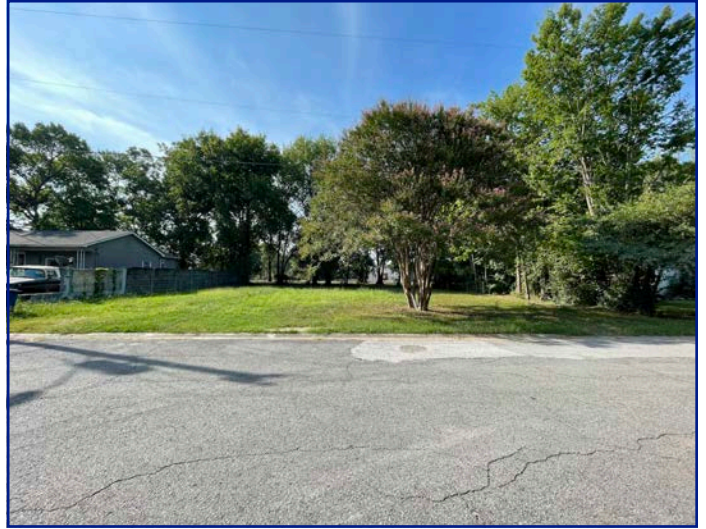
Request to Rezone: R-2A to R-2

517 Fifth Street

II.C



Property adjacent to the E



View of the site from Fifth St looking S



Property adjacent to the W



Property adjacent to the N



Property adjacent to the NE

Request for Conditional Use Permit: Auto-related Sales and Service establishment in C-MU

II.D

1061 Markham Street and 1056 Spencer Street

APPLICANT/AUTHORIZED AGENT

Zach Brown
Salter Construction, Inc.
PO Box 11778
Conway, AR 72034

DESIGN PROFESSIONAL

Brandon Ruhl
Ruhl Design Build, PLLC
PO Box 10146
Conway, AR 72034

OWNER

Chris Crain
Chris Crain Enterprises, LLC
380 Savannah Park Circle
Conway, AR 72034



SITE DATA

Location. 1061 Markham St and 1056 Spencer St; property along Smith St between Spencer St and Markham St.

Site Area. 0.58 acres ±.

Current Zoning. C-MU (Commercial Mixed-Use, Markham Street Neighborhood Specific Plan).

Abutting Zoning. North, East, West, South: C-MU (Commercial Mixed-Use).

Existing Structures. 5,800 sf metal office building and 4,000 sf metal office/garage building.

Overlay. Markham Street Neighborhood Specific Plan.

Requested Conditional Use. Auto-related sales or service establishment.

Comprehensive Plan. Special Study Area.

