



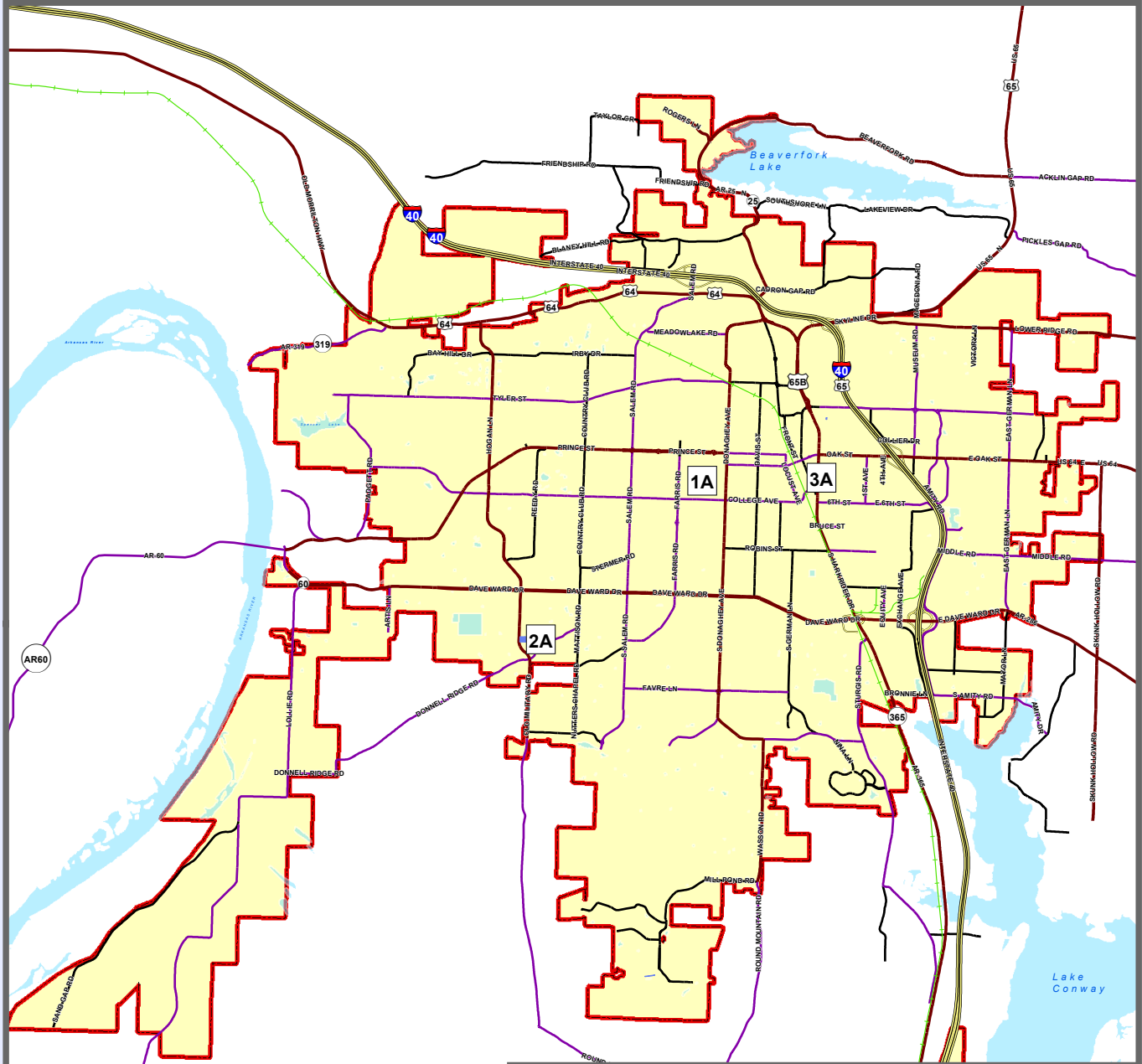
# Conway Planning Commission STAFF REPORT

## July 2015

7:00pm  
Monday, July 20, 2015  
810 Parkway Avenue

# CITY OF CONWAY

## JULY 2015 PLANNING COMMISSION ITEMS



### JULY 2015 AGENDA ITEMS:

- 1A. SAGE PROPERTIES -- VARIANCE REQUEST HEARING
- 2A. HOUNDS HIDEAWAY LLC-- CONDITIONAL USE
- 3A. ZONING AMENDMENT -- HOMELESS SHELTER CUSE IN ZONES



**Tab Townsend - Mayor**  
 Andy Hendrix & David Gilman - Alderman Ward 1  
 Wesley Pruitt & Shelby Mann - Alderman Ward 2  
 Mark Lathier & Mary Smith - Alderman Ward 3  
 Theodore Jones, Jr. & Sheila Whitmore - Alderman Ward 4  
 Chuck Clemons - City Attorney  
 Michael Gamble - City Clerk

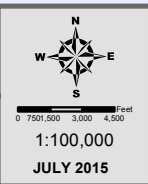


**Brian Patrick - Director**  
 Wes Craiglow - Deputy Director  
 Scott Guenther - Planner  
 Beth Skatone - Planning Tech  
 Jason Lyon - GIS Coordinator



