

City Council Members

Ward 1 Position 1 – Andy Hawkins
Ward 1 Position 2 – David Grimes
Ward 2 Position 1 – Mark Vaught
Ward 2 Position 2 – Shelley Mehl
Ward 3 Position 1 – Jim Rhodes
Ward 3 Position 2 – Mary Smith
Ward 4 Position 1 – Theodore Jones, Jr.
Ward 4 Position 2 – Shelia Whitmore

Mayor Tab Townsell

City Attorney Michael Murphy

City Clerk/Treasurer Michael O. Garrett



5:30pm -- Committee Meeting:
Discussion of Financial Software
Presentation by Springbrook Software

6:30pm -- City Council Meeting
Courtroom in District Court Building
810 Parkway, Conway, AR 72032
June 23rd, 2009

1. Call to Order
2. Roll Call
3. Minutes: June 4th, June 9th, June 17th, 2009
4. Recognition of Guests: Employee Service Awards
5. Public Hearings:
6. Report of Standing Committees:
 - A. **Community Development Committee (Planning, Zoning, Permits, Community Development, Historic District, Streets, & Conway Housing Authority)**
 1. Resolution establishing the intent of the City to annex certain lands located along the east side of Old Military Road north of Deerbrook subdivision.
 2. Ordinance amending ordinance O-09-54 City of Conway Zoning Ordinance by reference in regards to new standards for the PUD.
 3. Ordinance to allow fairgrounds in the I-3 Industrial Zoning District as permitted use by right of zoning.
 4. Ordinance to rezone property located at 1502 Boen Street from MF-3 to RU-1.
 5. Consideration of a conditional use permit to allow a transmission tower/station on property located at 1502 Boen Street.
 - B. **Public Safety Committee (Police, CEOC, IT Technology, Fire, Dist. Court & City Att., & Animal Control)**
 1. Consideration to enter into a contract with Conway Public School District in regards to the School Resource Officers.
 2. Ordinance accepting restitution for overtime performed by CPD personnel through May 2009.
 3. Ordinance appropriating animal welfare voluntary tax revenues for the vehicle lease payment of three AWU Ford Ranger pickup trucks.
 4. Ordinance appropriating funds to the CPD for reimbursement purposes to be used additional training requests for the FY 2009.

C. Finance

1. Ordinance waiving bids & appropriating funds in conjunction with financial software and software maintenance.

7. Old Business

8. New Business

Adjournment

This agenda is subject to change



March 24, 2009

Robin Scott
Finance Director
City of Conway
1201 Oak Street
Conway, AR 72032

Dear Robin,

On behalf of all of us at Springbrook Software, we'd like to thank you and the entire Conway team for meeting with us on March 11th. We trust that city staff was able to see many of the features that city staff are seeking to streamline their work, automate workflow and integrate with Microsoft's desktop software applications. We are truly excited about the opportunity to enter into a partnership with the City of Conway and look forward to working with you as the city enters the next stage of your procurement process.

We are highlighting the areas that we have made pricing and payment term concessions and trust that the city views these gestures on our behalf as a significant sign that will lead or two organizations into the next step of your evaluation process. Please replace the pricing that was forwarded on December 10th with this copy. We will be putting together multi-year pricing as one of our next steps and will forward that to your attention as soon as possible.

- Reduction of \$5,000 for the Finance Suite
- Inclusion of a 15% Discount for all Software modules in Phase I
- Reduction of \$1,200 for Chart of Accounts conversion
- Reduction of \$1,200 for Vendor File conversion
- Reduction of \$1,200 for Payroll Master File Conversion
- Inclusion of JE and A/P Vendor History for 3 years
- Inclusion of the following modules & Services for Phase II:
 - Building Permits & Inspections
 - Code Enforcement and Contact Management
 - Licenses & Miscellaneous Permits
 - Business Process Study for above modules
 - Training and Implementation Management for above modules
 - Inclusion of additional three named user licenses for above modules
 - Inclusion of a 15% Discount for all Software modules in Phase II
 - Standard Laserfiche integration

In closing, please let us know if we can provide any additional information about the pricing contained within the attached addenda.

Cordially,

Jim Nelson
Territory Manager

cc

Marily Rementeria
Managing Partner of Marketing, Sales & Administration
Springbrook Software
marily.rementeria@sprbrk.com
866.256.7661 – toll-free
503.820.2201 - direct

Scott Stickel
Vice President of Sales & Marketing
Springbrook Software
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.NET Optional Pricing Proposal for: City of Conway, AR

Application/Products	Application License Fees	Training & Consulting	Implementation Management
Project/Grant Management	\$18,000	\$2,400	\$800
Miscellaneous Accounts Receivable	\$11,000	\$800	\$400
Inventory	\$13,500	\$2,400	\$1,200
Work Order Management	\$25,000	\$5,600	\$1,600
Maintenance Scheduling	\$11,000	\$400	\$400
Special Assessments/L.I.D's	\$18,000	\$1,200	\$800
Parking Ticket Management	\$11,000	\$800	\$400
Custom Document Imaging Interface	tbd		
Custom GIS Interface	tbd		
Positive Pay/Each (AP/PR)	\$1,500		
Custom AP/PR Checks Each (Estimate)	\$6,000 - \$10,000		
Lock Box Interface	\$1,500		
Standard IVR Payment Interface	\$3,500		
Bill Payment Consolidation Interface	\$1,500		
Application Server Tier - "Named" User Lic.	\$600/ea.		
Cash Receipt Import	\$1,500		
Parks and Rec Cash Interface	\$1,500	\$400	\$400
Real Time Cash Receipt Import	\$5,500		
Remittance Processing Interface	\$1,500		
Financial Interface from UB (GL Shell)	\$1,500	\$800	\$400
Building Permit Handheld Interface	\$3,500		

Prices valid for 90 days

* Customer is responsible for the purchase of MS-SQL client and server licenses

Pricing is based on standard contract - deviation from standard contract terms may result in modified prices.

Training and BPS Estimates do not include travel time or expenses.

Monthly Rental and Leasing Options are available



**Annual Maintenance Costs for: City of Conway, AR
Phase II**

Application/Products	1st Year Maintenance
Licenses and Miscellaneous Permits	\$3,960
Code Enforcement/Contact Management	\$3,960
Building Permits and Inspections	\$3,960
Standard Laserfiche Integration	\$990
Total Springbrook	\$12,870
Application Server Tier - "Named" User Lic	\$450
Access Agents - for Casual Users	n/a
Total Other	\$450
Total 1st Year Maintenance Costs	\$13,320

* Maintenance is generally prorated to align with your fiscal year.
Progress Maintenance Fees are due at contract signing.

* includes 180 day warranty



**Annual Maintenance Costs for: City of Conway, AR
Phase I**

Application/Products	1st Year Maintenance
Finance Suite	\$8,800
Purchase Orders	\$1,760
Payroll	\$6,600
Human Resources	\$6,600
Capital Assets	\$1,760
Central Cash Management	\$3,300
Total Springbrook	\$28,820
Application Server Tier - "Named" User Lic.	\$750
Access Agents - for Casual Users	\$438
Total Other	\$1,188
Total 1st Year Maintenance Costs	\$30,008

* Maintenance is generally prorated to align with your fiscal year.
Progress Maintenance Fees are due at contract signing.

* includes 180 day warranty



Conversion Estimate (ACS Data) for: City of Conway, AR

Pricing for conversion total is included on preceeding page

Application to be converted	Notes	Conversion Estimates
Chart of Accounts		\$3,600
GL Transaction Balances*		\$4,800
Accounts Payable Vendor Master		\$3,600
JE History	3 Years	\$4,800
Accounts Payable Vendor History	3 Years	\$4,800
Payroll Masters - Employee Data		\$6,000
Human Resources	Need to know what info	tbd
Capital Asset Masters	n/a - Import from EXCEL	\$0
Total Estimated Conversion Costs		\$27,600

* Note: Conversion to include chart of accounts, the current year's budget, current YTD balance (as of a specific date designated by the client), and previous year's ending balance.

Cost of Data Conversion:

An estimated cost of your data conversion has been provided in this quote. This estimate is for one data pull for Finance, one for Payroll and one for H/R. If the city can export Capital Assets to our EXCEL template, there is no charge. We will need to review an actual sample of your data to confirm this estimate. Certain factors may cause the cost to exceed the amount quoted. See section below titled "Not Included in Estimate".

Not Included in Estimate:

There are a variety of factors that can influence the cost of a conversion and a variety of items that are not included in the standard cost estimate for your conversion. For example, your estimate will not include the following:

- Removal of data from your existing system
- Consulting on removal of data from your existing system
- Changes or modifications requested after the first conversion and different from the specifications we originally received.
- Changes in the format we receive the data in after the first conversion

Cost Factors:

In addition, the following items can increase the cost of your conversion:

- Mixed formats of data (a file containing tab delimited or comma delimited format.
- Problems with data integrity
- Data manipulation not for the purpose of the conversion, but for the purpose of supplying you with information you did not previously have access to.
- Changes in the file format after the first conversion
- Changes requested to the data after the second conversion
- No file or incorrect file layouts

No cost of fees in excess of those set forth in the Schedule of Fees will be incurred by the Licensee without prior acceptance of Licensee as indicated on a signed work order



3/20/2008

Phase II - .NET Investment Pricing for: City of Conway, AR

Application/Products	Application License Fees	Training & Consulting	Implementation Management
Licenses and Miscellaneous Permits	\$18,000	\$2,400	\$1,600
Lic. & Misc Permits - Work Flow Processing Set-up		\$1,600	\$800
Code Enforcement/Contact Management	\$18,000	\$800	\$400
Code Enf - Work Flow Processing Set-up		\$2,400	\$1,200
Building Permits and Inspections	\$18,000	\$4,400	\$1,600
BP & Insp. - Work Flow Processing Set-up		\$2,400	\$1,200
Standard Laserfiche Integration	\$4,500	included	included
Business Process Study			\$4,800
Document Attachment & Cataloging	Included		
Integrated Report Archival	Included		
Total	\$58,500	\$14,000	\$11,600
Application Server Tier - "Named" User Lic	\$1,800		
Access Agents - for Casual Users	n/a		
Total Other	\$1,800		
Conversion Estimate - Not applicable	n/a		
ACS Discount	-\$8,775		
Total Estimated Project Costs	\$77,125		

Prices valid for 90 days

3 - Named Users (Application Server)

Access Agents - not applicable - already purchased in "Phase I"

Pricing is based on standard contract - deviation from standard contract terms may result in modified prices.

Training and BPS Estimates do not include travel time or expenses.

Monthly Rental and Leasing Options are available



3/20/2008

Phase I - .NET Investment Proposal for: City of Conway, AR

Application/Products	Application License Fees	Training & Consulting	Implementation Management
Finance Suite (GL, AP, ACH, Bank Rec)	\$40,000	\$12,000	\$6,000
Extended Budgeting & Forecasting	Included	\$2,400	\$2,400
Financial Reporting-CAFR & GASB	Included	\$5,600	\$2,400
AP Electronic Check Signature	Included		
AP MICR Code -1 Check	Included		
Electronic Check Rec Import - first Financial Inst.	Included	Included	Included
Financial Work Flow Processing Set-up		\$2,400	\$2,400
Purchase Orders	\$8,000	\$2,400	\$2,400
PO Work Flow Processing Set-up		\$2,400	\$1,200
Payroll - 425 FTE's	\$30,000	\$18,000	\$6,000
Decentralized Time Entry with Elec. Approval	Included	\$2,400	\$2,400
Payroll Work Flow Processing Set-up		\$2,400	\$2,400
PR Electronic Check Signature	Included		
Payroll MICR Code - 1 Check	Included		
Human Resources	\$30,000	\$9,600	\$3,600
Includes Employee Web Self-Service			
Capital Assets	\$8,000	\$2,400	\$2,400
Central Cash Management/Point Of Sale	\$15,000	\$1,800	\$1,800
Business Process Study			\$12,000
Document Attachment & Cataloging	Included		
Integrated Report Archival	Included		
Total	\$131,000	\$63,800	\$47,400
Application Server Tier - "Named" User Lic.	\$3,000		
Access Agents - for Casual Users	\$1,750		
Total Other	\$4,750		
Conversion Estimate - See Detail	\$27,600		
ACS Discount	-\$19,650		
Total Estimated Project Costs	\$254,900		

Prices valid for 90 days

5 - Named Users (Application Server)

100 Access Agents - Licenses for up to 100 "Casual" Users - under 2/hr day

Pricing is based on standard contract - deviation from standard contract terms may result in modified prices.

Training and BPS Estimates do not include travel time or expenses.

Monthly Rental and Leasing Options are available



City of Conway, Arkansas
RESOLUTION No. R-09- _____

A RESOLUTION ESTABLISHING THE INTENT OF THE CITY OF CONWAY TO ANNEX CERTAIN LANDS LOCATED ALONG THE EAST SIDE OF OLD MILITARY ROAD NORTH OF DEERBROOK SUBDIVISION:

WHEREAS, the City Council of the City of Conway, Arkansas, has been informed that Pin Tail Investments, LLC has petitioned the County Court of Faulkner County, Arkansas, for annexation into the City of Conway, Arkansas, the following described lands in Faulkner County, Arkansas:

A part of the NW 1/4 SW 1/4 of Section 22, Township 5 North, Range 14 West, Faulkner County, Arkansas, being more particularly described as follows:

Commencing at the NW Corner of said NW 1/4 SW 1/4 run from thence S87 degrees 39'07"E, along the North Line of said NW 1/4 SW 1/4, 491.69 feet to the point of beginning; thence continue along said North Line 663.35 feet; thence run S01 degree 52'10"W, parallel to the West Line of said NW 1/4 SW 1/4, 1322.72 feet to the South Line of said NW 1/4 SW 1/4; thence run N87 degrees 35'32"W, along said South Line, 1130.05 feet to the East Right of Way line of Old Military Road; thence run N01 degree 52'10"E, parallel to the West Line of said NW 1/4 SW 1/4, 854.84 feet; thence leaving said right of way, run S87 degrees 39'07"E, parallel to the North Line of said NW 1/4 SW 1/4, 466.69 feet; thence run N01 degrees 52'10"E parallel to the West Line of said NW 1/4 SW 1/4, 466.70 feet to the point of beginning.