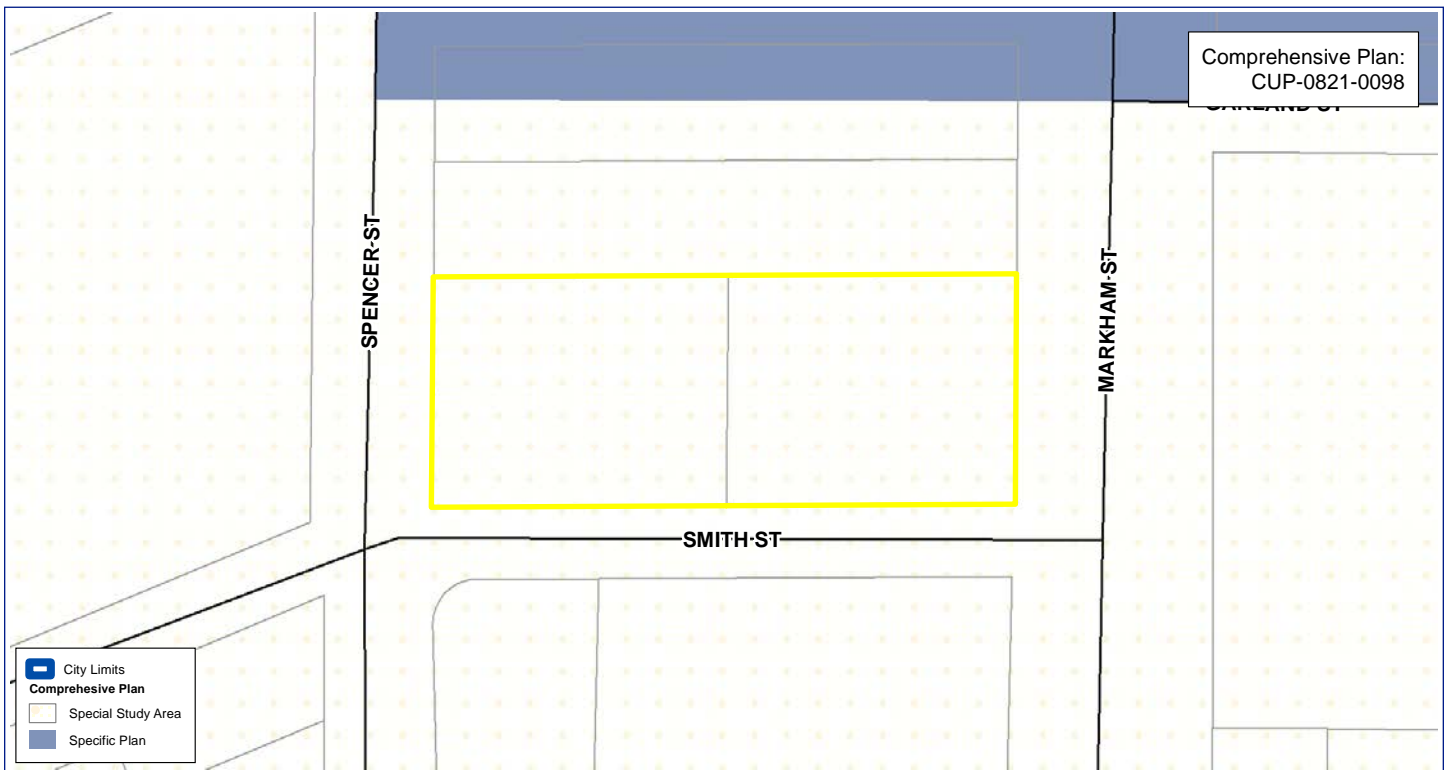
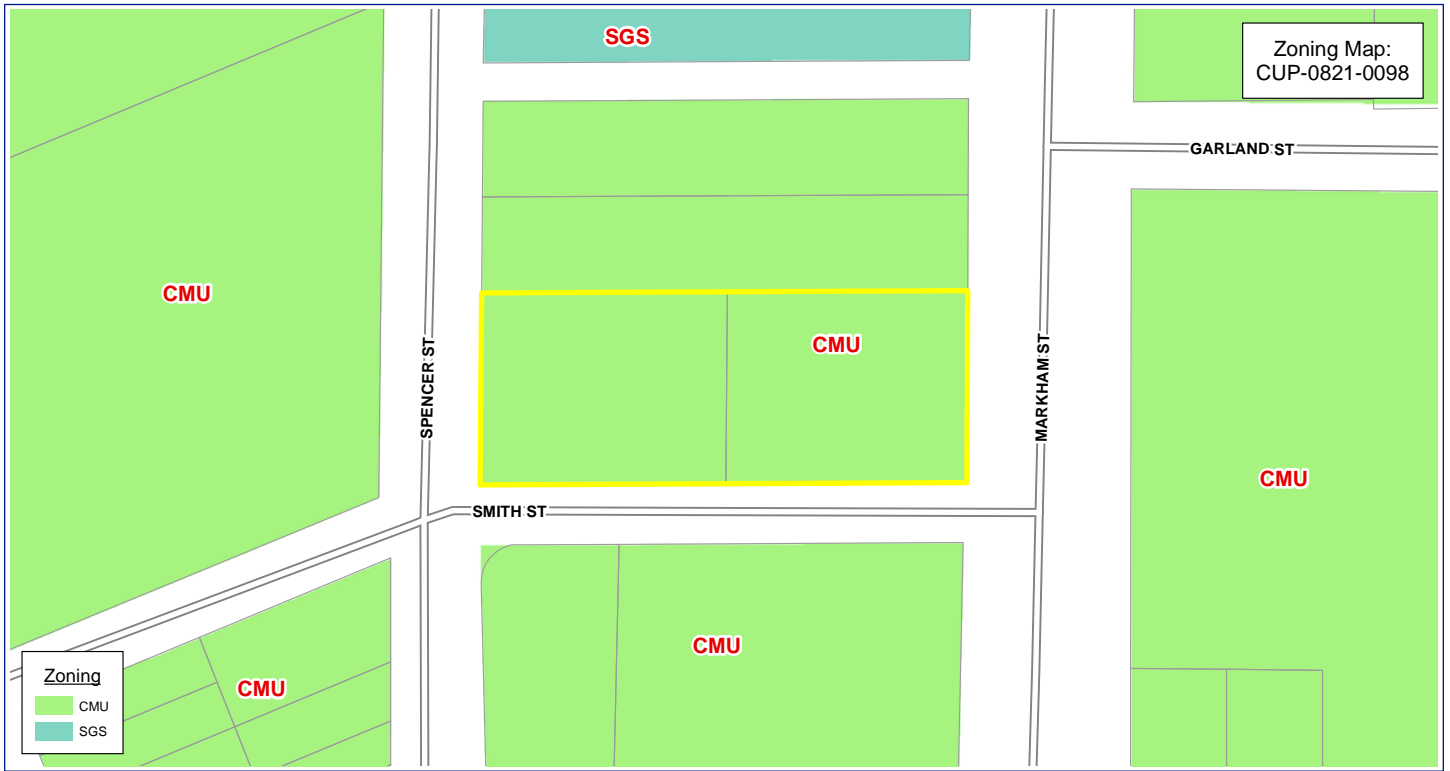
Projected Traffic Impact. It is estimated the use will generate approximately 350 vehicle trips per typical weekday.