**Lee Washington - Chair**  
**Mark Lewis - Vice-Chair**

INTERSTATE	LOT LINE	<b>Residential</b>	<b>Industrial</b>
MAJOR ARTERIAL	STREAMS	R-1	I-1
MINOR ARTERIAL	LAKES & PONDS	R-2A	RU-1
COLLECTOR	CITY LIMITS	R-2	I-3
RESIDENTIAL		HR	RMH
PRIVATE ROAD		SR	
INTERSTATE RAMP		<b>Commercial</b>	<b>Special</b>
RAILROADS		C-1	SP
		C-2	O-1
		C-3	O-2
		C-4	A-1
			PUD
			TJ



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**CONTACT INFORMATION**  
 LANDMARK GIS WEBSITE:  
[gis.cityofconway.org](http://gis.cityofconway.org) (UNDER DEVELOPMENT)  
 E-MAIL: [Jason.Lyon@CityOfConway.org](mailto:Jason.Lyon@CityOfConway.org)

Printing Date: 8/11/2015  
 File: Monthly Maps/2015/03/MARCH 2015 Overall Map.mxd  
 Issued By: Jason Lyon

# CONWAY, ARKANSAS PLANNING COMMISSION MEETING AGENDA

7:00 pm • Monday • July 20, 2015

District Court Building • 810 Parkway

**SUBDIVISION COMMITTEE WILL MEET AT 6:30 PM**  
*In the downstairs conference room at City Hall, 1201 Oak Street*

## Call to Order

## Introduction & Chairperson Remarks

Minutes: June 15, 2015

1. **Subdivision and Replat (Subdivision Committee will review at 6:30 pm)**
  - A. Goode Family Properties LLC - Variance Request
2. **Annexation, Zoning and Conditional Use (Requires Public Hearing)**
  - A. The Hounds' Hideaway Conditional Use Permit Request
  - B. Zoning Ordinance Amendment\* - to allow homeless shelters by Conditional Use Permit only  
*\*If the Planning Commission votes to recommend this item to move forward for City Council review/approval, it will not be heard by the City Council until August 11, 2015 due to the Planning Director's absence at the July 28, 2015 meeting.*
3. **Discussion**
  - A. Items as decided by the Planning Commission

## Adjourn

### Planning Staff Development Review/ Minor Subdivision Reports to the Planning Commission

The following items have been reviewed and approved by the Director of Planning and Development and are being reported to the Planning Commission as required by the Zoning and Subdivision Ordinances:

- A. **Development Reviews**
  - None
- B. **Lot Splits, Lot Mergers, and Minor Subdivisions (filed for record)**
  - Anderson Replat, Lots 11 and 12

*The Conway Planning Commission makes recommendations to the City Council on public hearing items. The City Council will make a final decision on these items using the Planning Commission recommendations as a guide.*

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

*Items reviewed at tonight's Planning Commission meeting may be considered by the City Council as early as July 28, 2015.*

# 1A GOODE FAMILY PROPERTIES LLC - VARIANCE REQUEST

## GOODE FAMILY PROPERTIES LLC VARIANCE REQUEST TO WAIVE REQUIREMENT TO CONSTRUCT A BOUNDARY STREET TO THE PROPERTY BOUNDARY

### APPLICANT

Aaron Nicholson  
Sage Partners  
1701 Centerview Drive, Suite 312  
Little Rock, AR 72211

### OWNER

Goode Family Properties LLC

### STAFF REVIEW BY

Bryan Patrick, Director of Planning  
1201 Oak Street  
Conway, AR 72032

### SITE DATA

**Location:** The east termination of Allyson Lane (north of 2608 College Ave)

**Site Area:** 2.20 acres +/-

**Current Zoning:** O-2 (Quiet Office)

**Existing Structures:** None

### Requested Subdivision Variance:

The applicant has requested the following variance:

“A Subdivision Variance that, if granted, would allow Orion Capital Partners, a real estate development firm, to develop an early childhood educational facility at the end of Allyson Lane, a boundary street, without having to extend Allyson Lane to the property line located at the north of the site.”

### Subdivision Ordinance Regulations Related to this Variance:

The following sections of the Subdivision Ordinance are applicable to the requested variance:

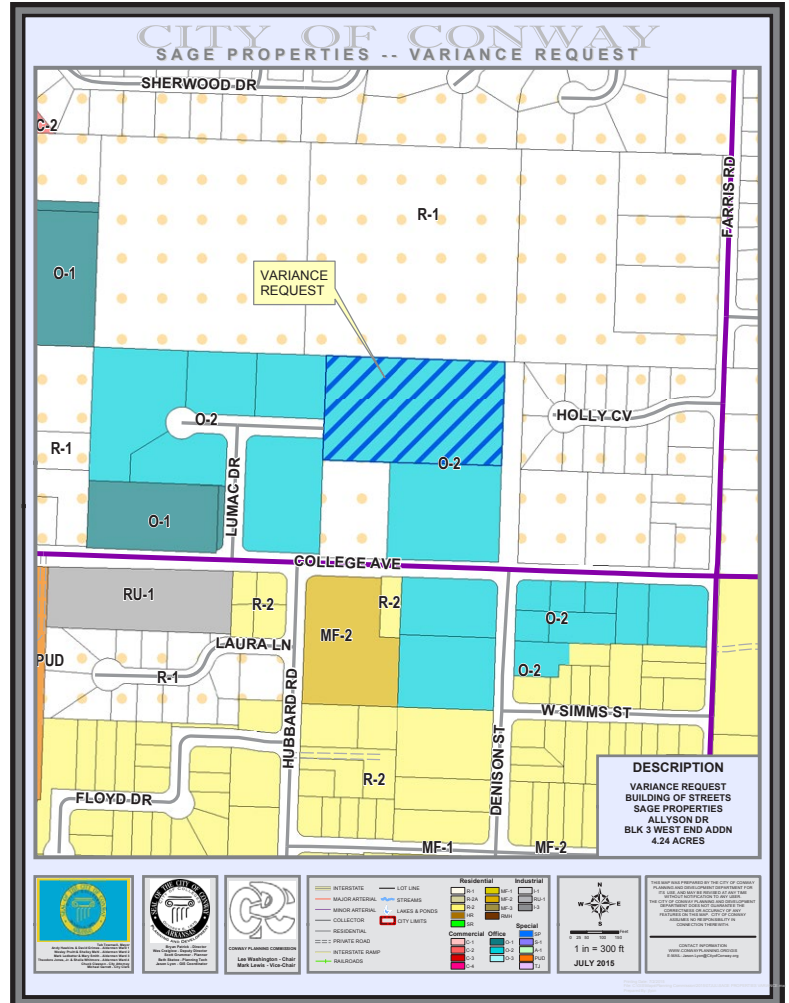
Article 4 General Design Principles.

Section 5. Subdivision Design Standards. A. Streets. 5: The subdivision ordinance defines a boundary street as, “... those (streets) bordering the perimeter of the property.”

Article 4 General Design Principles.

Section 5. Subdivision Design Standards. A. Streets. 7: The Planning Commission may authorize a new boundary street when the subdivider proposes to dedicate the entire right-of-way and construct all the required improvements. In no case shall a subdivider retain a parcel of land lying between a newly created boundary street and a former property line, the purpose of which would be to deny access by abutting owners. Where the plat to be submitted includes only a part of the tract owned or intended to be subdivided by the subdivider, a tentative plan of proposed future street system for the unsubdivided portion of property shall be prepared and submitted to the Planning Commission.

**Furthermore, proper access in the form of stub streets or**



*temporary dead-end streets shall be provided to adjacent unplatted property unless, in the judgment of the Planning Commission, topographic conditions or physical constraints preclude reasonable provision of such access or alternate routes are or will be available in the future.*

Article 4 General Design Principles.

Section 5. Subdivision Design Standards. A. Streets.8. Cul-de-sac Streets. a:

**Cul-de-sacs tend to reduce the number of connections and choices available for people traveling by automobile and increase congestion on other streets.** Where cul-de-sacs are utilized, pedestrian and bicycle pathways to allow linkages with like abutting properties and the street system may be provided. Construction standards for the pedestrian and bicycle pathways shall be the same as for sidewalks. For instance, pathways could be provided linking the backs of lots fronting on the termination of cul-de-sacs and providing access to sidewalks along through streets.

continued on page 8



July 1, 2015

Submitted Variance Request Letter

J. Scott Grummer  
Planning & Development  
City of Conway  
1201 Oak Street  
Conway, Arkansas  
72032

RE: Subdivision Variance Request/Proposed Allyson Lane Early Childhood Educational Facility/Goode Family Properties

Dear Mr. Grummer,

The purpose of this letter is to request a Subdivision Variance that, if granted, would allow Orion Capital Partners, a real estate development firm, to develop an early childhood educational facility at the end of Allyson Lane, a boundary street, without having to extend Allyson Lane to the property line located at the north of the site. A copy of the proposed site plan is attached.

Orion Capital Partners is seeking to acquire the property from the current owner, Goode Family Properties, LLC, contingent upon variance approval. Should the variance be denied, Orion Capital Partners has determined that the project will be no longer be feasible due to the additional cost associated with the road extension.

Below are several points that support approval of the requested variance:

1. The property to the north has access to an existing dedicated right-of-way to College Avenue. This access would prove more convenient to residents in any future development on the Farris property, due to its straight path to College Avenue
2. Creating a cul-de-sac at the end of Allyson Lane will mirror what was done on the west end of the street. This will limit traffic in this office development to customers, which seems appropriate given the types of businesses that call this development home.
3. The extension of Allyson Lane to the north boundary would create a dead-end, that would only benefit the landowners to the north should they decide to someday develop their property in a way that connects to this street.
4. Approving the variance will reduce the cost of development thus rendering the project feasible. A new development on this property will generate additional tax revenue and promote future development on the remaining portion of this property

We appreciate your consideration concerning this matter.