Said Tract contains 29.30 acres more or less and is subject to all rights of way, easements, covenants, and restrictions on record.

WHEREAS, it is desired to indicate unto the County Court of Faulkner County, Arkansas, the attitude of the City of Conway, Arkansas toward such annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

SECTION 1: That said City Council does hereby declare its willingness to accept said lands as a part of the City of Conway, Arkansas, to be zoned as **R-1**.

SECTION 2: That such lands shall not be annexed until such time as those streets within and abutting this property that are to be accepted for city maintenance and those streets that are to be accepted as public roads solely for the purpose of issuing building permits shall have been established and noted on the annexing ordinance and right-of-way dedicated.

SECTION 3: That such lands shall not be annexed until such time as it has been determined which parcels of property within the annexation have been created in accordance with the Subdivision Ordinance requirements and are therefore eligible for issuance of building permits.

SECTION 4: That such lands shall not be annexed until such time as agreements with Conway Corp, the City of Conway's utilities provider, shall have been established and noted on the annexing ordinance and utility easements dedicated.

This Resolution adopted this 23rd day of JUNE, 2009.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



CONWAY PLANNING COMMISSION

1201 OAK STREET CONWAY, AR 72032 (501) 450-6105

June 16, 2009

Council Members
Conway, AR 72032

Dear Council Members:

A request for annexation with a designation of R-1 zoning for property located along the east side of Old Military Road north of Deerbrook Subdivision with the legal description

A part of the NW 1/4 SW 1/4 of Section 22, Township 5 North, Range 14 West, Faulkner County, Arkansas, being more particularly described as follows:

Commencing at the NW Corner of said NW 1/4 SW 1/4 run from thence S87 degrees 39'07"E, along the North Line of said NW 1/4 SW 1/4, 491.69 feet to the point of beginning; thence continue along said North Line 663.35 feet; thence run S01 degree 52'10"W, parallel to the West Line of said NW 1/4 SW 1/4, 1322.72 feet to the South Line of said NW 1/4 SW 1/4; thence run N87 degrees 35'32"W, along said South Line, 1130.05 feet to the East Right of Way line of Old Military Road; thence run N01 degree 52'10"E, parallel to the West Line of said NW 1/4 SW 1/4, 854.84 feet; thence leaving said right of way, run S87 degrees 39'07"E, parallel to the North Line of said NW 1/4 SW 1/4, 466.69 feet; thence run N01 degrees 52'10"E parallel to the West Line of said NW 1/4 SW 1/4, 466.70 feet to the point of beginning.

Said Tract contains 29.30 acres more or less and is subject to all rights of way, easements, covenants, and restrictions on record.

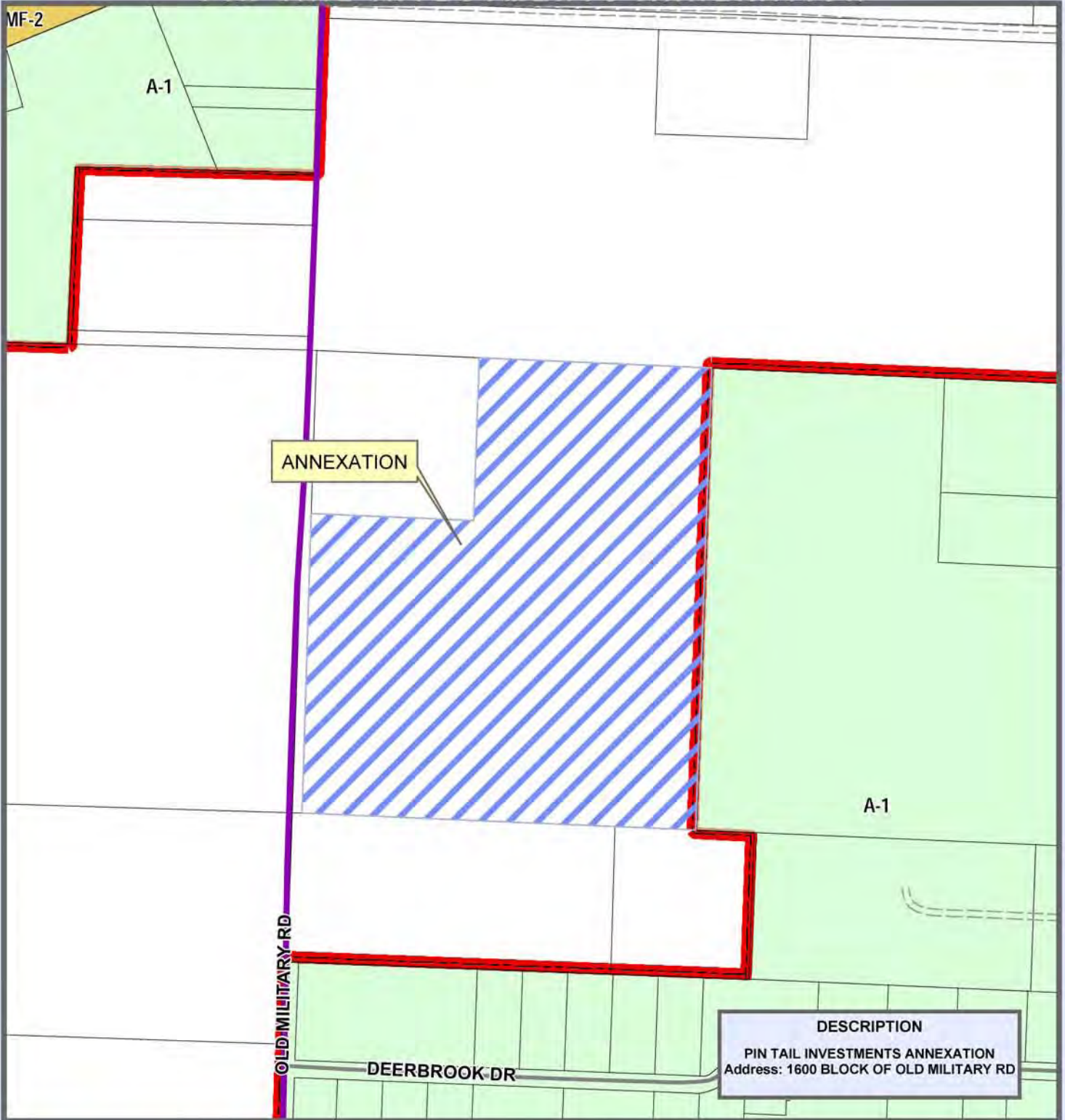
was reviewed by the Planning Commission at its regular meeting on June 15, 2009. The Planning Commission voted 6 – 0 that the request for annexation with an R-1 zoning designation be sent to the City Council with a recommendation for approval.

Submitted by,

Terry Sossong, Chairman
Planning Commission

CITY OF CONWAY

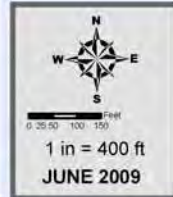
PIN TAIL INVESTMENTS ANNEXATION



DESCRIPTION
PIN TAIL INVESTMENTS ANNEXATION
 Address: 1600 BLOCK OF OLD MILITARY RD



INTERSTATE	LOT LINE	Residential	Industrial
MAJOR ARTERIAL	STREAMS	R-1	MF-1
MINOR ARTERIAL	LAKES & PONDS	R-2A	I-1
COLLECTOR	CITY LIMITS	R-2	MF-2
RESIDENTIAL		R-3	MF-3
PRIVATE ROAD		HR	RMH
INTERSTATE RAMP		SR	
RAILROADS		Commercial	Office
		C-1	O-1
		C-2	O-2
		C-3	O-3
		C-4	
		Special	S-1
			A-1
			PUD



THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE, AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

CONTACT INFORMATION
 LANDMARKING WEBSITE:
 pin.conway.org (PLANNING AND DEVELOPMENT)
 E-MAIL: Jason.Lyon@CityOfConway.org



City of Conway, Arkansas
Ordinance No. O-09-___

AN ORDINANCE AMENDING ORDINANCE O-94-54 CITY OF CONWAY ZONING ORDINANCE BY REFERENCE, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

WHEREAS, The City of Conway would like to create new standards for the Planned Unit Development (PUD) zone, and;

WHEREAS, It is desirable to create a more streamlined, user-friendly, and publicly accessible PUD zoning process, and;

WHEREAS, It is desirable to create PUD zoning that encourages context sensitive zoning that is not possible through conventional zoning districts;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

SECTION 1. That Ordinance O-94-54, the City of Conway Zoning Ordinance, as adopted on the 27th Day of September 1994, is hereby amended by readopting by reference Section 401.9 - Planned Unit Development, which was approved following notice as required by law, such amendment consisting of the amended text of which not less than three (3) copies have been and now are filed in the office of the City Clerk of the City of Conway, Arkansas.

SECTION 2. That all ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 3. That this ordinance is necessary for the protection of the public peace, health and safety, and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 23th day of June, 2009.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer



CONWAY PLANNING COMMISSION

1201 OAK STREET CONWAY, AR 72032 (501) 450-6105

June 16, 2009

Council Members
Conway, AR 72032

Dear Council Members:

At its regular meeting on June 15, 2009, the Planning Commission held a public hearing to consider an amendment to the Conway Zoning Ordinance that would replace the current text in Section 401.9 – Planned Unit Development (PUD). The intent of the proposed amendment is to streamline the language and layout of the PUD section and improve the approval process while retaining the existing fee structure.

The new text requires greater cooperation between the applicant and surrounding property owners, moves away from specific numeric standards, and eases the upfront cost burden on the applicant by delaying the plat requirement until after the PUD rezoning is approved by the City Council. Following a brief presentation of the amendment by city planner Donald Anthony and commission discussion, the Planning Commission voted 6 – 0 that this proposed amendment to the Zoning Ordinance be sent to the City Council with a recommendation for adoption.

Submitted by,

Terry Sossong, Chairman
Planning Commission

CURRENT PUD SECTION OF ZONING ORDINANCE

SECTION 401.9 – PLANNED UNIT DEVELOPMENT

A. GENERAL DESCRIPTION

It is the intent of this Section to encourage developments with superior living environments brought about through unified development and to provide for the application of design ingenuity in such developments while protecting existing and future surrounding areas in achieving the goals of the Comprehensive Plan for Development of the City of Conway, Arkansas. The “PUD” Planned Unit Development District herein established is intended to provide for greater flexibility in the design of buildings, yards, courts, circulation and *common (Ordinance O-06-150)* open space than would otherwise be possible through the strict application of other district regulations, and to produce:

1. A maximum choice in the types of environment and living units available to the public;
2. *Common Open (Ordinance O-06-150)* space and recreation areas;
3. A pattern of development which preserves natural features and prevents soil erosion;
4. A creative approach to the use of land and related physical development;
5. An efficient use of land resulting in smaller networks of utilities and streets and thereby lowering costs: and
6. An environment of stable character in harmony with the surrounding development.

The “PUD” Planned Unit Development Regulations are designed to provide for small- and large-scale developments incorporating a single type or a variety of residential, commercial, and related uses which are planned and developed as a unit. Such development may consist of individual lots or it may have common building sites. Private or public common land and *common (Ordinance O-06-150)* open space must be an essential and major element of the Plan which is related to and affects the long-term value of the homes and other development. A planned unit shall be a separate entity with a distinct character and harmony with surrounding development.

B. STANDARDS OF DEVELOPMENT

1. Ownership Control

The land in a Planned Unit Development District shall be owned, leased, or otherwise controlled by a person, firm, group of individuals, partnership, corporation, or trust, provided assurances are given through the procedures contained herein that the project can be successfully completed.

2. Minimum District Area

~~There shall be no minimum area for a "PUD" Planned Unit Development District shall be three (3) acres. In calculating the minimum area for a PUD District, the measurements shall include the area of all dedicated streets entirely within the boundary of the proposed PUD and one-half of the area of all boundary or perimeter streets. (Ordinance O-06-150)~~

3. Uses Permitted

In order to increase creativity and flexibility in the development of areas suitable for a Planned Unit Development, there are no specifically prescribed uses which are permitted within the boundaries of a Planned Unit Development. The developer shall be responsible for preparation of a list of permitted uses within the specific Planned Unit Development requested. The development of the list shall take into account the nature and purpose of the Planned Unit Development area, and such uses and locations shall be appropriate in order to protect and be in harmony with surrounding development. At the time of the Pre-Application plan and conference, the applicant shall generally describe the nature and types of land uses to be located within the boundaries of the PUD District. At the time of zoning application and consideration of the preliminary plat, a specific written list of uses to be "permitted by right" shall be submitted for review by the Planning Commission. Following approval by the Planning Commission and City Council, the list of specific uses permitted by right shall serve as the control list in issuance of building permits and certificates of occupancy.