Current Traffic Counts. Front St – 4,100; North St – 3,700 average daily traffic. No current traffic counts exist for Markham St. It is estimated current traffic on Markham St. is less than 5,000 ADT.

Request for Conditional Use Permit: Auto-related Sales and Service establishment in C-MU

II.D

1061 Markham Street and 1056 Spencer Street



1061 Markham Street and 1056 Spencer Street

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

Utilities. The site is developed and currently served by utilities.

Master Street Plan. Markham St – Collector; Smith St – Local Non-Residential; Spencer St – Local Non-Residential.

Street Improvement. Markham St, between Oak St and Walnut St, has been completely reconstructed as a two-lane street with a cycle track, planter islands, and wide sidewalks. Woonerfs are additionally proposed north of the site adjacent to Markham Square (currently under construction).

STAFF COMMENTS

- The applicant is proposing to renovate the existing structures for the purpose of establishing an automotive accessory sales and installation business.
- The property's C-MU (Commercial Mixed Use) zoning is intended to, "...provide opportunities for appropriately scaled office, retail, live-work, and urban residential infill...". As such the use is not consistent with the intent of the zoning for this site.
- The development of the site would constitute improvement in an area where improvement is needed. The use could be a valuable transitional use for the area.
- The use could serve as a deterrent to future residential development in the area.
- The site is in very close proximity to Markham Square which is currently under construction. The park is intended to help create dense walkable development in the area.
- Proposed exterior renovation/remodeling will require a Certificate of Appropriateness from the Historic District Commission in accordance with Section 7.2 of the Markham Street Neighborhood Specific Plan.
- This requirement is due to the project not meeting requirements for location of parking along Spencer and Markham Streets, lack of screening of service bays, more than 60% of the property frontage being service bays, lack of sidewalks and required streetscaping on Spencer and Smith Streets.
- Section 901.2, paragraph J – "Conditional Use Development Standards and Review Guidelines" require that use be in conformance with all off-street parking and loading requirements, landscaping and screening requirements, and all applicable provisions for the district in which it is located. This presents a challenge for the application. As indicated above, the use and proposed site would not meet several of the requirements for the C-MU zone, as are required by the review guidelines.



View of Markham St looking N



Markham Square Overlook Deck Concept (image credit: SWA Group)

STAFF RECOMMENDATIONS

Staff recommends denial of the request. While the use could prove valuable to the area, the requested conditional use is not consistent with the regulating plan and does not meet the minimum criteria established in the Zoning Code for approval of a conditional use permit. Approval would be in direct contradiction to the Zoning Code.