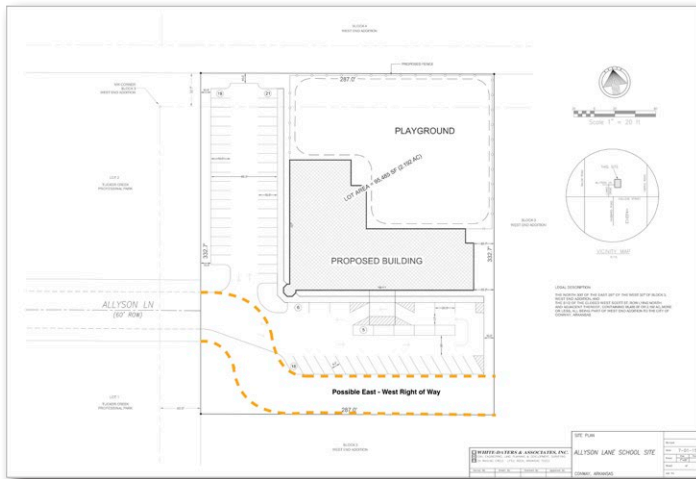
Respectfully submitted,

Goode Family Properties, LLC

**STAFF COMMENTS**

The proposed site is at the termination of Allyson Lane. The subdivision ordinance requires that stubbed streets be extended to the newly created property lines to continue street connectivity and allow access to adjoining properties for future development. Allyson Lane was constructed in 2004 as part of Tucker Creek Professional Park Subdivision. Allyson Lane was extended to the east property line of this subdivision in order to provide access to future development. A cul-de-sac was allowed to terminate Allyson Lane on the west due to topographic conditions; Tucker Creek.

Planning Staff has consulted with the potential applicant/developer of this property for several months concerning the construction of an early childhood facility. Staff initially considered an east-west extension of Allyson Lane along the south property line. This would create a right of way path that could eventually connect with the unbuilt Denison Street. After further discussion with the developer, a north-south extension of Allyson Drive was suggested. This extension would connect with the large tract of land to the north. A reduction in the required right of way and street pavement width would also seem in order as future development to the north will likely be residential. The right of way could be reduced from 60 feet to 50 feet with a reduction in pavement width from 36 feet to 27 feet.

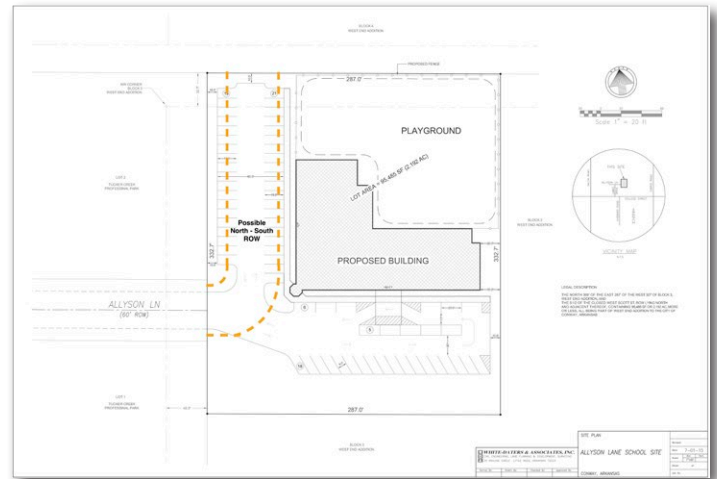


Denison Lane. There is an unbuilt 60 foot street right of way east of the proposed development and parcel. If the property is divided as planned, the remaining parcel(s) will need to construct the unbuilt Denison Lane in order to have street access. The City has no plans or budget to construct this extension of Denison in the foreseeable future.

The applicant has stated the following reasons for granting this variance. Staff comments follow:

1. The property to the north has access to an existing dedicated right-of-way to College Avenue (*Denison Street*). This access would prove more convenient to residents in any future development on the Farris property, due to its straight path to College Avenue. *An extension of Denison Street is not likely to be built in the near future. However, the unbuilt right of way does provide an alternate route that could be available in the future.*