~~In addition to the above permitted uses that are established by right, certain other uses may be prescribed by the developer in accordance with the restrictions included herein and said uses are designated as special permit uses. These uses more intensely dominate the area in which they are located than do other uses which might be permitted in the PUD District and, as such, they require special considerations and restrictions. If the developer and/or Planning Commission agree that certain special permit uses should be included within the PUD District, the applicant~~

~~shall precisely indicate the specific use, its location, area to be included, maximum building square footage, and such other information as required by the Planning Commission or City Council to properly and comprehensively evaluate the nature and impact of such special permit uses. When such special permit uses are approved at the time of rezoning, they shall not be subsequently changed to any other use until and unless they are changed to another use that is permitted by right, or the new proposed use if not permitted by right in a PUD District is resubmitted for rezoning approval. (Ordinance O-06-150)~~

4. Parking and Off-Street Loading

All uses established within a Planned Unit Development District shall comply with the off-street parking and loading requirements as established in Article 501. However, the requirements for individual structures or lots may be met through either provision of adequate parking on the lot on which such structure is so located or upon adjacent property which is under the control of a Property Owners' Association to which said lot is an automatic participant. In no case, however, shall the cumulative requirements for all parking and off-street loading requirements be less than if said uses were individually established and located in any other zoning district within the City, *with the exception of shared parking. In areas where there are two or more differing principal uses, shared parking is highly encouraged and shall be permitted in order to reduce the number of required parking spaces.*

If shared parking is utilized, the PUD property owners' association must include a shared parking agreement, whereupon each party identifies specific requirements and maintenance responsibilities.

This Agreement shall be permanent in nature and made part of the PUD final development plan filed with the Conway Planning Department. (Ordinance O-06-150)

5. Perimeter Requirements

In order to assure compatibility with surrounding development, the developer shall submit specific information as to the setbacks, building height, coverage factors and other elements necessary for all perimeter lots that are adjacent to the boundary of the PUD District or adjacent to any boundary or perimeter street right-of-way. While no specific setback requirements are herein established, the Planning Commission and City Council shall consider the nature, extent and character of the adjacent development and shall take into consideration the types of area regulations applicable to adjacent properties.

6. Residential Density Standards

The maximum number of dwelling units permitted within a PUD District is dependent upon both the type and number of each type of residential units intended to be included in the PUD District. Densities within certain areas of the PUD may be beyond the overall limits through a transfer of density. However, overall project densities shall not be exceeded in accordance with the following schedule:

- a. ~~Six (6)~~ *Eight (8)* dwelling units per net residential acre for single-family attached and detached houses and two-family dwellings. (Ordinance O-96-04)

~~Twelve (12)~~ *Fifteen (15)* dwelling units per net residential acre for triplexes, fourplexes, and row or terrace housing. (*Ordinance O-96-04*)

- b. ~~Eighteen (18)~~ *Twenty-one (21)* dwelling units per net residential acre for low-rise (three (3) stories or less) apartments. (*Ordinance O-96-04*)
- c. ~~Twenty-four (24)~~ *Twenty-seven (27)* dwelling units per net residential acre for high-rise (four (4) stories or more) apartments. (*Ordinance O-96-04*)

For purposes of calculating densities, net residential acres are defined as gross acres of the PUD site minus all public rights-of-way, and less the area of all parcels or lots devoted to commercial, industrial, or institutional uses not of a residential nature. Common open space that is owned and maintained by a Property Owners' Association shall be included in calculating the net residential acres available for all dwelling units that automatically belong to such an association. Where more than one (1) Property Owners' Association is to be created, then each common open space can only be attributed to the lot or dwellings which have automatic membership for that specific common open area.

7. Common (Ordinance O-06-150) Open Space Requirements

For PUD developments of less than 3 acres:

The incorporation of plazas, courtyards, pedestrian malls, and other outdoor spaces for people to gather is highly encouraged. Permanent common open space should occupy a minimum of five percent (5%) to twenty percent (20%) of the total project area. Common open spaces shall be located in an area of the site which makes it easily identifiable and accessible for public use. These common open areas should be sheltered as much as possible from the clamor of streets, parking, and other incompatible uses. All provided furniture, fixtures, water features, and other amenities shall be considered integral components of the development, maintain architectural compatibility, and shall be fully detailed on the required site plan.

For PUD developments of 3 acres or larger:

The incorporation of common open space is required. Permanent open space shall occupy a minimum of twenty percent (20%) of the total project area. Common open space(s) shall be located in an area of the site which makes it easily identifiable and accessible for public use. This common area(s) shall be devoted to lawn and/or green space exclusive of paved surface. This open space should be sheltered as much as possible from the clamor of streets, parking, and other incompatible uses. All provided furniture, fixtures, water features, and other amenities shall be considered integral components of the development, maintain architectural compatibility, and shall be fully detailed on the required site plan. (Ordinance O-06-150)

~~Common open space constitutes an essential ingredient in a Planned Unit Development and is one of the most basic and important design elements. Open space should be distributed more or less equitably throughout the PUD District in relationship to the dwelling units and other use areas that are intended to be served by the common open space. Adequate guarantees must be provided so that the common open spaces areas as contained in the Plan for the PUD District are preserved and maintained for those purposes only. A minimum of 20% of the total project area shall be devoted to lawn and/or green space exclusive of paved surface. A Property Owners' Association shall~~

be required, if other arrangements satisfactory to the Planning Commission have not been made, for improving, operating and maintaining all such common ~~open~~-space areas. At the time the final plan and plat is submitted, the Articles of Incorporation and Bylaws of the Property Owners' Association shall be reviewed and approved by the Planning Commission. Additionally, the restrictive covenants which run with the land must be submitted and include similar provisions to preserve all *common* ~~open~~-space areas. (*Ordinance O-06-150*)

C. PROCEDURES FOR OBTAINING PUD ZONING

A three-step review procedure is required for obtaining PUD zoning and final approval of the final plan and plat. The first step involves a Pre-Application Plan and Conference which is designed to provide information to the local government of the developer's intention with respect to the nature and scope of the proposed PUD District and to allow the developer to be informed of the City's regulations and policies concerning development alternatives for the area. The second step involves submission of a formal application for rezoning of the area to a PUD District and simultaneous submission of a preliminary plat in accordance with the Conway Subdivision Regulations. The last step involves submission of the final development plan and plat for approval and recording prior to commencing building construction. These steps are outlined as follows with respect to the procedure followed and submission requirements at each step.

1. Pre-Application Plan and Conference

a. Procedure

- 1) A Pre-Application Plan shall be submitted to the Conway Planning *Department* for review of the area and proposed uses relative to the compatibility of a Planned Unit Development project with existing development in the surrounding area and the Comprehensive Development Plan of the City. (*Ordinance O-06-150*)
- 2) Each applicant shall confer with the Planning Director and other interested department heads in connection with the preparation of the Planned Unit Development Application. It shall be the responsibility of the Planning Director to contact and invite interested department heads and other parties to a joint meeting. The general outlines of the proposal, evidenced schematically by the Pre-Application Plan and such other information as may be desired, are to be considered before submission of the Planned Unit Development Application.
- 3) Upon review of the site plan and general area, and following completion of the Pre-Application Conference, the Planning Director shall furnish the applicant with written comments regarding the conference, including appropriate recommendations to inform and assist the applicant prior to preparing the components of the Planned Unit Development Application.

b. Submission Requirements

At the time of requesting a Pre-Application Conference, the applicant shall submit a scaled site plan and such other narrative or graphic information the applicant deems pertinent to the City's initial review and evaluation of the potential of the Planned Unit Development District proposed. The Pre-Application Plan shall include the following:

- 1) Boundaries of the property involved;
- 2) Existing zoning of the area and zoning of adjoining properties;
- 3) Existing roadways, easements, and waterways;
- 4) Indication of availability of all utilities;
- 5) General plan of development at a level of detail sufficient to indicate to the City the nature and scope of the project as to its magnitude in terms of approximate number and types of dwelling units, location and extent of nonresidential elements, proposed locations of ~~major~~ *common* open space areas, circulation and access. (*Ordinance O-06-150*)

2. Zoning Application and Preliminary Plat

After receiving written comments following the Pre-Application Conference, the applicant may proceed in preparing a formal Application for a Planned Unit Development to the Conway Planning Commission. The Application shall consist of a simultaneous submission of a preliminary plat and a rezoning application. The preliminary plat shall conform to all requirements contained in the Conway Subdivision Regulations with the exception of certain design requirements regarding lot, setbacks, etc. that are specifically exempted or modified by provisions of this Ordinance. The Application shall be processed following the procedure for a change of zone district boundary as contained in Article 901, *with the exception of fees*.

A. FEES

1. *NON-RESIDENTIAL – A filing fee of one thousand one hundred and twenty-five dollars (\$1125.00) must be paid by the applicant at the time of submission for a nonresidential PUD zoning amendment, no part of which shall be refundable.*
2. *RESIDENTIAL – A filing fee of five hundred and twenty-five dollars (\$525.00) must be paid by the applicant at the time of submission for a residential PUD of 10 or less units, a fee of seven hundred and twenty-five dollars (\$725.00) for 25 or less residential units, and a fee of one thousand one hundred and twenty-five dollars (\$1125.00) for 26 or more units. (Ordinance No. O-07-121)*

a. Submission Requirements

The applicant shall simultaneously submit both a preliminary plat and a rezoning application. The preliminary plat shall be prepared in a manner as prescribed in the

Conway Subdivision Regulations. To form the basis for the rezoning application, a preliminary site plan shall be submitted and it shall include at least the following information:

- 1) Proposed title of the project and name of any engineer, architect, land planner, landscape architect, or company responsible for various elements of the Plan.
- 2) North point, graphic scale, and date.
- 3) Certified boundaries of the properties involved, all existing easements, section lines and property lines, existing streets, existing buildings, water courses, waterways and lakes, and other existing physical features in and adjoining the project.
- 4) Location and sizes of sanitary and storm sewers, water mains, culverts and other underground structures in and adjacent to the project.
- 5) Topography of the project area with appropriate contour intervals as prescribed in Subdivision Regulations.
- 6) General Land Use Development Plan of the area indicating the location of different land uses, dwellings by types and numbers, areas designated for commercial uses and other nonresidential uses, and areas proposed for *common (Ordinance O-06-150)* open space and recreational use. For all residential areas, the site plan shall clearly indicate the type and number of dwellings to be located per parcel, lot, or block in accordance with the preliminary plat. For all commercial or other nonresidential uses, the areas shall clearly be indicated in accordance with lots, parcels, or blocks and each such parcel shall indicate the type of building proposed, number of stories, and gross square footage to be included on each parcel. The boundaries of all *common (Ordinance O-06-150)* open space areas shall be clearly indicated along with the form of proposed ownership, that is by Property Owners' Association or public park or other legal entity, and in such case where more than one Property Owners' Association is being created, documentation shall be clearly submitted as to which areas will have automatic membership into said associations. This requirement, however, shall not be interpreted as requiring a detailed site development plan which includes the exact boundaries and locations of all structures proposed for construction.

- 7) All building setback lines for all properties shall be shown.
- 8) If the project is to be developed in more than one phase, the boundaries of each proposed phase shall be clearly indicated on the site plan map.
- 9) Calculations shall be submitted of the total number of gross acres in the project, and the acres and percentages thereof, proposed to be devoted to the several dwelling types, commercial uses, other nonresidential uses, streets, parks, schools, and other reservations.
- 10) Tabulation of the total number of dwelling units by various types in the project and the total number of net residential acres within the project, or if the project is to be developed in phases, by each phase within the project. The tabulations shall so indicate conformance of the proposed project or each phase within the project to the residential density standards for the PUD District.

3. Final Plan and Plat

Upon the approval of the rezoning request by the City Council, the applicant may proceed with the preparation of the final plan and plat. The final plat shall meet all applicable requirements of the Conway Subdivision Regulations and shall be processed in accordance with those Regulations. The applicant shall submit a written and graphic description of any modifications made to the final plat from the approved preliminary plan.

~~If it is determined that no changes have been made from the preliminary plan, or if only minor plan changes have been made in accordance with the definition provided herein below, then the review by the Conway Planning Commission may proceed and the plat may be submitted to the Planning Commission for approval. If approved, the plat shall be filed in the County Recorder's office upon completion of the above information final development plan shall be filed with the Conway Planning Department. (Ordinance O-06-150)~~

D. AMENDMENTS

Amendments may be required either to the preliminary site plan or the final development plan. The procedure governing the disposition of amendments shall be as follows:

1. Amendments to the Preliminary Plan

At the time a final plan is submitted for review, it shall be determined whether or not any amendments have been made to the approved preliminary plan. If amendments have been made, then a determination shall be required as to whether or not said amendments constitute a major or minor plan change. Modifications from the previously approved preliminary plan shall be deemed by the staff to be minor plan changes if any and all modifications by the applicant of the plan do not:

- a. Vary the total number of dwelling units by more than five percent (5%);
- b. Involve a reduction of the area set aside for *common (Ordinance O-06-150)* open space nor the substantial relocation of such area or areas;
- c. Increase by more than five percent (5%) the total floor area proposed for any nonresidential use; and
- d. Does not substantially change the location of any nonresidential areas as shown on the preliminary plan.

Additionally, modifications in the location or design of minor streets, cul-de-sacs, alleys, or facilities for water and for disposal of storm water and sanitary sewage shall not be considered as major modifications.