1061 Markham Street and 1056 Spencer Street



View of the site from Smith St looking N



View of the site from Markham St looking SW



View of the site from Smith St looking W



View of the site from Smith St looking N



View of the site and adjacent property from Spencer St looking E



View of the site and adjacent property from Spencer St looking NE

Request for Conditional Use Permit: Auto-related Sales and Service establishment in C-MU

1061 Markham Street and 1056 Spencer Street

II.D



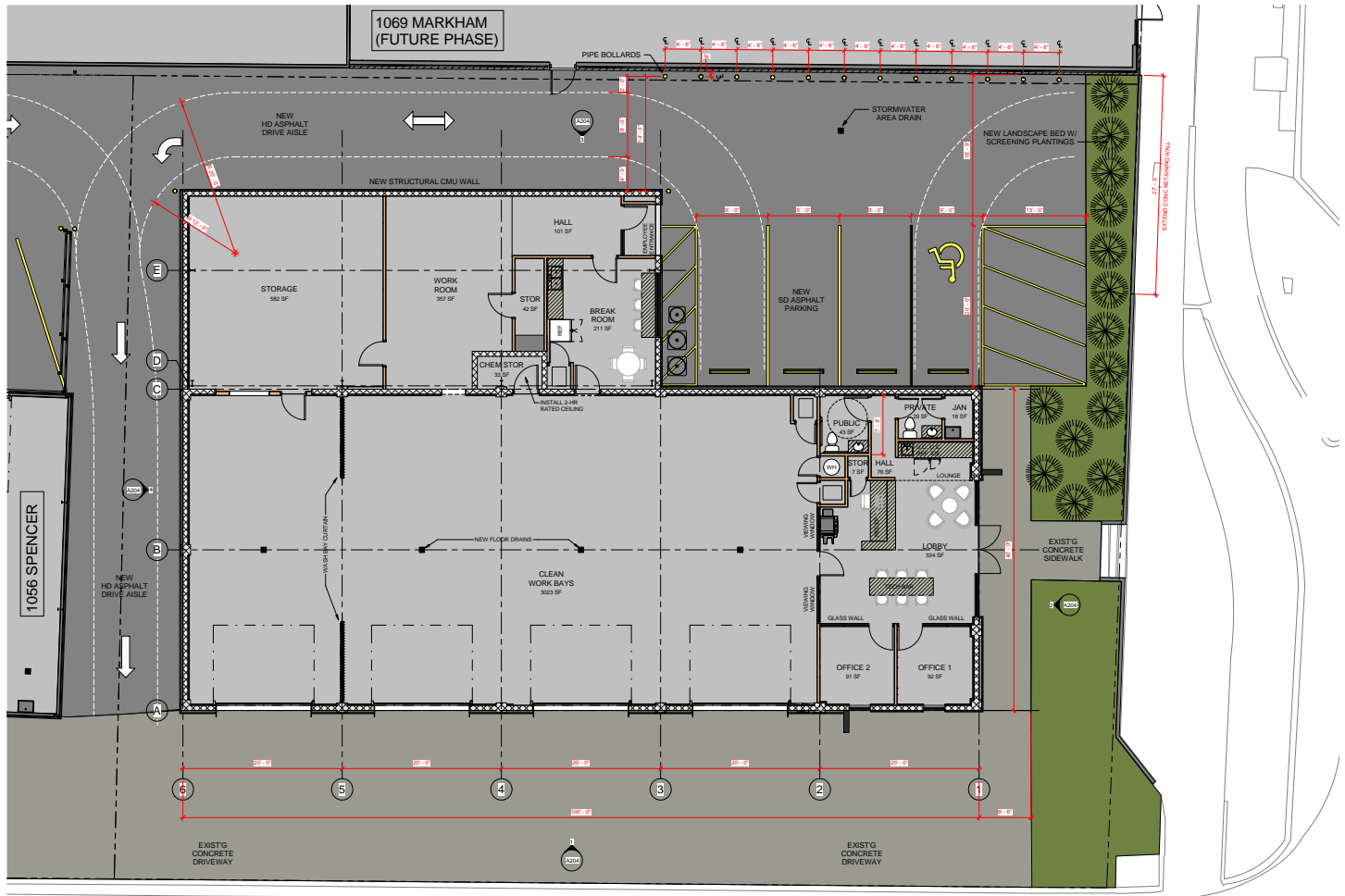
1 RENOVATION PLAN - 1056 SPENCER
3/16" = 1'-0"



Request for Conditional Use Permit: Auto-related Sales and Service establishment in C-MU