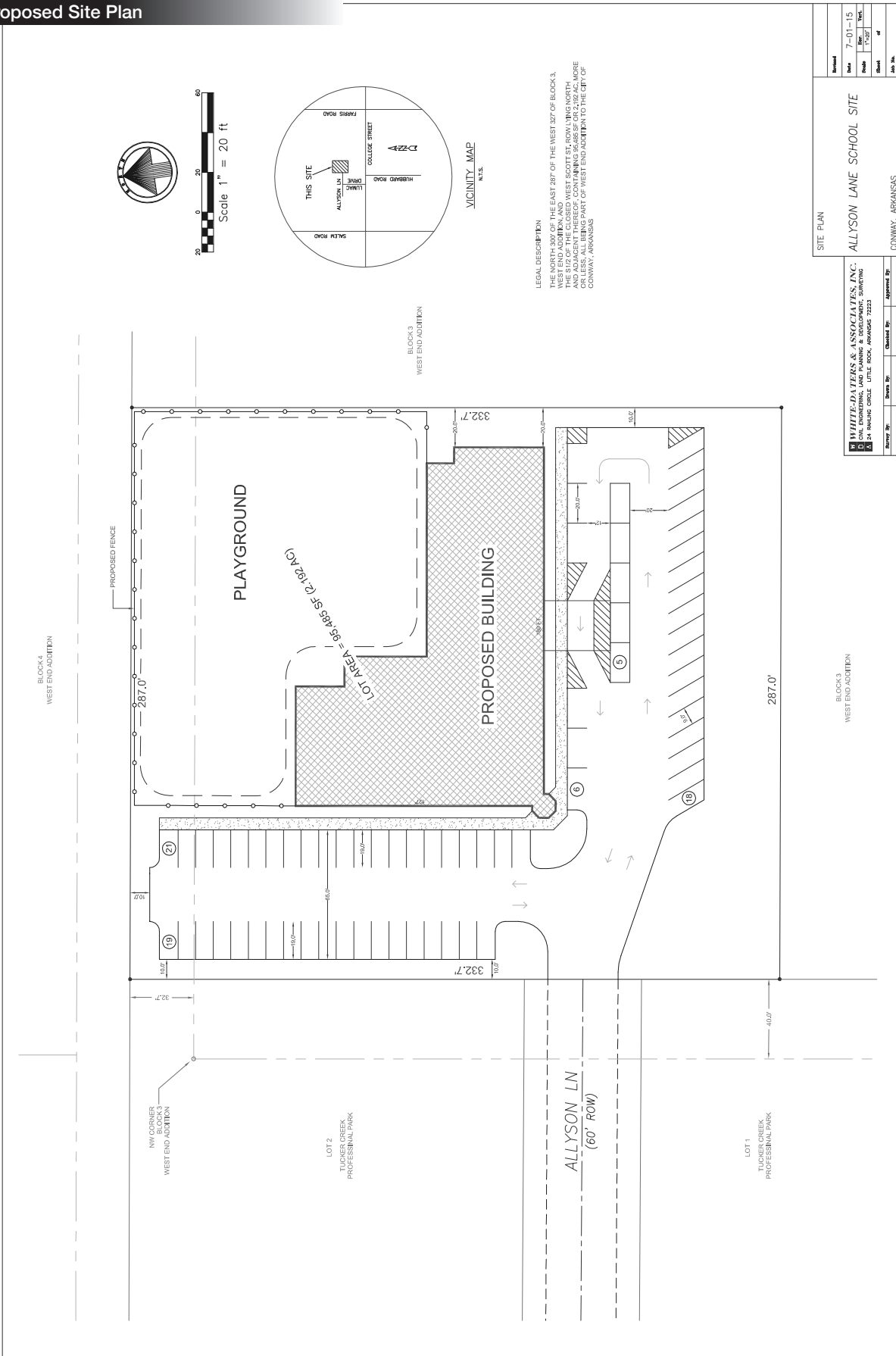
2. Creating a cul-de-sac at the end of Allyson Lane will mirror what was done on the west end of the street. This will limit traffic in this office development to customers, which seems appropriate given the types of businesses that call this development home. *The cul-de-sac at the west end of Allyson Lane was allowed due to topographic reasons.*
3. The extension of Allyson Lane to the north boundary would create a dead-end, that would only benefit the landowners to the north should they decide to someday develop their property in a way that connects to this street. *The extension of Allyson Lane will benefit the land owner's to the north. However, the same argument could be said for the proposed development. If Allyson Lane had not been constructed as a dead end street at the east end, the proposed development would not be possible.*
4. Approving the variance will reduce the cost of development thus rendering the project feasible. A new development on this property will generate additional tax revenue and promote future development on the remaining portion of this property. *A variance would reduce the cost for this development. However, it could limit abutting development.*



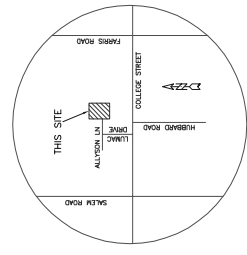
**SUGGESTED RECOMMENDATIONS**

Planning Staff recommends denial of this subdivision variance request.

# Submitted Proposed Site Plan



Scale 1" = 20 ft



VICINITY MAP  
N.T.S.

**LEGAL DESCRIPTION**  
THE NORTH 300' OF THE EAST 287' OF THE WEST 327' OF BLOCK 3, THE 5 1/2' OF THE CLOSED WEST SCOTT ST. ROW LYING NORTH AND ADJACENT THEREOF CONTAINING 95,485 SF (2,192 AC), MORE OR LESS, BEING THE PART OF WEST END ADDITION TO THE CITY OF CONWAY, ARKANSAS

SITE PLAN	
Revised	Date
	7-01-15
Drawn	Scale
	1" = 20'
Sheet	of
SITE PLAN	
ALLYSON LANE SCHOOL SITE	
CONWAY, ARKANSAS	

**WILLIAMS & PARTNERS, INC.**  
CONWAY, ARKANSAS  
24 BANGOR CIRCLE, LITTLE ROCK, ARKANSAS 72203

BLOCK 4 WEST END ADDITION  
BLOCK 3 WEST END ADDITION  
ALLYSON LN (60' ROW)  
LOT 1 TUCKER CREEK PROFESSIONAL PARK  
LOT 2 TUCKER CREEK PROFESSIONAL PARK  
NW CORNER WEST END ADDITION