All other changes in the Planned Unit, including changes in the site plan and development schedule, must be made under the procedures that are applicable to the initial approval of a Planned Unit Development Project.

2. Amendments to Final Development Plan

The final development plan as submitted and approved may be amended in accordance with the following procedure. Minor changes may be authorized by the Planning Director in such cases where changes are required by engineering or other circumstances not foreseen at the time the final development program was approved. No change authorized by the Planning Director under this section, however, may either increase the total area devoted to any and all nonresidential uses, or decrease the amount of area devoted to *common (Ordinance O-06-150)* open space or increase the total number of dwelling units located on any lot, block, or parcel as approved in the final development

plan. Notwithstanding any of these conditions, the Planning Director may not permit changes beyond the minimum or maximum requirements set forth in this Ordinance. All other changes in the Planned Unit, including changes in the site plan or the development schedule, must be made under the procedures that are applicable to the initial approval of a Planned Unit Development.

E. ADMINISTRATION AND ENFORCEMENT

1. Review Standards

The Planning Commission shall investigate and ascertain that the plans for a Planned Unit Development meet the following conditions:

- ~~a. That the tract of land for the entire project comprises not less than three (3) acres.~~
- a. That the project is in conformity with the requirements and standards of development of the Planned Unit Development District and is consistent with the intent and purpose of this section.
- b. That the proposed project constitutes an environment of sustained desirability and stability, and that it is in harmony with the character of the surrounding neighborhood.
- c. That the property adjacent to the proposed development will not be adversely affected.

The City Council shall review the recommendations sent forward by the Planning Commission and take one of the following actions:

- 1. Approve the Planned Unit Development as recommended by the Planning Commission and approve the rezoning request.*
- 2. Approve the Planned Unit Development as amended by the City Council and approve the rezoning request.*
- 3. Deny the Rezoning Request.*

The City Council shall apply the review standards stipulated in this section in reviewing the Planned Unit Development. (Ordinance O-03-64)

2. Recorded Plat and Plot Plan Required

The proposed development shall follow all applicable procedures, standards, regulations, and laws governing the subdivision of land. No building permit for any structure shall be issued until a final plat of the proposed development or part thereof is approved and recorded and an approved plot plan has been submitted in accordance with this Article.

3. Phasing and Development Schedule

The applicant is permitted to construct the Planned Unit Development in more than one phase or stage of construction. In such cases, the applicant shall clearly indicate on the site plan map the boundaries of each proposed phase. If the sequence of construction of various portions of the development is to occur in phases or stages, then the *common* (Ordinance O-06-150) open space and/or recreational facilities should be developed or

committed thereto in proportion to the number of dwelling units intended to be developed during any given stage of construction.

Additionally, the applicant shall submit a schedule of construction for the project or for each phase within the project indicating the sequence of development according to residential type and other nonresidential construction within the project. Upon adoption of the schedule of construction, the Planning Director shall be responsible for enforcing this schedule. If the Planning Director determines that the rate of construction of residential units or nonresidential structures differs from the construction schedule, he/she shall so notify the developer in writing. Thereafter, the Planning Director may issue such orders to a developer as necessary to correct said schedule, and upon continued violation of this subsection may suspend the developer from further construction of dwelling units or nonresidential structures until compliance is achieved.

4. Guarantee of Completion

Before approval of the final development plan, the Planning Commission shall require a contract with safeguards satisfactory to the Commission guaranteeing completion of the development plan for any single phase in a period to be specified by the Commission, but which period shall not exceed five (5) years unless extended by the Commission.

5. Causes for Revocation

The Planning Commission may recommend to the City Council that any previous Planned Unit Development approval be revoked and all building permits be voided under the following circumstances:

- a. If the applicant has not submitted a final development plan to the City within one (1) year of preliminary plan approval. Where an optional staged development plan is utilized, the affected portion of the approved preliminary plan may be revoked in its entirety or to the extent of that portion on which a final development plan/plat has not been submitted and approved.
- b. If no building permit has been issued within two (2) years from the recording date of the final development plan/plat, or initial plan of a staged final development plan/plat and the applicant has not been granted an extension.

- c. If the applicant does not adhere to the phased development schedule as stated in the approved preliminary development plan.
- d. If the construction and provision of all *common (Ordinance O-06-150)* open spaces and public and recreational facilities which are shown on the final development plan/plat are proceeding at a substantially slower rate than other project components.

From time to time, the Planning Commission shall compare the actual development accomplished with the approved development schedule. If the Commission finds that the rate of construction of dwelling units or other structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final development plan/plats if preceding phases have not been finalized. The City may also issue a stop work order or discontinue issuance of building permits, or revoke those previously issued. If project is revoked, it would revert to previously determined zoning district.

PROPOSED PUD SECTION OF ZONING ORDINANCE

SECTION 401.9 – PLANNED UNIT DEVELOPMENT

A. GENERAL DESCRIPTION

The Planned Unit Development (PUD) district is intended to accommodate context-sensitive developments that might otherwise be impractical or impossible to implement through traditional zoning. The PUD district may include variations in land use, setbacks, parking arrangements, and residential density and allow any alternative development standards that are necessary in order to address the subject property's unique characteristics. The PUD district benefits the community by: providing variety in the services and living environments available to the public; providing common open space and recreation areas; limiting disruption to traffic flow by coordinating ingress/egress points; and yielding a development whose character is harmonious with surrounding developments and the natural environment.

A Planned Unit Development request includes both a rezoning request and a specific development plan. In reviewing a proposed PUD district, the Planning and Development Department, Planning Commission, and City Council consider these components in tandem. Approval of a PUD district by the City Council includes approval of both the rezoning request and the specific development plan. The proposed project must also undergo Development Review (as outlined in Article 1101 of the Conway Zoning Ordinance) and upon approval be platted in accordance with the Subdivision Regulations.

B. PLANNED UNIT DEVELOPMENT REQUIREMENTS

Because a Planned Unit Development should be designed to function in a cohesive manner, the PUD proposal must include provisions for an internal sidewalk system, community space, and, typically, a Property Owners Association. Further, the location of the site in relation to existing roads, services, and neighborhoods must be taken into account. The Director of Planning and Development, the Planning Commission, and/or the City Council may require additional provisions.

1. Relation to Utilities and Major Roads

A Planned Unit Development district shall be so located in relation to sanitary sewer, water lines, storm drainage systems, other utility systems and installations, and major roads that neither extension nor enlargement of such facilities at public expense shall be necessary. However, PUD districts may be approved at locations lacking such services if the applicant makes provision to offset the cost of extension and/or enlargement of such services. In no case shall a PUD district create undue traffic burdens in residential neighborhoods outside the PUD district.

2. Internal Street Network

A Planned Unit Development must include an internal system of streets, parking aisles, and/or cross access drives that can safely and efficiently accommodate vehicular traffic generated by the PUD. Where site conditions are sufficient, a gridded road network that provides maximum connectivity within the PUD is desirable.

3. Sidewalk System

All internal streets within a Planned Unit Development shall include pedestrian sidewalks, which shall be constructed in accordance with Section 1101 of the Zoning Ordinance.

4. Common Space

- a. Planned Unit Developments less than three acres. The incorporation of plazas, courtyards, pedestrian malls, and other outdoor spaces for people to gather is required. Permanent common open space shall occupy a minimum of five percent to 20 percent of the total project area. Common open space(s) shall be located in an area of the site which makes the space easily identifiable and accessible for public use. *Proximity and connectivity to existing public common space—such as parks, trails, greenbelts, playgrounds, and natural areas—shall be taken into consideration.* The common open areas should be sheltered as much as possible from the clamor of streets, parking, and other incompatible uses. All provided furniture, fixtures, water features, and other amenities shall be considered integral components of the development, shall maintain architectural compatibility, and shall be fully detailed on the required site plan.
- b. Planned Unit Developments three acres or larger. The incorporation of common open space is required. Permanent common open space shall occupy a minimum of 20 percent of the total project area. Common open space(s) shall be located in an area of the site which makes it easily identifiable and accessible for public use. *Proximity and connectivity to existing public common space—such as parks, trails, greenbelts, playgrounds, and natural areas—shall be taken into consideration.* The common open area(s) shall be devoted to lawn and/or green space exclusive of paved surface and should be sheltered as much as possible from the clamor of streets, parking, and other incompatible uses. All provided furniture, fixtures, water features, and other amenities shall be considered integral components of the development, shall maintain architectural compatibility, and shall be fully detailed on the required site plan.

5. Property Owners Association

The Planned Unit Development proposal shall include provision for a Property Owners Association. (The City Council may waive the requirement for a Property Owners Association where extraordinary circumstances warrant such a waiver; an example of such a situation is a PUD with a sole owner.) The Property Owners Association shall be chartered in accordance with all local, state, and federal laws and regulations. The Property Owners Association shall consist of all persons and corporations owning property within the PUD. Maintenance of all common areas—including common open spaces, parking areas, and refuse facilities—shall be the responsibility of the Property Owners Association. Cost for such maintenance shall be divided proportionately among the property owners.

6. Plan Preparation

The Planned Unit Development proposal shall be reviewed and stamped by an architect, landscape architect or engineer licensed by the State of Arkansas.

C. PROCEDURES FOR OBTAINING PUD APPROVAL

1. Pre-Application Reviews

- a. Department Meeting. The applicant for the Planned Unit Development district shall, at the discretion of the Director of Planning and Development, present a **draft PUD proposal** to Planning and Development Department staff. The draft PUD proposal should at a minimum include a rough sketch of a site plan and an explanation of why a PUD district is necessary for the development to be implemented. The applicant should become familiar with the Zoning and Subdivision Ordinances prior to the scheduled Department Meeting. The Director of Planning and Development and staff will provide the applicant with comments and recommendations.
- b. Development Review Committee Pre-Application Conference. Following the Department Meeting, the Director of Planning and Development will schedule a Pre-Application Conference with the Development Review Committee, which consists of representatives of the Planning and Development Department, Street Department, Sanitation Department, Fire Department, and Conway Corporation. At the Director of Planning and Development's discretion, other relevant parties may be asked to attend the Pre-Application Conference and offer comments and suggestions. The applicant shall present a **development proposal** to the Development Review Committee. At a minimum, the development proposal shall include draft versions of the following: site plan, building elevations, descriptions of land uses, landscaping plan, street layout, and identification of common open

spaces. Following the Pre-Application Conference, the Development Review Committee will submit written comments and suggestions to the Director of Planning and Development, who will incorporate all comments and suggestions into a single document for the applicant.

- c. Public Meeting(s). At the discretion of the Director of Planning and Development, the Director or designee shall schedule a Public Meeting at which time the applicant shall present the development proposal to all interested parties, including—though not limited to—neighborhood residents, property owners associations, neighboring business owners, City officials, and community groups. Notice of the public meeting shall be published on the City of Conway’s website at least 15 days prior to the meeting. A Public Hearing sign shall be conspicuously posted on the subject property at least 15 days prior to the public meeting. The Director of Planning and Development may require the applicant to provide additional notification of the public meeting. The Director of Planning and Development or designee shall determine whether the comments and suggestions received at the public meeting warrant an additional meeting. If the Director or designee makes a positive determination, the applicant shall meet with the Director or designee to attempt in earnest to amend the development proposal in a manner that is both feasible for the applicant and satisfactory to the interested parties. The applicant shall present the revised development proposal at a second public meeting. The Director of Planning and Development or designee shall determine whether additional iterations are necessary. The public meeting(s) does not relieve the applicant of any necessary public hearings required by local, state, or federal legislative bodies or regulatory agencies.

2. Planned Unit Development Application Submittal

- a. Procedure. Upon completion of all pre-application reviews, the applicant may proceed in preparing the *Application for a Planned Unit Development* for the Conway Planning Commission. The application shall be processed following the procedure for a change of zone district boundary as set forth in Article 901.4, excepting fees.
- b. Fees. All Planned Unit Development filing fees are non-refundable and must be paid to the Conway Planning and Development Department at the time application is made. Filing fees will be credited towards Development Review fees.
 - i. Residential. A filing fee of five hundred and twenty-five dollars (\$525.00) must be paid by applicant at the time of submission for a residential PUD of ten or fewer units. A filing fee of seven hundred and twenty-five dollars (\$725.00) must be paid by applicant at time of submission for a residential PUD of 11 to 25 units. A filing fee of one

thousand one hundred and twenty-five dollars (\$1,125.00) must be paid by the applicant at the time of submission for a residential PUD of 26 or more units.

- ii. Non-residential. A filing fee of one thousand one hundred and twenty-five dollars (\$1,125.00) must be paid by the applicant at the time of submission for a non-residential PUD application. For the purpose of fee calculation, a PUD containing any non-residential component will be assessed as a non-residential PUD.

- c. Application Requirements. *The Application for a Planned Unit Development* must be accompanied by a **development plan report** consisting of a site plan, explanatory text, and necessary exhibits. The development plan should expound upon the initial development proposal by incorporating the comments provided by the Director of Planning and Development or designee. The development plan report must at a minimum include the following: description of existing conditions; clarification of the purpose and intent of the PUD; list of allowable land uses, height and size of proposed building types, and site-specific development standards; charts indicating development phasing and construction schedule; and covenants and restrictions. All items must be submitted at the time of application for the PUD application to be deemed complete for review. Any omission of a required submittal item shall be identified and the reason for omission explained in the development plan report, including any application submittal waivers granted by the Director of Planning and Development. The PUD may be constructed in multiple phases of construction. In such cases, the applicant shall clearly indicate the boundaries of each proposed phase on the site plan.