II.D

1061 Markham Street and 1056 Spencer Street



1 RENOVATION PLAN - 1061 MARKHAM
3/16" = 1'-0"

CONWAY PLANNING COMMISSION By-laws

Adopted July 19, 1993

Amended May 20, 1996

Amended November 20, 2000

DRAFT September 2021

ARTICLE I • PURPOSE OF THE By-Laws

It is the intent of these by-laws to prescribe the organization of the Conway Planning Commission and to establish orderly, equitable, and expeditious procedure for the conduct of its affairs to the end that all may be informed and the public well served. No by-laws shall conflict with any ordinance of the City of Conway nor any statute of the State of Arkansas.

ARTICLE II • THE COMMISSION

A. Members and Terms

1. The membership and the terms of service shall be as stipulated by Ordinance No. A306 as amended. The term shall be for five (5) years, which shall begin on January 1 and end on December 31 or until a successor has been appointed, except for extenuating circumstances as mentioned in the ordinance.
2. Members who are appointed to fill vacancies for unexpired terms shall join the Commission at the next meeting following their appointment and confirmation.
3. The Chair, on behalf of the Commission, may request the resignation of any member who has missed three (3) consecutive meetings without reasonable cause.

B. Officers - Chair, Vice-Chair, and Secretary

1. The Commission shall elect each November, from its membership, a Chair, a Vice-Chair, and a Secretary for terms of one (1) calendar year each. Officer terms shall run from January to December.
2. The Chair shall preside at all meetings and hearings of the Commission. The Vice-Chair shall preside in the Chair's absence. In the event of the absence or disability of the Chair and Vice-Chair at any meeting, the other members shall elect a member to serve as the temporary chair. The Vice-Chair shall assume all duties of the Chair in the Chair's absence.
3. The Chair shall sign all approved minutes, and other appropriate documents on behalf of the Commission.
4. The Chair, in coordination with staff, shall be responsible for the orientation and training of new members.
5. The Secretary shall, in coordination with staff, be responsible for:
 - a. Monitoring the minutes of each meeting.
 - b. Maintaining a record of the by-laws for the Commission.
 - c. Maintaining a record of current membership of the Commission with their terms of office.
 - d. Maintaining a record of the organization of the Commission.
 - e. Distribution of conflict of interest forms at the appropriate time.

ARTICLE III • COMMITTEES

A. Special Committees

Special Committees may be created by the Commission. Membership of such committees shall be designated by the Chair with the approval of the Commission. The chair shall designate a date for the submission of the Committee's final report. Special committees shall be dissolved when their particular function or task has been completed. No special committee shall exist for a term of more than twelve (12) consecutive months, except by the direction of the Commission.

B. Advisory Committees

The Commission may create such advisory committees, as it deems necessary or desirable. Each advisory committee shall be composed of at least two (2) Commissioners and other persons in a number determined by the Commission. Generally, members shall be private, professional, or technical representatives, public officials working on the problems with which the committee is concerned, and citizens who have special interest or experience with such problems.

ARTICLE IV • MEETINGS

A. Regular Meetings

1. Date. The Commission shall, on or before the last regular meeting each year, adopt a calendar of regular meetings for the forthcoming year with at least one (1) meeting scheduled for each calendar month at a set time.
2. Place. The Commission shall meet regularly at the City Hall in the City Council Chambers.

B. Special Meetings

Special meetings may be called by the Chair, or by a quorum of the Commissioners, or by a majority of those present at a regular or called meeting.

C. Freedom of Information Act

In all appropriate Commission activities, the requirements of the *Arkansas Freedom of Information Act* shall be observed. All meetings shall be open to the public and shall be subject to audio and/or video recording. Recordings shall be kept in perpetuity.

ARTICLE V • CONDUCT OF BUSINESS

A. Order of Agenda

All meetings shall be conducted in accordance with an agenda, which may include these topics and cases:

1. Call to order and roll call.
2. Finding a quorum.
3. Approval of previous minutes, as mailed.
4. Old business.
5. New business.
6. Committee reports.
7. Announcements and other business.
8. Adjournment.