# 2A THE HOUNDS' HIDEAWAY CONDITIONAL USE PERMIT REQUEST

## THE HOUNDS' HIDEAWAY CONDITIONAL USE PERMIT REQUEST TO ALLOW A PET GROOMING & LODGING BUSINESS (KENNEL)

### OWNER/APPLICANT

Lacey Vance  
The Hounds' Hideaway, LLC  
(Vance Management, LLC)  
36 Persimmon Ridge Drive  
Greenbrier, AR 72058

### STAFF REVIEW BY

Bryan Patrick, Director of Planning  
1201 Oak Street  
Conway, AR 72032

### SITE DATA

**Location:** 1238 McNutt Road, Lot 23 Sherwood Estates

**Site Area:** 4.00 acres +/-

**Existing Structures:** A 10,000 square foot metal building and 1600 square foot residence.

**Current Zoning:** I-1 (Intermediate Industrial)

**Requested Conditional Use Permit:** To allow a pet lodge, including dog grooming, dog and cat overnight boarding, dog daycare, self-serve dog wash, and a members-only dog park.

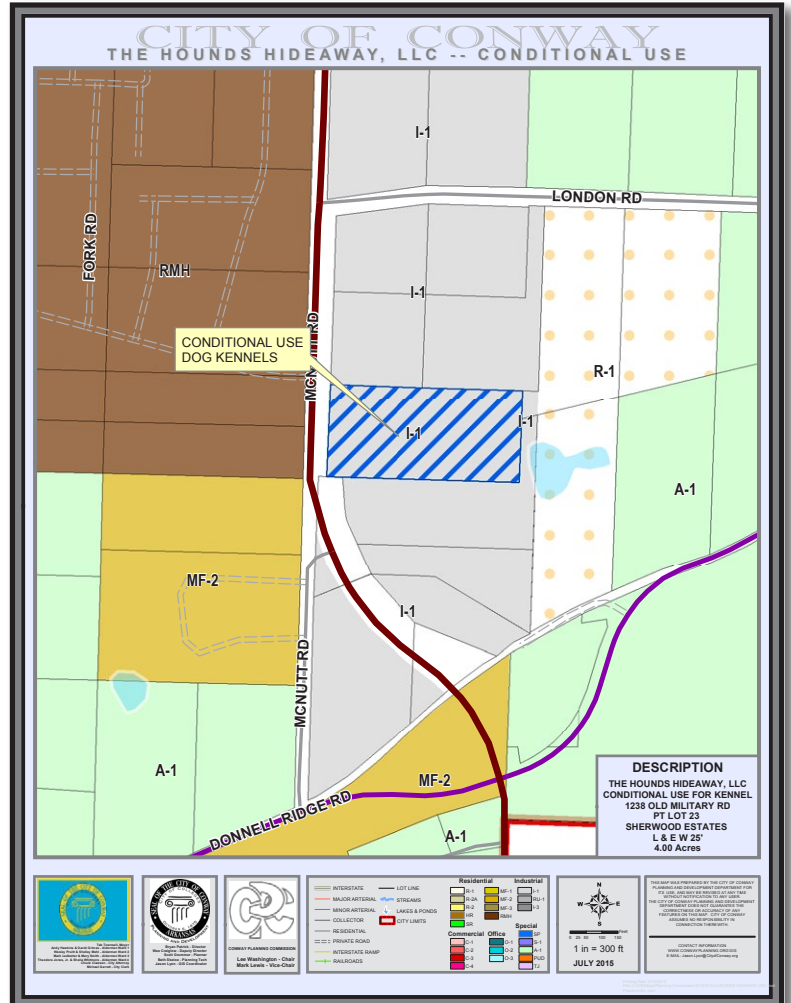
**Overlay District:** None

**Comprehensive Plan:** The Comprehensive Plan shows this property in a Transition and Buffer Zone. This zone calls for apartments or offices as appropriate land uses. The Transition and Buffer Zone was created as a means to not "strip out" major arterials with commercial activity. The use of this property as a kennel would be a commercial activity. However, the requested use should not generate large amounts of traffic. While not literally congruent with the Plan, the requested use should fit the intent of avoiding mass commercialization. It should be noted that the current zoning of I-1 allows general retail by right.

**Projected Traffic Impact:** A 10,000 square foot facility should generate around 360 vehicle trips per day. The property is zoned I-1 which could allow a fast food restaurant generating 1400 vehicle trips per day.

**Utility Infrastructure:** Conway Corporation Engineering will review and consider the adequacy of existing infrastructure. Extensions and re-routing of utilities may be required. Easements will likely be required to provide for future area development.

**Flood/Drainage:** The property is not within any flood plain or flood way.



**Street Improvements:** There are no area street improvements planned in the near future. McNutt/Old Military Road was recently upgraded and rerouted. Long range plans show Old Military becoming part of the "Western Arterial Loop".

**Conway 2025:** Not directly applicable.

### STAFF COMMENTS

The applicant requested a similar conditional use permit for the adjacent property at 1300 Old Military Road in December 2014. The request was approved with 3 conditions. These approved conditions are listed below as Staff recommended conditions for this request.