- d. Public Notice of Planning Commission Hearing. Prior to the Planning Commission's review of the PUD application, **sufficient notice of a public hearing for rezoning** shall be furnished in accordance with state law and per the public hearing procedure outlined in Article 901.4(C)(3) of the Conway Zoning Ordinance.

- e. Planning Commission Action. At its regular monthly meeting, the Planning Commission shall review the PUD application and accompanying development plan report. Additionally, the Planning Commission shall conduct a public hearing at which time the applicant, as well as members of the community, may address the Commission. The Planning Commission shall take one of four actions: send the rezoning request to the City Council with a positive recommendation; send the rezoning request to the City Council with a negative recommendation; send the rezoning request to the City Council with no recommendation; or hold the rezoning request in committee pending additional information or clarification from the applicant.

- f. City Council Consideration. Upon receiving the PUD recommendation from the Planning Commission and reviewing the PUD application and development plan report, the City Council shall consider an ordinance establishing a PUD district. The City Council shall take one of three actions: approve the PUD request as recommended by the Planning Commission; approve the PUD request with amendment(s); or deny the PUD request.
- g. Development Approval and Permits. Approval of a PUD request shall be contingent upon the submission of an approved final plat and compliance with all other federal, state, and local requirements. Approval of a PUD district does not relieve the applicant of any subdivision plat, final site plan, building permit, or separate overlay district requirements. Except as specifically provided for in the individual PUD ordinance, all development shall be undertaken in conformance with adopted departmental rules and procedures. Where specific amendments to departmental rules and procedures have been included in the adopted PUD ordinance, all reviews shall be conducted and permits shall be issued in conformance with the provisions of the approved PUD development plan. However, no rule or procedure amendment shall be implemented if it would vacate or violate any federal or state requirement.

3. Preliminary Plat

Upon approval of the PUD request by the City Council, the applicant shall submit a final development plan report to the Planning and Development Department for review. After the final development plan report is submitted, a preliminary plat shall be prepared in the manner prescribed in the Conway Subdivision Regulations. Minor plats may receive departmental approval. Major plats shall be reviewed by the Planning Commission.

4. Development Review

Upon approval of both the development plan and the final plat, the applicant may submit the project to the Planning and Development Department for Development Review. (See Article 1101 of the Zoning Ordinance and the *Design Standards Pattern Book* published by the Conway Planning and Development Department for more information on Development Review.) The Development Review process must be completed before the applicant can apply for or obtain any building permits from the City of Conway.

D. PROCEDURES FOR AMENDING A PUD PLAN

If, during the course of the implementation of a Planned Unit Development, the applicant and/or developer find it necessary or desirable to modify the approved development plan, the applicant and/or developer may request a PUD amendment. Such request shall be made in writing to the Director of Planning and Development, who will determine whether the requested modification meets the criteria of a minor modification or major modification. All modifications must be consistent with the intent of this ordinance. (See Section A, *General Description*.)

1. Minor Modifications

Minor modifications are granted administratively by the Director of Planning and Development and do not require legislative action. For a requested modification to be classified as minor, the modification must: alter one or more provisions of the development plan; not expand the types of land uses specifically allowed in the approved development plan; not change the character, function, or number of driveways or streets approved in the development plan; not cause any foreseeable significant increase in traffic volume or result in any foreseeable negative impacts on traffic flow; not significantly reduce the amount and/or distribution of common open space; and not create any significant change to the nature or character of the approved development.

2. Major Modifications

Major modifications are tentatively granted by the Director of Planning and Development and require City Council notification. A modification that would result in any of the following will be deemed major: expansion of the types of land uses specifically allowed in the approved development plan; change in the character, function, or number of driveways or streets approved in the development plan; foreseeable significant increase in traffic volume or foreseeable negative impacts on traffic flow; reduction in the amount and/or distribution of common open space; or any significant change to the nature or character of the approved development. Additionally, the Director of Planning and Development may elect to follow the method for major modification approval for any modification of any lesser magnitude, particularly if such modification is deemed to be in the public interest.

a. Major Modification Approved by Director of Planning and Development.

The Director of Planning and Development may approve the major modification and grant the request.

- i. City Council Notification: If the Director of Planning and Development grants the requested major modification, he/she must notify all City Council members on the same day that the modification is granted. The notification must be delivered by letter, email, telephone contact,

placement of a notice in each Councilperson's mailbox at City Hall, or another manner approved by the Mayor.

- ii. City Council Objections: If any individual City Council member objects to the major modification, the Council member must notify the Director of Planning and Development of such objection within no less than five (5) working days from the date of the Director's decision to grant the request. Upon receiving an objection from a Council member, the Director shall refer the major modification request to the Planning Commission for review at the next scheduled meeting of the Planning Commission.
 - (a) Planning Commission Approval. After reviewing the major modification request, the Planning Commission may grant the request.
 - (b) Planning Commission Denial. After reviewing the major modification request, the Planning Commission may deny the request. If the Planning Commission denies the major modification request, the applicant may appeal the decision to the City Council by submitting a notice of appeal to the Planning and Development Department no less than thirty (30) working days from the date of the Planning Commission's decision. The appeal shall be placed on the agenda of the next scheduled meeting of the City Council. The City Council's decision is final.
- b. Major Modification Denied by Director of Planning and Development. The Director of Planning and Development may deny the major modification request. The Director's decision may be appealed to the Planning Commission by notifying the Planning Commission of such appeal no less than thirty (30) working days from the date of the Director's decision to deny the major modification request.
- 3. Planning Commission Approval. After reviewing the major modification request, the Planning Commission may grant the request.
- 4. Planning Commission Denial. After reviewing the major modification request, the Planning Commission may deny the request. If the Planning Commission denies the major modification request, the applicant may appeal the decision to the City Council by submitting a notice of appeal to the Planning and Development Department no less than thirty (30) working days from the date of the Planning Commission's decision. The appeal shall be placed on the agenda of the next scheduled meeting of the City Council. The City Council's decision is final.

3. Additional Rules Regarding Modifications

- a. Public Hearing. The request for a major modification shall not subject the entire development plan to a public hearing. Only the portion(s) of the development plan necessary to evaluate the major modification request under consideration is (are) subject to any required public hearing(s).
- b. Precedent. Minor and major modifications shall be considered unique and shall not set precedent for other developments.

E. PROJECT COMPLETION

At its discretion, the Planning Commission may periodically review the Planned Unit Development project's implementation status. If the Planning Commission determines that the PUD is not being implemented in accordance with the final development plan, the Planning Commission may recommend that the City Council review the progress of the project. The City Council may allow implementation of the project to continue uninterrupted, may require the applicant and/or developer to submit a revised development plan, or may take any other reasonable action to ensure that the subject property is not developed in an inappropriate manner.

SECTION 401.9 – PLANNED UNIT DEVELOPMENT

A. GENERAL DESCRIPTION

The Planned Unit Development (PUD) district is intended to accommodate context-sensitive developments that might otherwise be impractical or impossible to implement through traditional zoning. The PUD district may include variations in land use, setbacks, parking arrangements, and residential density and allow any alternative development standards that are necessary in order to address the subject property's unique characteristics. The PUD district benefits the community by: providing variety in the services and living environments available to the public; providing common open space and recreation areas; limiting disruption to traffic flow by coordinating ingress/egress points; and yielding a development whose character is harmonious with surrounding developments and the natural environment.

A Planned Unit Development request includes both a rezoning request and a specific development plan. In reviewing a proposed PUD district, the Planning and Development Department, Planning Commission, and City Council consider these components in tandem. Approval of a PUD district by the City Council includes approval of both the rezoning request and the specific development plan. The proposed project must also undergo Development Review (as outlined in Article 1101 of the Conway Zoning Ordinance) and upon approval be platted in accordance with the Subdivision Regulations.

B. PLANNED UNIT DEVELOPMENT REQUIREMENTS

Because a Planned Unit Development should be designed to function in a cohesive manner, the PUD proposal must include provisions for an internal sidewalk system, community space, and, typically, a Property Owners Association. Further, the location of the site in relation to existing roads, services, and neighborhoods must be taken into account. The Director of Planning and Development, the Planning Commission, and/or the City Council may require additional provisions.

1. Relation to Utilities and Major Roads

A Planned Unit Development district shall be so located in relation to sanitary sewer, water lines, storm drainage systems, other utility systems and installations, and major roads that neither extension nor enlargement of such facilities at public expense shall be necessary. However, PUD districts may be approved at locations lacking such services if the applicant makes provision to offset the cost of extension and/or enlargement of such services. In no case shall a PUD district create undue traffic burdens in residential neighborhoods outside the PUD district.

2. Internal Street Network

A Planned Unit Development must include an internal system of streets, parking aisles, and/or cross access drives that can safely and efficiently accommodate vehicular traffic generated by the PUD. Where site conditions are sufficient, a gridded road network that provides maximum connectivity within the PUD is desirable.

3. Sidewalk System

All internal streets within a Planned Unit Development shall include pedestrian sidewalks, which shall be constructed in accordance with Section 1101 of the Zoning Ordinance.

4. Common Space

- a. Planned Unit Developments less than three acres. The incorporation of plazas, courtyards, pedestrian malls, and other outdoor spaces for people to gather is required. Permanent common open space shall occupy a minimum of five percent to 20 percent of the total project area. Common open space(s) shall be located in an area of the site which makes the space easily identifiable and accessible for public use. *Proximity and connectivity to existing public common space—such as parks, trails, greenbelts, playgrounds, and natural areas—shall be taken into consideration.* The common open areas should be sheltered as much as possible from the clamor of streets, parking, and other incompatible uses. All provided furniture, fixtures, water features, and other amenities shall be considered integral components of the development, shall maintain architectural compatibility, and shall be fully detailed on the required site plan.
- b. Planned Unit Developments three acres or larger. The incorporation of common open space is required. Permanent common open space shall occupy a minimum of 20 percent of the total project area. Common open space(s) shall be located in an area of the site which makes it easily identifiable and accessible for public use. *Proximity and connectivity to existing public common space—such as parks, trails, greenbelts, playgrounds, and natural areas—shall be taken into consideration.* The common open area(s) shall be devoted to lawn and/or green space exclusive of paved surface and should be sheltered as much as possible from the clamor of streets, parking, and other incompatible uses. All provided furniture, fixtures, water features, and other amenities shall be considered integral components of the development, shall maintain architectural compatibility, and shall be fully detailed on the required site plan.

5. Property Owners Association

The Planned Unit Development proposal shall include provision for a Property Owners Association. (The City Council may waive the requirement for a Property Owners Association where extraordinary circumstances warrant such a waiver; an example of such a situation is a PUD with a sole owner.) The Property Owners Association shall be chartered in accordance with all local, state, and federal laws and regulations. The Property Owners Association shall consist of all persons and corporations owning property within the PUD. Maintenance of all common areas—including common open spaces, parking areas, and refuse facilities—shall be the responsibility of the Property Owners Association. Cost for such maintenance shall be divided proportionately among the property owners.

6. Plan Preparation

The Planned Unit Development proposal shall be reviewed and stamped by an architect, landscape architect or engineer licensed by the State of Arkansas.

C. PROCEDURES FOR OBTAINING PUD APPROVAL

1. Pre-Application Reviews

- a. Department Meeting. The applicant for the Planned Unit Development district shall, at the discretion of the Director of Planning and Development, present a **draft PUD proposal** to Planning and Development Department staff. The draft PUD proposal should at a minimum include a rough sketch of a site plan and an explanation of why a PUD district is necessary for the development to be implemented. The applicant should become familiar with the Zoning and Subdivision Ordinances prior to the scheduled Department Meeting. The Director of Planning and Development and staff will provide the applicant with comments and recommendations.
- b. Development Review Committee Pre-Application Conference. Following the Department Meeting, the Director of Planning and Development will schedule a Pre-Application Conference with the Development Review Committee, which consists of representatives of the Planning and Development Department, Street Department, Sanitation Department, Fire Department, and Conway Corporation. At the Director of Planning and Development's discretion, other relevant parties may be asked to attend the Pre-Application Conference and offer comments and suggestions. The applicant shall present a **development proposal** to the Development Review Committee. At a minimum, the development proposal shall include draft versions of the following: site plan, building elevations, descriptions of land uses, landscaping plan, street layout, and identification of common open

spaces. Following the Pre-Application Conference, the Development Review Committee will submit written comments and suggestions to the Director of Planning and Development, who will incorporate all comments and suggestions into a single document for the applicant.

- c. Public Meeting(s). At the discretion of the Director of Planning and Development, the Director or designee shall schedule a Public Meeting at which time the applicant shall present the development proposal to all interested parties, including—though not limited to—neighborhood residents, property owners associations, neighboring business owners, City officials, and community groups. Notice of the public meeting shall be published on the City of Conway’s website at least 15 days prior to the meeting. A Public Hearing sign shall be conspicuously posted on the subject property at least 15 days prior to the public meeting. The Director of Planning and Development may require the applicant to provide additional notification of the public meeting. The Director of Planning and Development or designee shall determine whether the comments and suggestions received at the public meeting warrant an additional meeting. If the Director or designee makes a positive determination, the applicant shall meet with the Director or designee to attempt in earnest to amend the development proposal in a manner that is both feasible for the applicant and satisfactory to the interested parties. The applicant shall present the revised development proposal at a second public meeting. The Director of Planning and Development or designee shall determine whether additional iterations are necessary. The public meeting(s) does not relieve the applicant of any necessary public hearings required by local, state, or federal legislative bodies or regulatory agencies.