B. Order of Hearing

Public hearings shall be conducted by the Chair in accordance with the following order and rules:

1. Announcement of the item by the Chair.
2. Presentation of the staff report.
3. Applicant's presentation (Limited to 10 minutes – such time may be extended upon discretion of the Chair).
4. Presentation by other interested persons (Limited to 10 minutes – such time may be extended upon discretion of the Chair).
5. Public comment (Limited to 3 minutes per person).
6. Closing of the hearing by the Chair.
7. General discussion and questions by the Planning Commissioners (Commissioners may request clarification from the staff or applicant on items addressed in the public hearing).
8. Commission action.

Proposed Amendments

C. Conduct of Hearing

Prior to opening of the hearing the Chair shall read, or cause to be visually displayed in the Chambers, the following, which shall form the rules of conduct for the hearing:

1. 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 [DATE OF THE NEXT CITY COUNCIL MEETING]. 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.
2. No person shall address the Planning Commission without first being recognized by the Chair.
3. All questions and remarks shall be made from the podium and addressed through the Chair.
4. After being recognized, each person shall state their name and address for the record.
5. When a group of citizens is present to speak about an item, a spokesperson shall be selected by the group to address the Planning Commission.
6. All remarks shall be addressed to the Planning Commission as a whole and not to any individual member.
7. No person, other than members of the Planning Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Planning Commission, without permission of the Chair.
8. Once the public hearing is closed by the Chair, no person in the audience shall address the Planning Commission on the matter without first securing permission to do so by a majority vote of the Planning Commission.

D. Standard Rule of Procedure

Except as may otherwise be set forth in these by-laws, parliamentary procedure shall be as prescribed in the later edition of *Procedural Rules for Municipal Officials*, as published by the Arkansas Municipal League. Procedural provisions of these by-laws may be suspended with the consent of 2/3 of the Commission members present.

E. Rules of Procedure

1. Quorum - A quorum for the transaction of business shall be six (6) members.
2. Vote and proxy - Each Commissioner, including the Chair, shall be entitled to one (1) vote. No Commissioner shall cast a vote for another Commissioner by proxy. Any member of the Commission who may have a conflict of interest in any property or decision relating to such property, which shall be the subject matter of, or affected by, a decision of the Commission shall recuse him/herself from participating in the public discussion or any votes on the matter.
3. Motion and voting - Any matter of business requiring action by the Commission may be presented by oral motion. Votes may be conducted by voice vote. In the event of a vote which is not unanimous, a roll call vote shall be required. The minutes shall indicate how each member voted, including abstentions.
4. Majority Vote - A simple majority of those present at an official meeting shall be sufficient to approve any item, unless otherwise specified by city ordinance.

Proposed Amendments

F. General Policies

1. Advisory opinion - Neither the Commission nor any committees shall, by vote, issue an advisory opinion.
2. Closing of docket - No application for any action by the Planning Commission shall be submitted to the Commission, or prepared for submission, unless the same has been filed in the required fashion of the appropriate ordinance or in accordance with the established Planning Commission calendar.
3. Public records - All minutes of Commission meetings and all petitions, applications, reports, and other documents shall be open to the public and available for inspection at reasonable times, as provided by law. All such records shall be kept in perpetuity.
4. Calendar - All items requiring Planning Commission review shall be considered only at a regular or special Planning Commission meeting.
5. Reconsideration of denied or amended applications
 - a. Expunging action
The Commission may, when it deems necessary, expunge any motion and a subsequent action in order to introduce a substitute motion for other action. The motion to accomplish such shall be made by a person voting in the majority, immediately and preceding the introduction of the next item of business on the agenda. When an item has been voted on and passed over for the next item of business, it shall not be recalled at the meeting for further action, unless the rules are suspended by 2/3 majority of those voting.
 - b. Reconsideration
Except with 2/3 consent of all members present at a meeting, no matter on which final action has previously been taken shall be reopened for further consideration or action. If reconsideration is granted by the Commission, the case will be rescheduled for the next regular meeting. A new application will be made (new fees, legal advertisements, and renotification of adjacent property owners). With a new application, including new fees, legal advertisements and renotification of adjacent property owners, a matter may be reconsidered within twelve (12) months from the action of the Planning Commission.
 - c. Withdrawals before Planning Commission action
No application, which has been docketed for public hearing and advertised for such hearing shall be withdrawn, except as follows:
 - (1) Upon receipt of a written request five (5) working days prior to the public hearing for the application of record.
 - (2) No applicant shall be allowed to withdraw an application within five (5) working days of, or during the public hearing.
 - (3) The applicant may withdraw the application after the public hearing, but prior to Commission action.
 - (4) In the event the case is withdrawn after the public hearing has been advertised, the same case shall not be resubmitted for at least two (2) consecutive, regularly scheduled Planning Commission meetings.
6. Amendment of an application – An applicant may be allowed, at the discretion of the Chair, to verbally amend a rezoning request during the meeting at which the application is heard. Such amendment shall only be permitted for rezoning requests and the request must be made prior to the closure of the public hearing for the item. When such amendment is made, the Commission shall require the public hearing to be continued to the next regular meeting prior to acting on the item.
7. Applicant attendance at meeting - The applicant, on each item docketed, shall be present or represented at the meeting and prepared to discuss the request. Applications for which no representative is present shall be tabled.
8. 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.