Similar to the 2014 request, the applicant is requesting a conditional use permit to allow a full service kennel. These services include; pet lodging, grooming, pet day care, training, retail sales, a self-serve dog wash, and a private dog park. The property is currently zoned I-1 (Intermediate Industrial). Although I-1 is described as a zone that allows non- nuisance industrial uses, it also allows general retail. The most intense use available under general retail is a fast food restaurant with drive through. This location is not likely marketable for a fast food restaurant; however one is allowed by

continued on page 12







right. Therefore, the requested use is much less intense than general retail. The largest concern with this request is noise from barking dogs. The nearest single family residence is around 720 feet from the southeast corner of the structure. A multifamily structure is around 420 feet from the southwest corner of the structure, and a mobile home is around 500 feet from the northwest corner of the structure.

**STAFF RECOMMENDATIONS**

Planning Staff recommends approval of this conditional use with appropriate conditions.

**SUGGESTED CONDITIONS**

1. Hours of operation. Public hours are 6:00 am to 6:30 pm Monday - Friday; 8:00 am to 5:00 pm on Weekends. Staff hours 6:00 am to 10:00 pm 7 days per week.
2. Noise abatement curtains shall be installed in exterior play area fencing per submitted conditional use permit application.
3. No dogs shall remain outside the building after 10:00pm.

**PERMIT No 1351**

USE2014DEC01  
51421NE

# CONDITIONAL USE PERMIT CITY OF CONWAY, ARKANSAS

**PROPERTY DESCRIPTION / ADDRESS / LOCATION:**

This conditional use is for property located on McNutt Road with the following legal description:

Lot 22 Sherwood Estates

ZONING: I-1


CONDITIONAL USE PERMITTED TO THE HOUNDS' HIDEAWAY, LLC FOR: Pet Lodge & Grooming Services

DATE OF COUNCIL MEETING ALLOWING PERMITTED USE: December 23, 2014

**CONDITIONS ATTACHED TO PERMIT:**

1. Hours of operation: Public hours are 6:00 am to 6:30 pm Monday – Friday; 8:00 am to 5:00 pm on Weekends. Staff hours are 6:00 am to 10:00 pm 7 days per week.
2. Noise abatement curtains shall be installed in exterior play area fencing per submitted conditional use permit application.
3. No dogs shall remain outside the building after 10:00 pm.

**APPROVED:**

  
\_\_\_\_\_  
Tab Townsell, Mayor

12/30/14  
\_\_\_\_\_  
Date



ZONING ORDINANCE AMENDMENT - HOMELESS SHELTER

Zoning Ordinance Amendment to require a conditional use permit in the C-1, TJ and RMH Zoning Districts

STAFF COMMENTS

There has been a request from the Conway City Council to consider amending the Conway Zoning Ordinance concerning the allowable zones for a homeless shelter. The Conway Zoning Ordinance currently allows a homeless shelter in the following zoning districts by conditional use permit:

R-2A (Large Lot Duplex), R-2 (Small Lot Duplex), MF-1 (Multi-family Low Density), MF-2 (Multi-family Medium Density), MF-3 (Multi-family High Density), C-2 (Neighborhood Commercial), C-3 (Intensive Commercial), and C-4 (Large Shopping Center).

A homeless shelter is allowed by right in the: C-1 (Central Business District) and TJ (Territorial Jurisdiction Zone).

In light of a recent request for a homeless shelter in C-3, it would seem appropriate to limit the “by right” allowance for a homeless shelter in the C-1 (Downtown) zoning district. The C-1 zoning allowance is likely due to the time frame that many of the Conway Zoning regulations were created; the 1960s and 1970s. At that time, downtowns across the United States were in decline and this was seen as an appropriate use. With the revitalization of Conway’s downtown area, it is appropriate to add the additional land use control available through the conditional use permit process.

The TJ zone was created in 2011 to provide additional development protection outside city limits along Skyline Drive (Highway 65) and the I-40/Old Morrilton Highway (Highway 64) corridors. All residential uses are allowed by right in the zone, however, a homeless shelter could be seen as an inappropriate use in the area without proper conditions.

The mobile home RMH zone does not allow a homeless shelter by right or through a conditional use permit. Due to the transient nature of mobile home parks, it would seem appropriate to allow homeless shelters through the conditional use permit process.

It should be noted that this zoning ordinance amendment does not prohibit homeless shelters in current “by right” zones and adds the currently prohibited RMH zone. The amendment would allow a homeless shelter with a conditional use permit. The Planning Commission and City Council could approve, deny, or place appropriate conditions on any new homeless shelters in the duplex, multi-family, commercial, and territorial jurisdiction zoning districts.