2. Planned Unit Development Application Submittal

- a. Procedure. Upon completion of all pre-application reviews, the applicant may proceed in preparing the *Application for a Planned Unit Development* for the Conway Planning Commission. The application shall be processed following the procedure for a change of zone district boundary as set forth in Article 901.4, excepting fees.
- b. Fees. All Planned Unit Development filing fees are non-refundable and must be paid to the Conway Planning and Development Department at the time application is made. Filing fees will be credited towards Development Review fees.
 - i. Residential. A filing fee of five hundred and twenty-five dollars (\$525.00) must be paid by applicant at the time of submission for a residential PUD of ten or fewer units. A filing fee of seven hundred and twenty-five dollars (\$725.00) must be paid by applicant at time of submission for a residential PUD of 11 to 25 units. A filing fee of one

thousand one hundred and twenty-five dollars (\$1,125.00) must be paid by the applicant at the time of submission for a residential PUD of 26 or more units.

- ii. Non-residential. A filing fee of one thousand one hundred and twenty-five dollars (\$1,125.00) must be paid by the applicant at the time of submission for a non-residential PUD application. For the purpose of fee calculation, a PUD containing any non-residential component will be assessed as a non-residential PUD.

- c. Application Requirements. *The Application for a Planned Unit Development* must be accompanied by a **development plan report** consisting of a site plan, explanatory text, and necessary exhibits. The development plan should expound upon the initial development proposal by incorporating the comments provided by the Director of Planning and Development or designee. The development plan report must at a minimum include the following: description of existing conditions; clarification of the purpose and intent of the PUD; list of allowable land uses, height and size of proposed building types, and site-specific development standards; charts indicating development phasing and construction schedule; and covenants and restrictions. All items must be submitted at the time of application for the PUD application to be deemed complete for review. Any omission of a required submittal item shall be identified and the reason for omission explained in the development plan report, including any application submittal waivers granted by the Director of Planning and Development. The PUD may be constructed in multiple phases of construction. In such cases, the applicant shall clearly indicate the boundaries of each proposed phase on the site plan.

- d. Public Notice of Planning Commission Hearing. Prior to the Planning Commission's review of the PUD application, **sufficient notice of a public hearing for rezoning** shall be furnished in accordance with state law and per the public hearing procedure outlined in Article 901.4(C)(3) of the Conway Zoning Ordinance.

- e. Planning Commission Action. At its regular monthly meeting, the Planning Commission shall review the PUD application and accompanying development plan report. Additionally, the Planning Commission shall conduct a public hearing at which time the applicant, as well as members of the community, may address the Commission. The Planning Commission shall take one of four actions: send the rezoning request to the City Council with a positive recommendation; send the rezoning request to the City Council with a negative recommendation; send the rezoning request to the City Council with no recommendation; or hold the rezoning request in committee pending additional information or clarification from the applicant.

- f. City Council Consideration. Upon receiving the PUD recommendation from the Planning Commission and reviewing the PUD application and development plan report, the City Council shall consider an ordinance establishing a PUD district. The City Council shall take one of three actions: approve the PUD request as recommended by the Planning Commission; approve the PUD request with amendment(s); or deny the PUD request.
- g. Development Approval and Permits. Approval of a PUD request shall be contingent upon the submission of an approved final plat and compliance with all other federal, state, and local requirements. Approval of a PUD district does not relieve the applicant of any subdivision plat, final site plan, building permit, or separate overlay district requirements. Except as specifically provided for in the individual PUD ordinance, all development shall be undertaken in conformance with adopted departmental rules and procedures. Where specific amendments to departmental rules and procedures have been included in the adopted PUD ordinance, all reviews shall be conducted and permits shall be issued in conformance with the provisions of the approved PUD development plan. However, no rule or procedure amendment shall be implemented if it would vacate or violate any federal or state requirement.

3. Preliminary Plat

Upon approval of the PUD request by the City Council, the applicant shall submit a final development plan report to the Planning and Development Department for review. After the final development plan report is submitted, a preliminary plat shall be prepared in the manner prescribed in the Conway Subdivision Regulations. Minor plats may receive departmental approval. Major plats shall be reviewed by the Planning Commission.

4. Development Review

Upon approval of both the development plan and the final plat, the applicant may submit the project to the Planning and Development Department for Development Review. (See Article 1101 of the Zoning Ordinance and the *Design Standards Pattern Book* published by the Conway Planning and Development Department for more information on Development Review.) The Development Review process must be completed before the applicant can apply for or obtain any building permits from the City of Conway.

D. PROCEDURES FOR AMENDING A PUD PLAN

If, during the course of the implementation of a Planned Unit Development, the applicant and/or developer find it necessary or desirable to modify the approved development plan, the applicant and/or developer may request a PUD amendment. Such request shall be made in writing to the Director of Planning and Development, who will determine whether the requested modification meets the criteria of a minor modification or major modification. All modifications must be consistent with the intent of this ordinance. (See Section A, *General Description*.)

1. Minor Modifications

Minor modifications are granted administratively by the Director of Planning and Development and do not require legislative action. For a requested modification to be classified as minor, the modification must: alter one or more provisions of the development plan; not expand the types of land uses specifically allowed in the approved development plan; not change the character, function, or number of driveways or streets approved in the development plan; not cause any foreseeable significant increase in traffic volume or result in any foreseeable negative impacts on traffic flow; not significantly reduce the amount and/or distribution of common open space; and not create any significant change to the nature or character of the approved development.

2. Major Modifications

Major modifications are tentatively granted by the Director of Planning and Development and require City Council notification. A modification that would result in any of the following will be deemed major: expansion of the types of land uses specifically allowed in the approved development plan; change in the character, function, or number of driveways or streets approved in the development plan; foreseeable significant increase in traffic volume or foreseeable negative impacts on traffic flow; reduction in the amount and/or distribution of common open space; or any significant change to the nature or character of the approved development. Additionally, the Director of Planning and Development may elect to follow the method for major modification approval for any modification of any lesser magnitude, particularly if such modification is deemed to be in the public interest.

a. Major Modification Approved by Director of Planning and Development.

The Director of Planning and Development may approve the major modification and grant the request.

- i. City Council Notification: If the Director of Planning and Development grants the requested major modification, he/she must notify all City Council members on the same day that the modification is granted. The notification must be delivered by letter, email, telephone contact,

placement of a notice in each Councilperson's mailbox at City Hall, or another manner approved by the Mayor.

- ii. City Council Objections: If any individual City Council member objects to the major modification, the Council member must notify the Director of Planning and Development of such objection within no less than five (5) working days from the date of the Director's decision to grant the request. Upon receiving an objection from a Council member, the Director shall refer the major modification request to the Planning Commission for review at the next scheduled meeting of the Planning Commission.
 - (a) Planning Commission Approval. After reviewing the major modification request, the Planning Commission may grant the request.
 - (b) Planning Commission Denial. After reviewing the major modification request, the Planning Commission may deny the request. If the Planning Commission denies the major modification request, the applicant may appeal the decision to the City Council by submitting a notice of appeal to the Planning and Development Department no less than thirty (30) working days from the date of the Planning Commission's decision. The appeal shall be placed on the agenda of the next scheduled meeting of the City Council. The City Council's decision is final.
- b. Major Modification Denied by Director of Planning and Development. The Director of Planning and Development may deny the major modification request. The Director's decision may be appealed to the Planning Commission by notifying the Planning Commission of such appeal no less than thirty (30) working days from the date of the Director's decision to deny the major modification request.
- 3. Planning Commission Approval. After reviewing the major modification request, the Planning Commission may grant the request.
- 4. Planning Commission Denial. After reviewing the major modification request, the Planning Commission may deny the request. If the Planning Commission denies the major modification request, the applicant may appeal the decision to the City Council by submitting a notice of appeal to the Planning and Development Department no less than thirty (30) working days from the date of the Planning Commission's decision. The appeal shall be placed on the agenda of the next scheduled meeting of the City Council. The City Council's decision is final.

3. Additional Rules Regarding Modifications

- a. Public Hearing. The request for a major modification shall not subject the entire development plan to a public hearing. Only the portion(s) of the development plan necessary to evaluate the major modification request under consideration is (are) subject to any required public hearing(s).
- b. Precedent. Minor and major modifications shall be considered unique and shall not set precedent for other developments.

E. PROJECT COMPLETION

At its discretion, the Planning Commission may periodically review the Planned Unit Development project's implementation status. If the Planning Commission determines that the PUD is not being implemented in accordance with the final development plan, the Planning Commission may recommend that the City Council review the progress of the project. The City Council may allow implementation of the project to continue uninterrupted, may require the applicant and/or developer to submit a revised development plan, or may take any other reasonable action to ensure that the subject property is not developed in an inappropriate manner.

**A. Planned Unit Development Section of the Planning Ordinance
Changes to Existing Ordinance**

Existing Ord. Section	Page	Description	Action	New Ord. Section	Page	Other/Comments
A	77	General Description	New language	A	77	
B.1	78	Ownership Control	Eliminated			Language is obvious/implicit
B.2	78	Minimum District Area	Eliminated			No minimum now; unnecessary language
B.3	78	Uses Permitted	Eliminated			Uses determined by PUD agreement; unnecessary language
B.4	79	Parking and Off-Street Loading	Eliminated			Parking covered in Development Review, which is required
B.5	79	Perimeter Requirements	Eliminated			No specific setback standards; unnecessary language
B.6	79	Residential Density Standards	Eliminated			Stifles creativity, which is one purpose of utilizing PUD zoning
B.7	80	Common Open Space Requirements	Parallel to	B.4	78	Note leeway given to projects located near existing green space (<i>italicized</i>)
C.1.a	81	Procedure	New language	C.1.b	79	Similar process
C.1.b	82	Submission Requirements	New language	C.1.b	79	Similar process
C.2	82	Zoning Application and Preliminary Plat	New process	C.2	80	Under new section, preliminary plat no longer required prior to application approval
C.2.A	82	Fees	Parallel to	C.2.b	80	
C.2.a	82	Submission Requirements	New process	C.2.c	81	Under new section, Subdivision Regulations not applicable until application is approved
C.3	84	Final Plan and Plat	New process	C.3	82	Under new section, preliminary plat no longer required prior to application approval
D.1	85	Amendments to the Preliminary Plan	New process	D	83	Differentiation between major and minor modifications; Council notification for major modifications; process parallel to process used for Development Review exceptions
D.2	85	Amendments to Final Development Plan	New process	D	83	Differentiation between major and minor modifications; Council notification for major modifications; process parallel to process used for Development Review exceptions
E.1 (A)	86	Review Standards (Planning Commission)	New language	C.2.e	81	Existing section limits Planning Commission's scope of review

Existing Ord.		Description	Action	New Ord.		Other/Comments
Section	Page			Section	Page	
E.1 (B)	86	Review Standards (City Council)	Parallel to	C.2.f	82	
E.2	86	Recorded Plat and Plot Plan Required	Eliminated			Redundant language; covered in Subdivision Regulations and Development Review
E.3	86	Phasing and Development Schedule	Eliminated			Under new section, Planning Dept., Planning Commission, and City Council determine phasing criteria
E.4	87	Guarantee of Completion	New language	E	85	Under new section, Planning Commission may review project status at its discretion and send recommendations to City Council
E.5	87	Causes for Revocation	New language	E	85	New section removes numeric criteria and gives Planning Commission right to review projects at its discretion

**B. Planned Unit Development Section of the Zoning Ordinance
Additions to Ordinance**

New Section	Page	Title	Purpose
B.1	77	Relation to Utilities and Major Roads	Makes clear that applicant/developer is expected to bear the cost of any necessary utility and/or road upgrades
B.2	78	Internal Street Network	Makes clear the desire for a gridded road network to provide for greater connectivity
B.3	78	Sidewalk System	Requires construction of sidewalks; no payment-in-lieu-of option
B.5	79	Property Owners Association	Requires creation of a Property Owners Association; current ordinance is not as explicit
B.6	79	Plan Preparation	Requires review and stamp on proposal by licensed architect, landscape architect, or engineer
C.1.a	79	Department Meeting	Gives Planning Director right to require a draft PUD proposal prior to Pre-Application Conference
C.1.c	80	Public Meeting(s)	New requirement; will obligate applicant to work with neighbors early in the process
C.3	82	Preliminary Plat	Preliminary plat not required until PUD development plan has been approved
C.4	82	Development Review	Clarifies that PUD must go through Development Review process
D.1	83	Minor Modifications	Specifies characteristics of minor modifications and gives Planning Director authority to grant exceptions
D.2	83	Major Modifications	Gives Planning Director authority to grant major modification exceptions with City Council notification and establishes procedure for City Council objections and appeals
E	85	Project Completion	Vests authority in Planning Commission to recall a project for review at its discretion



City of Conway, Arkansas
Ordinance No. O-09-_____

AN ORDINANCE AMENDING THE CONWAY ZONING ORDINANCE O-94-54 TO ALLOW FAIRGROUNDS IN THE I-3 INDUSTRIAL ZONING DISTRICT AS A PERMITTED USE BY RIGHT OF ZONING:

WHEREAS, The City of Conway would like to allow fairgrounds in I-3;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

SECTION 1. That the section of the *Allowed Uses Table* in Addendum A to the *Zoning Ordinance* for Fairgrounds be amended to add an "X" under I-3 as shown below.