ARTICLE VI • AMENDMENTS

These by-laws may be amended or repealed by an affirmative vote of not less than 2/3 of the full membership of the Commission. A proposed amendment, or a motion to repeal, shall first be presented in writing at a regular meeting and placed on the agenda of subsequent regular meetings for action unless ten (10) days written notice has been given to all Commissioners, in which case, action may be taken at any regular or called meeting. No amendments shall conflict with any ordinance in the City of Conway or any statute of the State of Arkansas.

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

- Caliber Collision (SIT2021APR04)
- East German Storage (SDR-0721-0081)
- Wills' Hangar (SDR-0721-0076)

Plats submitted for review (Lot Splits, Lot Mergers, and Final Plats)

- Replat of Lots 179 and 204, Campbell Cove Subdivision Phase II (SUB-0821-0084)
- Replat of Lots 1-4, Fulmer Subdivision (SUB-0821-0086)
- Moix Lot Merger (SUB-0821-0087)
- AF&G Subdivision (SUB-0821-0088)
- Ivy Place Subdivision Phase I Final Plat (SUB-0821-0090)
- Replat of Lot 2, Maly District (SUB-0821-0094)
- Replat of Lot 3, Maly District (SUB-0821-0095)
- Replat of Lot 2, The Greens at Nutters Chapel (SUB-0821-0096)

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

- 12 Hundred Place Phase I, Replat
- Moix Replat
- Campbell Cove Phase II, Replat of Lots 179 and 204
- Thousand Oaks Subdivision, Replat of Lot 39
- Ivy Place Subdivision
- AF&G Subdivision