Current allowed uses per Zoning Ordinance #O-94-54

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	TJ
Sewage lift station	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Sewage treatment plant	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C
Sewing machine shop										X	C	X	X	C	C		X	C	C		C	C	C
Shelter for abused persons		C	C		C	C	C														X	X	X
Shelter for the homeless		C	C		C	C	C			X	C	C	C										X
Shoe sales and repair										X	X	X	X	C	C	C	X	C	C		C	X	C

Proposed Ordinance



City of Conway, Arkansas  
Ordinance No. O-15-\_\_

**AN ORDINANCE AMENDING THE CONWAY ZONING ORDINANCE O-94-54 TO REQUIRE A CONDITIONAL USE PERMIT TO ESTABLISH A SHELTER FOR THE HOMELESS IN THE C-1 CENTRAL BUSINESS, RMH MOBILE HOME, AND TJ TERRITORIAL JURISDICTION ZONING DISTRICTS:**

**WHEREAS,** The City of Conway would like to amend the Conway Zoning Ordinance O-94-54 to require a conditional use permit to establish homeless shelters in the C-1 Central Business, RMH Mobile Home, and TJ Territorial Jurisdiction zoning districts. Currently, a homeless shelter is allowed by right in the C-1 and TJ, and not allowed in the RMH zoning districts, and;

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

**SECTION 1.** Conway Zoning Ordinance O-94-54, Section 401.4 Residential Districts, B. Use Regulations, 1. Permitted Uses, Uses 1. Residential shall be amended as follows:

Uses(Permitted - X) (Conditional - C)	R-1	R-2A	R-2	SR	MF-1	Mf-2	MF-3	RMH	HR
<b>1. Residential Uses</b>									
Shelter for the Homeless		C	C		C	C	C	C	

**SECTION 2.** Conway Zoning Ordinance O-94-54, Section 401.5 Commercial and Office Districts, C. Use Regulations, 1. Permitted Uses, Uses 4. Residential shall be amended as follows:

Uses(Permitted - X) (Conditional - C)	C-1	C-2	C-3	C-4	O-1	O-2	O-3
<b>4. Residential Uses</b>							
Shelter for the Homeless	X-C	C	C	C			

**SECTION 3.** Conway Zoning Ordinance O-94-54, Addendum A, Uses Allowed in the Various Zoning Districts matrix shall be amended as follows:

Allowed Uses	R-1	R-2 A	R-2	SR	MF-1	MF-2	MF-3	R M H	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	TJ
Shelter for the Homeless		C	C		C	C	C	C		X-C	C	C	C										X-C

**SECTION 4.** That any ordinance which conflicts with this ordinance is hereby repealed to the extent of the conflict.

**PASSED** this 11th day of August, 2015.

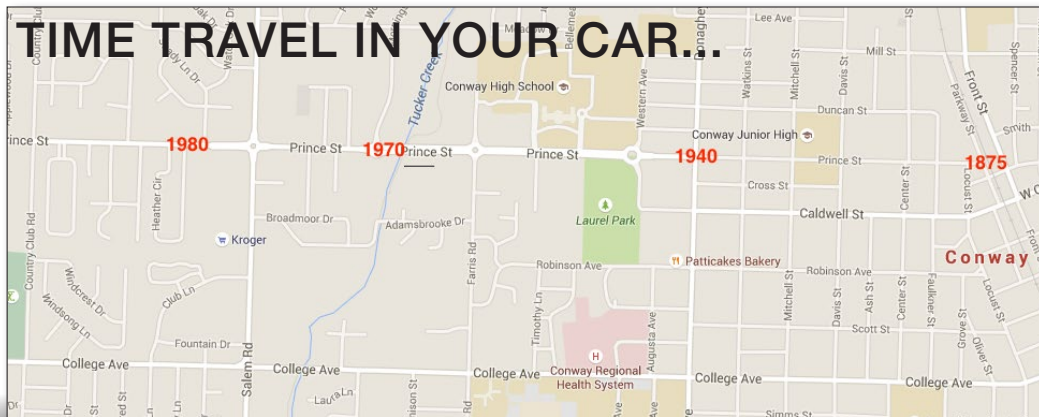
**APPROVED:**

\_\_\_\_\_  
**Mayor Tab Townsell**

**ATTEST:**

\_\_\_\_\_  
**Michael O. Garrett**  
City Clerk/Treasurer

# HOW TO TIME TRAVEL IN YOUR CAR..



## *EVEN IF IT'S NOT A DELOREAN*



You can experience time travel here in Conway. Start at the east end of Prince Street and Parkway Avenue. You will be starting around 1875 in the “off kilter” railroad oriented area. As you travel west, you will first experience the late 1800s and early 1900s. This is evidenced by the not only the styles of the structures, but also the street patterns as you pass through the regularly gridded streets of the Robinson District. By the time you get to Donaghey, you will be around 1940. As you pass Donaghey, you will begin to notice the lack of a regularly gridded street network. Thus begins the post World War 2 development patterns. The neighborhoods north and south of Prince Street are still somewhat gridded, but begin to take on a more curvilinear nature. This continues until you get to the 1970s somewhere around Salem. Continuing west, you can see the abandonment of connectivity with the development of cul-de-sac neighborhoods with no interconnectivity. This continues until around Hogan Lane or the 1990s. Subdivision regulations began to require minimal connectivity.

Note that you will have an occasional deviation in the time line. You will be forced into the present at the roundabouts.

When you’ve firmly arrived back in the present, somewhere around the Four Winds Chapel, you might go, “Back to the Future!” and take a tour of the Village at Hendrix.