Allowed Uses	R-1	R-2A	R-2	SR	MF-1	MF-2	MF-3	RMH	HR	C-1	C-2	C-3	C-4	O-1	O-2	O-3	I-1	RU-1	I-3	A-1	S-1	S-2	
Fairgrounds										X		X	X	C			X		X		C		X

SECTION 2. All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 23rd day of June, 2009.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer



CONWAY PLANNING COMMISSION

1201 OAK STREET CONWAY, AR 72032 (501) 450-6105

June 16, 2009

Council Members
Conway, AR 72032

Dear Council Members:

At its regular meeting on June 15, 2009, the Planning Commission held a public hearing on a proposed change to the Conway Zoning Ordinance that would allow fairgrounds by right—as a permitted use—in I-3 Intensive Industrial District.

It was noted in the *Planning Commission Staff Report* that the Zoning Ordinance typically allows non-industrial uses, such as retail, by conditional use permit in the I-3 zone. This preserves industrial land for industrial uses, by and large, except on a case-by-case basis through the conditional use process. Allowing fairgrounds by right in I-3 does not threaten I-3 acreage in the same way as allowing scores of commercial uses by right. Namely, there will probably be only one or two fairgrounds in the entire City. Even though most fairgrounds are usually *fairly* large—probably 40 acres or more—the impact is not the same.

Additionally, the report continued, allowing fairgrounds by right in I-3 would provide for more appropriate development of the facilities and cost savings would be inevitable. Typical fair facilities are more akin to industrial development than to commercial or office in terms of aesthetics. Metal buildings and little-to-no landscaping are common, though certainly a higher standard might be desirable.

If this change is approved by the City Council, a request to rezone the new fairgrounds in east Conway to I-3 will likely appear on the next Planning Commission agenda. This would be “new” I-3, if approved, and would not deplete existing industrial land.

Following a brief presentation by Planning Director Bryan Patrick and discussion by commissioners, the Planning Commission voted 6 – 0 that this proposed change to the Zoning Ordinance be sent to the City Council with a recommendation for adoption.

Submitted by,

Terry Sossong, Chairman
Planning Commission



City of Conway, Arkansas
Ordinance No. O-09- _____

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT 1502 BOEN STREET FROM MF-3 TO RU-1:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

SECTION 1: The Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the **MF-3** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

A part of the Bishop Replat to the City of Conway, Faulkner County, Arkansas being more fully described as follows: Commencing at the Northwest Corner of Lot 7, Block 3, Boen Subdivision Number Two and run thence S 88 deg. 17 min. 25 sec. E along the North line thereof for a distance of 80.04 feet, to the Northeast Corner of said Lot 7; thence N 01 deg. 55 min. 57 sec. E along the West line of Lot 5 and 21 Boen Subdivision for a distance of 338.99 feet, to the South right-of-way of the Missouri Pacific Railroad; thence S 64 deg. 25 min. 06 sec. E along said South right-of-way for a distance of 203.31 feet; thence S 25 deg. 32 min. 54 sec. W for a distance of 16.68 feet, to the point of beginning of the land herein described; thence S 25 deg. 34 min. 34 sec. W for a distance of 30.00 feet; run thence S 64 deg. 25 min. 06 sec. E for a distance of 30.00 feet, thence N 25 deg 34 min. 54 sec. E for a distance of 30.00 feet; thence N 64 deg. 25 min. 06 sec. W for a distance of 30.00 feet, to the point of beginning, containing 0.02 acres, more or less, also known as: 1502 Boen Street, Conway, AR 72034.

to those of **RU-1**, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

SECTION 2: All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 23rd day of June, 2009.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



CONWAY PLANNING COMMISSION

1201 OAK STREET CONWAY, AR 72032 (501) 450-6105

June 16, 2009

Council Members
Conway, AR 72032

Dear Council Members:

A request for a rezoning from MF-3 to RU-1 for property located at 1502 Boen Street with the legal description

A part of the Bishop Replat to the City of Conway, Faulkner County, Arkansas being more fully described as follows: Commencing at the Northwest Corner of Lot 7, Block 3, Boen Subdivision Number Two and run thence S 88 deg. 17 min. 25 sec. E along the North line thereof for a distance of 80.04 feet, to the Northeast Corner of said Lot 7; thence N 01 deg. 55 min. 57 sec. E along the West line of Lot 5 and 21 Boen Subdivision for a distance of 338.99 feet, to the South right-of-way of the Missouri Pacific Railroad; thence S 64 deg. 25 min. 06 sec. E along said South right-of-way for a distance of 203.31 feet; thence S 25 deg. 32 min. 54 sec. W for a distance of 16.68 feet, to the point of beginning of the land herein described; thence S 25 deg. 34 min. 34 sec. W for a distance of 30.00 feet; run thence S 64 deg. 25 min. 06 sec. E for a distance of 30.00 feet, thence N 25 deg 34 min. 54 sec. E for a distance of 30.00 feet; thence N 64 deg. 25 min. 06 sec. W for a distance of 30.00 feet, to the point of beginning, containing 0.02 acres, more or less, also known as: 1502 Boen Street, Conway, AR 72034.

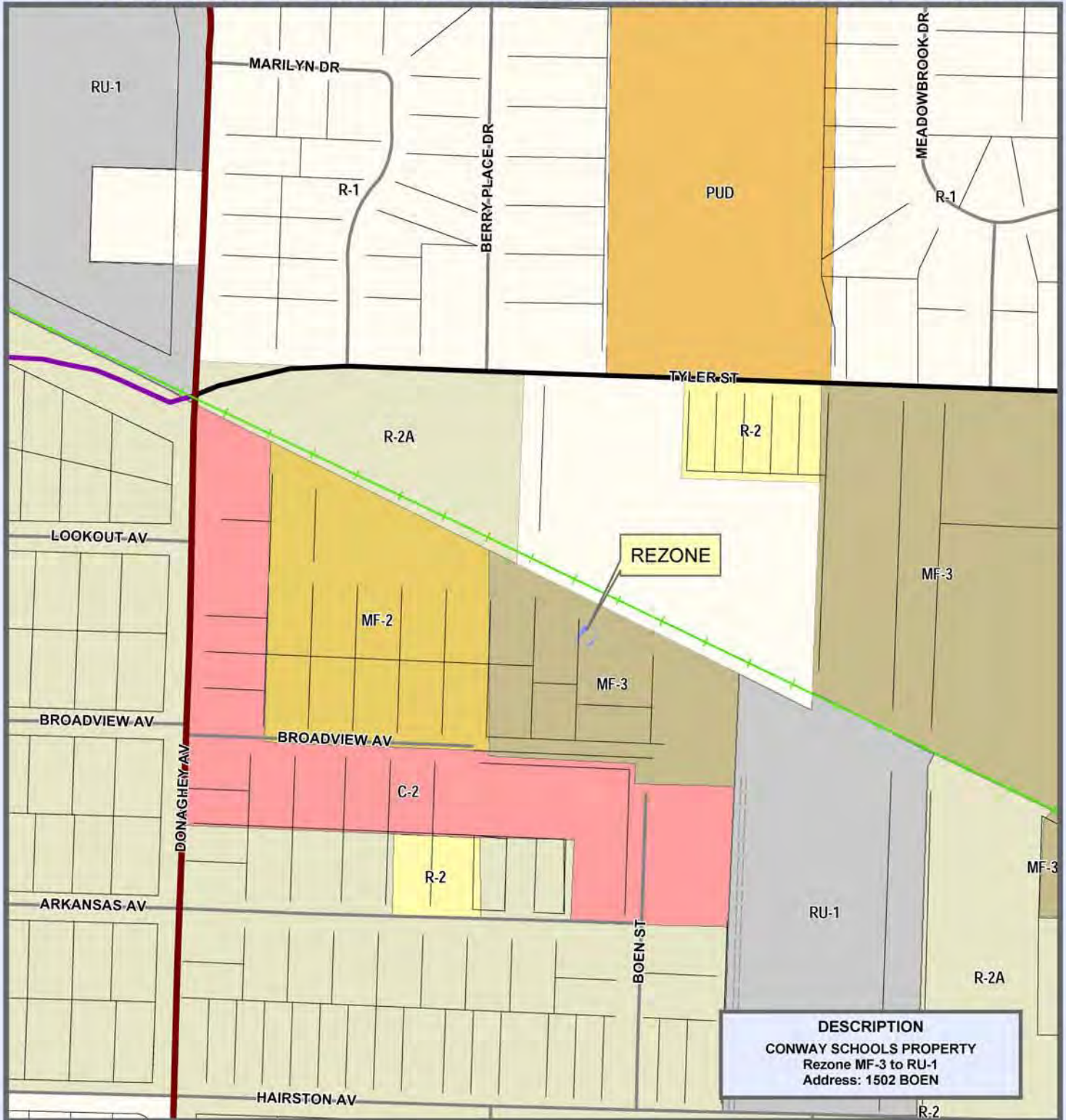
was reviewed by the Planning Commission at its regular meeting on June 15, 2009. The Planning Commission voted 6 – 0 that the request be sent to the City Council with a recommendation for approval.

Submitted by,

Terry Sossong, Chairman
Planning Commission

CITY OF CONWAY

CARAWAY COMMUNICATIONS REZONE MF-3 TO RU-1



DESCRIPTION
CONWAY SCHOOLS PROPERTY
 Rezone MF-3 to RU-1
 Address: 1502 BOEN

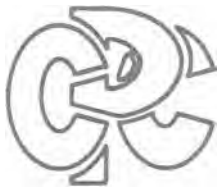


— INTERSTATE	— LOT LINE	R-1 Residential R-1	MF-1 Industrial MF-1	I-1 Industrial I-1
— MAJOR ARTERIAL	— STREAMS	R-2A Residential R-2A	MF-2 Industrial MF-2	RU-1 Residential RU-1
— MINOR ARTERIAL	— LAKES & PONDS	R-2 Residential R-2	MF-3 Industrial MF-3	I-3 Industrial I-3
— COLLECTOR	— CITY LIMITS	HR Residential HR	RMH Industrial RMH	
— RESIDENTIAL		SR Residential SR		
— PRIVATE ROAD		C-1 Commercial C-1	O-1 Office O-1	S-1 Special S-1
— INTERSTATE RAMP		C-2 Commercial C-2	O-2 Office O-2	A-1 Special A-1
— RAILROADS		C-3 Commercial C-3	O-3 Office O-3	PUD Special PUD
		C-4 Commercial C-4		



THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE, AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

CONTACT INFORMATION
 LANDMARK WEBSITE: planning.conway.org (UNDER DEVELOPMENT)
 E-MAIL: Jason.Lyon@CityOfConway.org



CONWAY PLANNING COMMISSION

1201 OAK STREET CONWAY, AR 72032 (501) 450-6105

June 16, 2009

Council Members
Conway, AR 72032

Dear Council Members:

A request for a conditional use permit to allow a transmission tower/station on property located at 1502 Boen Street with the legal description

A part of the Bishop Replat to the City of Conway, Faulkner County, Arkansas being more fully described as follows: Commencing at the Northwest Corner of Lot 7, Block 3, Boen Subdivision Number Two and run thence S 88 deg. 17 min. 25 sec. E along the North line thereof for a distance of 80.04 feet, to the Northeast Corner of said Lot 7; thence N 01 deg. 55 min. 57 sec. E along the West line of Lot 5 and 21 Boen Subdivision for a distance of 338.99 feet, to the South right-of-way of the Missouri Pacific Railroad; thence S 64 deg. 25 min. 06 sec. E along said South right-of-way for a distance of 203.31 feet; thence S 25 deg. 32 min. 54 sec. W for a distance of 16.68 feet, to the point of beginning of the land herein described; thence S 25 deg. 34 min. 34 sec. W for a distance of 30.00 feet; run thence S 64 deg. 25 min. 06 sec. E for a distance of 30.00 feet, thence N 25 deg 34 min. 54 sec. E for a distance of 30.00 feet; thence N 64 deg. 25 min. 06 sec. W for a distance of 30.00 feet, to the point of beginning, containing 0.02 acres, more or less, also known as: 1502 Boen Street, Conway, AR 72034.

was reviewed by the Planning Commission at its regular meeting on June 15, 2009. The Planning Commission voted 6 – 0 that the request be sent to the City Council with a recommendation for approval subject to the following five (5) conditions.