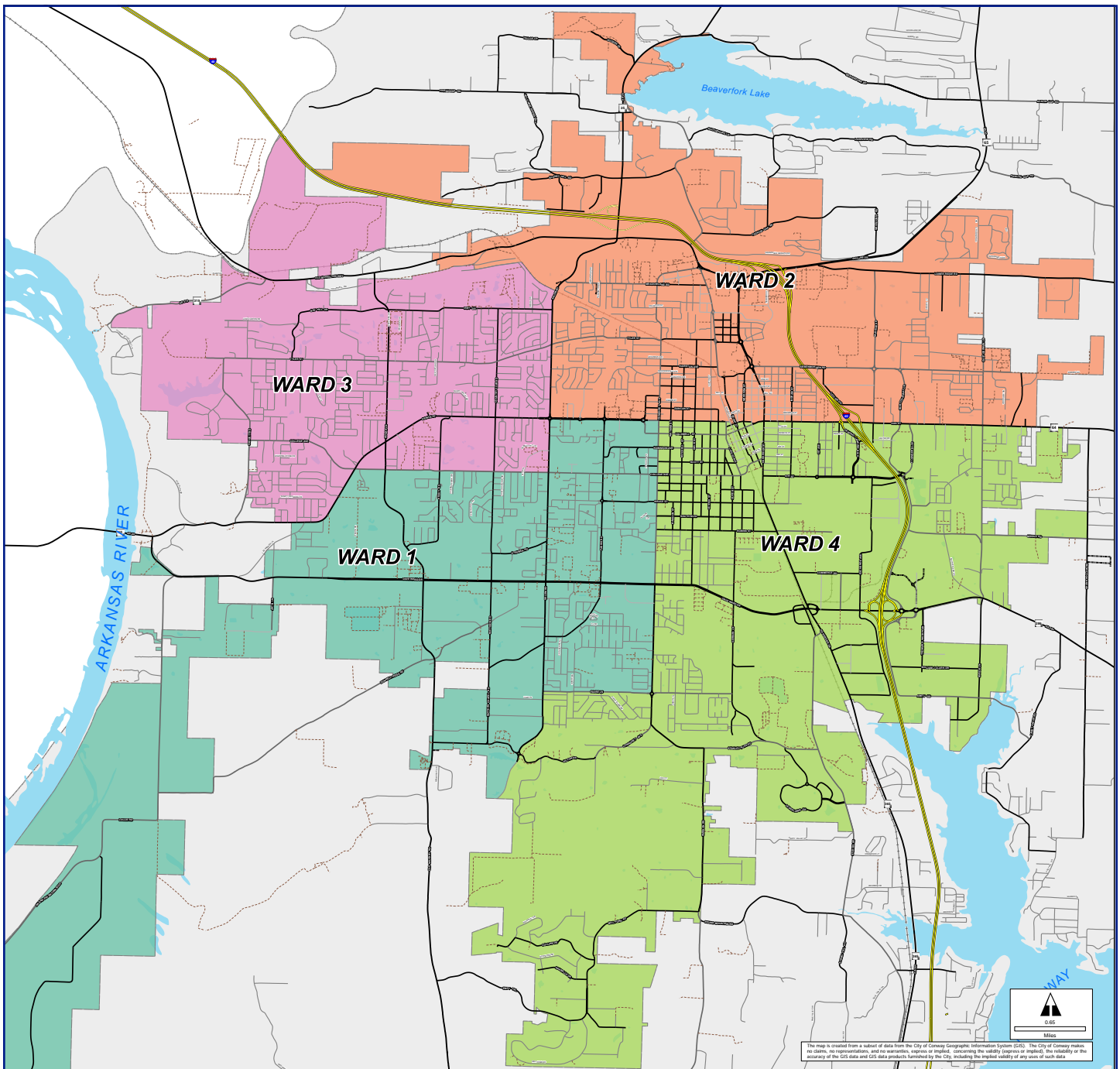
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Two new Planning Commissioners will be selected for 2022 to fill vacancies as Brandon Ruhl and Arthur Ingram's terms end on December 31, 2021. The 2 new, 5-year terms will expire in 2026.

City-wide representation is a desirable trait of the Planning Commission. Not including the two outgoing members, the Planning Commission consists of:

- Ward 1 - 1 member
- Ward 2 - 2 members
- Ward 3 - 4 members
- Ward 4 - 1 member

The City's open nomination period for all boards and commissions is October 1 - 31, 2021. All eligible nominees will be considered and recommendations forwarded to the Planning Commission for approval.





City of Conway PLANNING COMMISSION

Summary • September 20, 2021

On September 20, 2021 the City of Conway Planning Commission met in regular session. The following members, being a quorum, were present and acting: Rebekah Fincher, Drew Gainor, Arthur Ingram, Laura King, Brandon Ruhl, Latisha Sanders-Jones, Anne Tucker, Larry Webb, and Rhea Williams. ? was absent.

Old Business

- Request for conditional use permit to allow a bank or savings and loan in an O-2 zoning district for property located at 841 Donaghey Avenue (CUP-0721-0075). **Recommended for Approval with 2 conditions; Vote 0-0.**

Subdivision Review

- Request for preliminary plat approval of [Subdivision]. **Approved/Denied 0-0, with noted corrections and conditions**

Development Review Appeal

- Development Review Appeal - [Organization], [Address]. **Approved/Denied 0-0 (with the Chairman voting); ? voted in opposition.**

Public Hearings

- Request to rezone 25.45 acres +/- along Bill Bell Lane and Stanley Russ Road from A-1 to R-1 (REZ-0721-0082) **Recommended for approval 8-0.**
- Request to rezone 49.96 acres +/- located at East Dave Ward Drive and Thomas G Wilson Drive from A-1 to PUD (PUD-0821-0085) **Recommended for approval with ? conditions. Vote 8-0; Commissioner voted in opposition.**
- Request to rezone property located at 517 Fifth Street from R-2A to R-2 (REZ-0821-0091) **Recommended for approval 8-0.**

Additional Business

- Consideration to amend the Planning Commission By-Laws