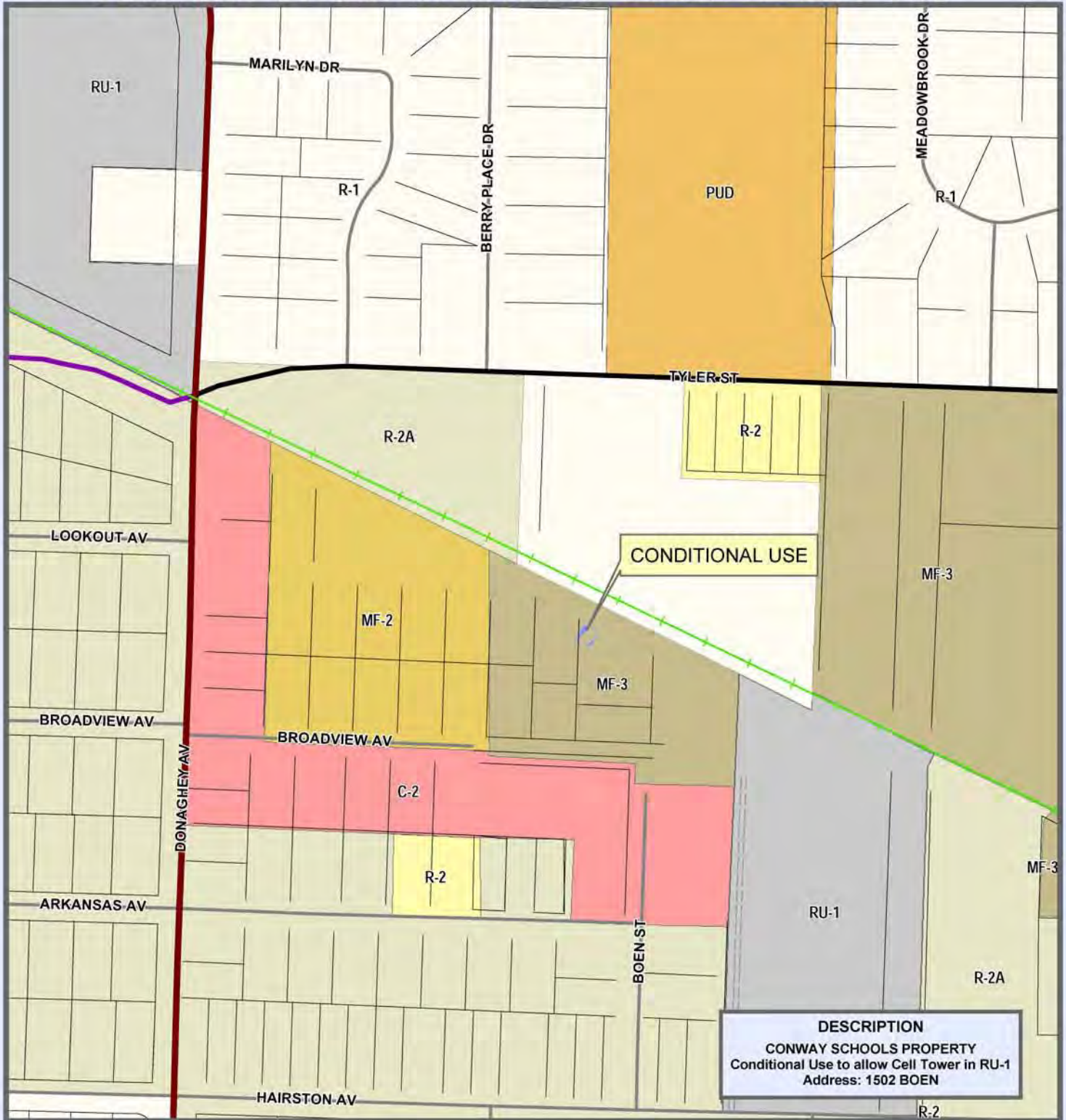
1. Transmission tower to be flagpole design.
2. 100-foot monopole transmission tower with no external antennae or cabling allowed.
3. No signs, banners, or advertising allowed except signage required by the FCC.
4. No lighting allowed except that required by the FAA and/or emergency lighting inside the compound.
5. The perimeter of the 30-foot by 30-foot tower area is to be surrounded by an 8-foot chain link fence.

Submitted by,

Terry Sossong, Chairman
Planning Commission

CITY OF CONWAY

CARAWAY COMMUNICATIONS CONDITIONAL USE



DESCRIPTION
CONWAY SCHOOLS PROPERTY
 Conditional Use to allow Cell Tower in RU-1
 Address: 1502 BOEN



INTERSTATE	LOT LINE	Residential	Industrial
MAJOR ARTERIAL	STREAMS	R-1	MF-1
MINOR ARTERIAL	LAKES & PONDS	R-2A	MF-2
COLLECTOR	CITY LIMITS	R-2	MF-3
RESIDENTIAL		HR	RMH
PRIVATE ROAD		SR	
INTERSTATE RAMP		Commercial	Office
RAILROADS		C-1	O-1
		C-2	O-2
		C-3	O-3
		C-4	
		Special	S-1
			A-1
			PUD

I-1	I-2	I-3
RU-1	RU-2	RU-3



THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE, AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

CONTACT INFORMATION
 LANDMARK, INC. WEBSITE
 916.CITYOFCONWAY.ORG (UNDER DEVELOPMENT)
 E-MAIL: Jason.Lyon@CityOfConway.org

AGREEMENT

This Agreement is entered this _____ day of _____, 2009, between the City of Conway, Arkansas, and the Conway School District.

WITNESSETH:

WHEREAS, District desires to maintain and improve a School Resource Officers' Program to serve the respective needs and to provide for the maximum mutual benefit of the parties hereto; and

WHEREAS, this objective is to be accomplished by the controlled interaction of the City's police officers with students and staff of the District; and

WHEREAS, the district desires to reduce juvenile crime and to promote students' well being.

NOW, THEREFORE, IN CONSIDERATION OF THE COVENANTS SET FORTH HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. **SERVICES**

The City shall provide four police officers on a full-time basis to serve as School Resource Officers for the Conway School District. One officer will be placed at the East Campus, Conway High School; the second officer will be placed at the West Campus, Conway High School; and the third and fourth officers will be shared by the various middle school campuses, Bob Courtway, Carl Steward, Julie Lee Moore, Sallie Cone, Alternative School, Ida Burns, Theodore Jones, Florence Madison, Simon Intermediate, Ellen Smith, Ruth Doyle, Margareta Van, and Jim Stone Elementary. The program may be expanded to add additional officers.

2. **CONSIDERATION**

In consideration for providing the above-described services, the Conway School District shall pay to the City the sum of \$140,000.00, which represents an amount that will offset the costs associated with the City providing four officers. The compensation shall be paid by the Conway School District to the City of Conway in full, between July 1, 2003 and July 30 previous to the upcoming school year. The Conway Police Department agrees to provide a fifth officer at no additional cost to the Conway School District based on availability.

3. **TERMS**

The initial term of this Agreement shall be for a period commencing July 1, 2009, to and including, June 30, 2010. Absent termination by one of the parties hereto, or amendments mutually agreed upon by the parties, this Agreement shall automatically be renewed for additional terms of one year. This Agreement and all performances and obligations required hereunder may be terminated by the Mayor of the City of Conway or Superintendent of the Conway School District at any time and for any cause provided that the terminating party provides the other party with written notice of termination immediately upon the date of termination.

4. **PERSONNEL**

The School Resource Officers provided by the City shall be considered employees of the City. The School Resource Officers shall perform their services in accordance with Exhibit "A". Notwithstanding anything contained in this Agreement or the attachments to this Agreement, the School Resources Officer shall at all times be subject to the policies and procedures of the Conway Police Department. The City and the District shall be jointly responsible for the selection of an officer from the list of eligible candidates provided by the City. The City shall be responsible for the special training of the officer as required for participation in this program, and the scheduling of such School Resource Officers.

5. **INSURANCE**

City and District acknowledge that the other party is a governmental entity, duly organized under the laws of the State of Arkansas, and that each party relies on tort immunity. Accordingly, either parties, as a requirement of this Agreement shall not require additional insurance.

6. **ASSIGNMENT AND SUBCONTRACTING**

This Agreement and the performance of services required hereunder shall not be assigned or subcontracted by either party without the written consent of the other party.

7. **NOTICES**

Notices hereunder shall be given by first-class mail or personal service. Notice to the City shall be delivered or addressed to the Mayor, City of Conway, 1201 Oak Street, Conway, AR 72032. Notice to the District shall be delivered or addressed to the Superintendent of Schools, 2220 Prince Street, Conway, AR 72034.

Conway School District

City of Conway

Superintendent

Mayor Tab Townsell

Date: _____

Date: _____

SCHOOL DISTRICT
Exhibit A

SCHOOL RESOURCE OFFICER

QUALIFICATIONS:

1. A police officer with a minimum of three years of law enforcement experience.
2. Officer has effective oral communication skills.
3. Officer has effective written communication skills.
4. Officer has strong desire to work with young adults

BASIC PERFORMANCE RESPONSIBILITIES:

- A. The School Resource Officer will report directly to the School Resource Supervisor and the building principal and shall:
1. Serve as a member of the principal's staff.
 2. Receive general direction from the principal.
 3. Serve at the principal's discretion and may be replaced at the principal's request.
 4. Act as a liaison between the department and the school district.
 5. Provide the presence of a police officer in the assigned schools.
- B. The School Resource Officer will assist school officials in setting up procedures for juvenile delinquency prevention programs by:
1. Providing assistance to students and school staff members.
 2. Presenting various crime prevention, drug, and alcohol seminars.
 3. Serving as a positive role model.
 4. Bridging the communication gap between students and police.
 5. Enforcing state, federal, and local laws whenever necessary.
 6. Preventing the organization of youth based gangs.
- C. The School Resource Officer will assist school officials with maintaining order in and around the school by investigating criminal behavior and taking enforcement action as appropriate to help insure a safe environment for students and school district officials.

D. The School Resource Officer shall project a professional appearance and attitude that has a positive influence on the community.

E. The School Resource Officer will report in person to the school principal before going on or off duty, unless otherwise directed, and will:

1. Report to area of assignment and remain in this area unless duty demands otherwise.
2. Be visible in or around schools before school, during assemblies, lunch hours, and after school to ensure smooth school operation.
3. Keep supervisors informed of the progress of investigations and/or problems in his/her area of responsibility.
4. Accurately record daily activities and submit the reports to the unit supervisor.
5. Assist in monitoring transportation schedules and handles problem areas.

F. The School Resource Officer will perform any other duties as assigned by his/her supervisor and the building principal.

G. School Resource Officers who are assigned to schools will be on their assignments during a normal school calendar year.

H. Vacations other than school holidays will be taken during the summer months.

Note: The School Resource Officers will work extra curricular activities at their assigned schools that the principal and supervisor deem necessary for the program to succeed. Compensation for the extra curricular activities worked by the positions will be paid by time off through school holidays and summer months, to include the use of the School Resource Officer's accrued compensation time.

I have read and agree to the above stipulations concerning extra curricular activities.

School Resource Officer

School Resource Officer

School Resource Officer



City of Conway, Arkansas
Ordinance No. O-09- _____

**AN ORDINANCE ACCEPTING RESTITUION FOR OVERTIME PERFORMED BY THE CONWAY
POLICE DEPARTMENT PERSONNEL; AND FOR OTHER PURPOSES**

WHEREAS, the City of Conway has received restitution from various sources totaling \$128,777 for overtime duties performed by the Conway Police Department personnel through May 2009; and

WHEREAS, budgetary authority for the additional required overtime has not previously been provided;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY,
ARKANSAS THAT:**

Section 1. The City of Conway shall accept restitution in the amount of \$128,777 from various sources and shall appropriate the same amount to the Conway Police Department overtime account (01.113.121).

Section 2. All ordinances in conflict herewith are repealed to that extent of the conflict.

PASSED this 23rd day of June, 2009.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Ordinance No. O-09- _____

**AN ORDINANCE APPROPRIATING ANIMAL WELFARE VOLUNTARY TAX REVENUES
 TO ANIMAL WELFARE UNIT FOR VEHICLE LEASING FEES; AND FOR OTHER
 PURPOSES**

WHEREAS, the City of Conway entered into a lease agreement with Ford Motor Credit in 2006 for the lease of three AWU Ford Ranger pickup trucks and;

WHEREAS, the fourth and final payment of \$10,809.78 is due on June 23, 2009;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

SECTION 1. The City of Conway shall appropriate \$10,809.78 from Voluntary Tax revenue account to the Ad Valorem Capital Vehicle expense line item 20.126.931 for the annual leasing fee for three AWU vehicles and whereas;

SECTION 2. All ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 3. This ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 23rd day of June 2009.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Ordinance No. O-09-_____

AN ORDINANCE APPROPRIATING FUNDS TO THE CONWAY POLICE DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the Conway Police Department has received reimbursement funds in the amount of \$2388.50 from the Secret Service for training received and;

WHEREAS, the Conway Police Department needs these funds to support additional training requests for FY 2009 and;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

SECTION 1. The City of Conway shall accept these funds and shall appropriate to the Police Department's meals and lodging expense account (01.113.251).

SECTION 2. All ordinances in conflict herewith are repealed to the extent of the conflict.

Section 3. This ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 23rd date of June, 2009.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Ordinance No. O-09-_____

AN ORDINANCE WAIVING BIDS IN CONJUNCTION WITH FINANCIAL SOFTWARE AND SOFTWARE MAINTENANCE; APPROPRIATING FUNDS FOR SUCH ITEMS AND FOR OTHER PURPOSES:

WHEREAS, The City of Conway desires to obtain financial software for which budgetary authority has not been provided; and

WHEREAS, The City of Conway considered a number of vendors for software, and determined that software offered by Springbrook Software ("Springbrook") is best suited for City operations and will provide efficiencies in recorded accounting transactions, enhanced reporting capabilities, necessary support for the conversion process and subsequent use of the software, and increased efficiencies for the information technology staff. The purchase of software will require the subsequent payment of an annual maintenance fee to Springbrook.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:

SECTION 1. The City of Conway shall waive the requirement for obtaining bids for Software and annual software maintenance services and shall enter into an agreement with Springbrook for said services at a total price not to exceed \$295,000.

SECTION 2. The Mayor is hereby authorized to enter into a purchase agreement and software support agreement with Springbrook.

SECTION 3. The City of Conway shall appropriate an amount not to exceed \$295,000 as a General Fund balance appropriation for software and software maintenance costs.

SECTION 4. All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 23rd day of June, 2009

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer