

# NOVEMBER

Conway Planning Commission  
Staff Report

7:00pm • November 20, 2017 • 810 Parkway Avenue

# CONWAY PLANNING COMMISSION AGENDA

November 20, 2017 • 7:00 pm • 810 Parkway Street

**A. Call to Order**

**B. Approval of Minutes**

1. October 16, 2017

**C. Public Hearings**

**Board of Zoning Adjustment\***

1. Paguya request for Zoning Variance to allow reduced rear and [exterior] side building setbacks for property located at 2307 Stout St
2. Rush-Hal Development request for Zoning Variance to allow reduced corner lot width for Cherry Hill Subdivision [1300 block of Favre Ln], Lots 18, 22, 23, & 27

**Rezoning, Conditional Use Permits, etc.**

3. Finish Line Motors request for Conditional Use Permit to allow Automobile Sales & Service in a CMU (MSN-SP) zoning district for property located at 1269 Harkrider St
4. Salter Properties request for Conditional Use Permit to allow up to 24 dwelling units per acre in an O-1 zoning district for properties located on Moix Blvd, Dave Ward Drive, and S Donaghey Ave
5. R.U.M, Inc. request for Rezoning from I-3 to MF-3 for property located south of Covington Commercial Park on Dave Ward Drive

**D. Discussion**

1. 2018 Planning Commissioner Selection
2. Items as decided by the Planning Commission

**E. Adjourn**

**Planning Staff Review reports to the Planning Commission**

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

**F. Development Reviews**

- Andy's Frozen Custard, 201 East Oak Street
- Bruce Street Apartments, 1311, 1313, 1315, & 1317 Bruce Street
- Take 5 Oil, 415 Oak Street

**G. Lot Splits, Lot Mergers, and Minor Subdivisions (filed for record)**

- Life Choices Subdivision (Book L, Page 340)
- Haven House Subdivision (Book L, Page 342)
- Prime Care Addition (Book L, Page 343)
- Golden Meadows, Replat Lot 44 (Book L, Page 344)
- Turnberry PUD, Replat Lot 31 (Book L, Page 345)

**H. Lot Splits, Lot Mergers, Minor Subdivisions, and Major Finals (submitted for review)**

- Willow Oaks Subdivision

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# CONWAY PLANNING COMMISSION

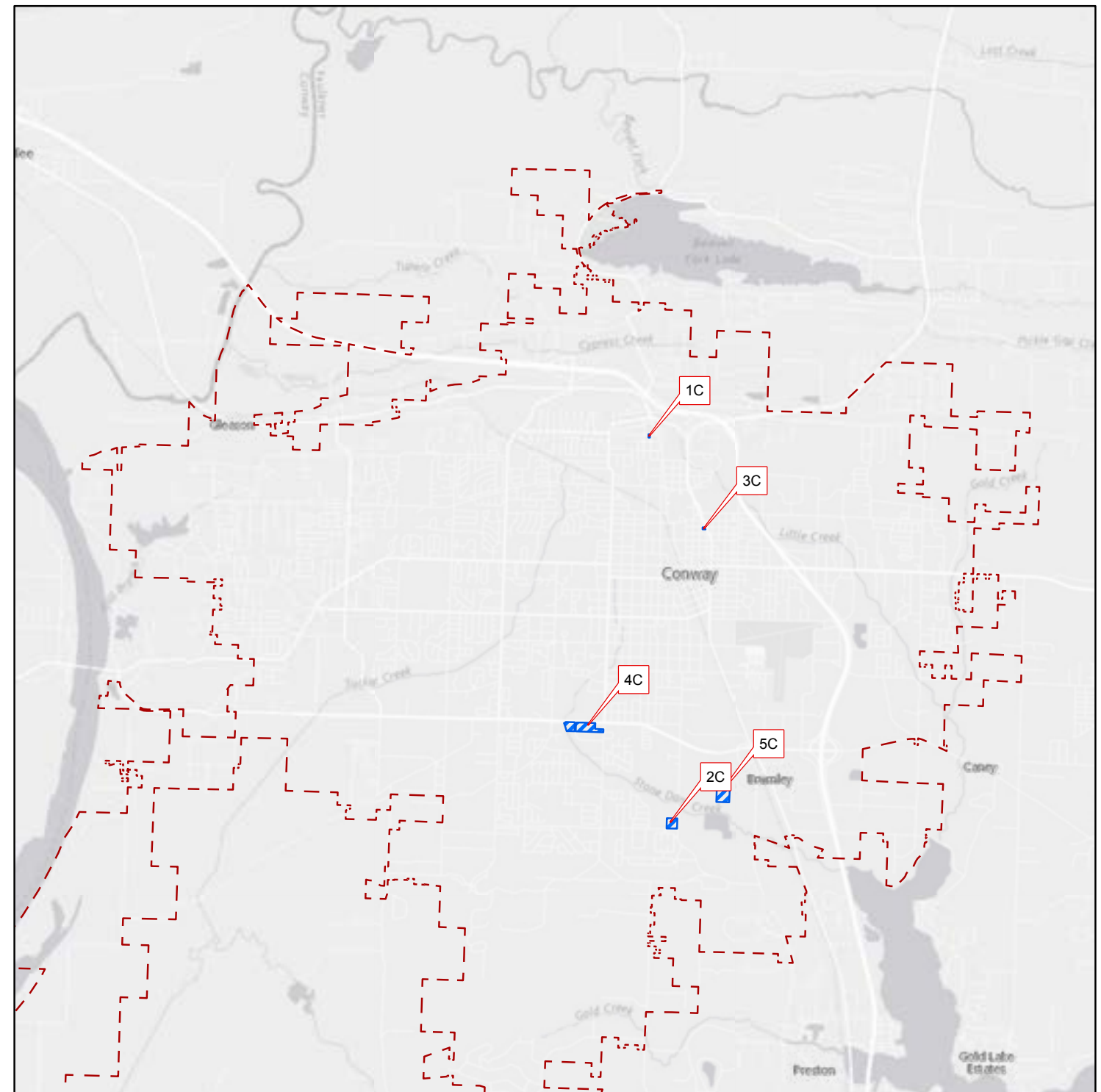
Anne Tucker, Chairman  
Jerry Rye, Vice-Chairman  
Justin Brown, Secretary  
Marilyn Armstrong  
Brooks Freeman  
Dalencia Hervey  
Arthur Ingram  
Bryan Quinn  
Brandon Ruhl  
Wendy Shirar

Contact the Conway Planning Commission at [planningcommission@cityofconway.org](mailto:planningcommission@cityofconway.org)

The Conway Planning Commission makes recommendations to the City Council on public hearing items. The City Council will make a final decision on these items using the Planning Commission recommendations as a guide. Items reviewed at tonight's Planning Commission meeting may be considered by the City Council on **November 28, 2017**.

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

\*Decisions made by the Planning Commission acting as the Board of Zoning Adjustment are final. No appeal may be made to the City Council. Any aggrieved party may pursue litigation should they feel the decision is unfair.



- C. Public Hearing Items  
Board of Zoning Adjustment
1. Paguya request for Zoning Variance to allow reduced rear and [exterior] side setbacks, 2307 Stout Ave
  2. Rush-Hal Dev. request for Zoning Variance, reduced corner lot width, Cherry Hill Sub. [1300 block of Favre Ln], Lots 18, 22, 23, & 27 Rezoning, Conditional Use Permits, etc.
  3. Finish Line Motors request for Conditional Use Permit for Auto. Sales/Service in CMU (MSN-SP), 1267/1269 Harkrider.
  4. Salter Properties request for Conditional Use Permit, 24 dwelling units/acre in O-1, Properties along Dave Ward, Moix, Donaghey.
  5. R.U.M. Inc request to Rezone I-3 to MF-3, Property located south of Covington Commercial Park, Dave Ward Dr.



**PAGUYA REQUEST FOR BOARD OF ZONING ADJUSTMENT ZONING VARIANCE TO ALLOW REDUCED EXTERIOR SIDE AND REAR SETBACKS FOR PROPERTY LOCATED AT 2307 STOUT STREET**

**APPLICANT**  
 Abraham Paguya  
 109 Eve Ln  
 Conway, AR 72034

**STAFF REVIEW BY**  
 Bryan Patrick, Director of Planning and Development  
 1201 Oak St  
 Conway, AR 72032

**SITE DATA**  
**Location.** Location 2307 Stout St; Lot 1 and the East 25 ft of Lot 2, J.A. Hutto Addition

**Site Area.** ±0.29 acres

**Current Zoning.** MF-1 (Multi-family up to 12 units/acre), approved by City Council 09-26-2017.

**Existing Structures.** An existing single family residence with an addition under construction. The entire structure is being converted to multifamily.

**Requested Zoning Variance.** To allow reduced setbacks on the exterior (side street) and rear setbacks of the existing residential structure and addition under construction.

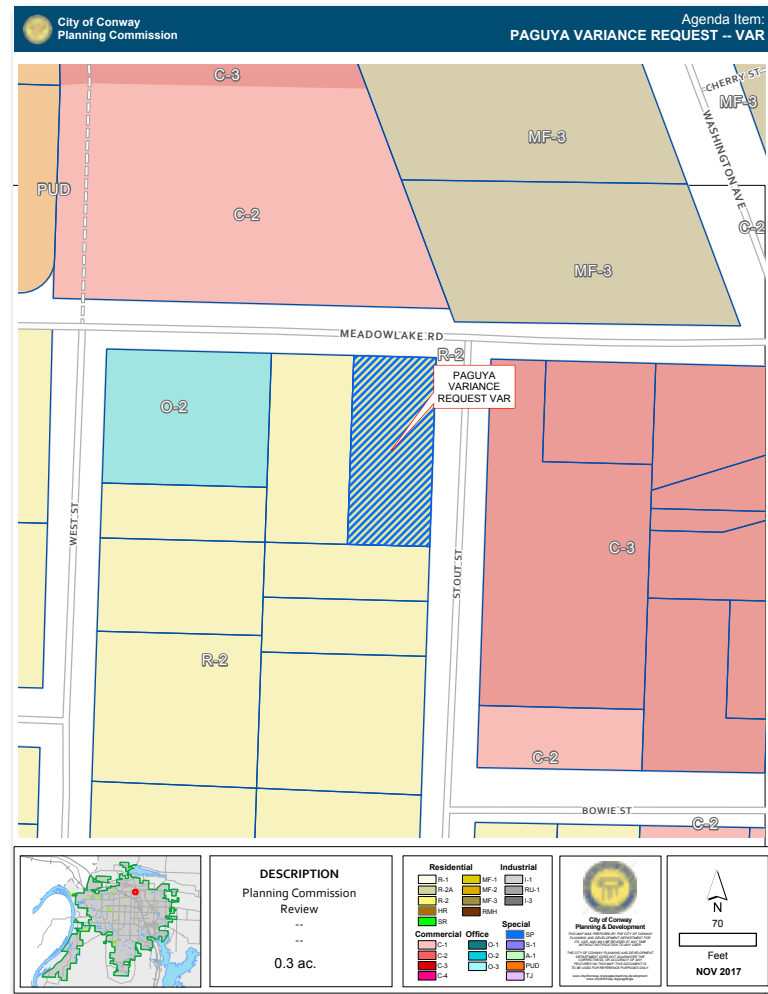
**Overlay.** None

**General Overview.** The property was rezoned from R-2 to MF-1 at the September 26 City Council meeting. With MF-1 zoning, the applicant is allowed up to 3 units on the property, however the existing structure and addition under construction does not meet all MF-1 setback requirements. The original residence intrudes into the exterior (north street side) setback along Meadowlake Road and the rear setback (west side). The new addition extends into the rear setback well beyond the west side the of the existing residence.

**Zoning Ordinance Regulations.** The current structure is out of compliance with regards to the exterior (street side) and rear setbacks. The property is zoned MF-1 (Multifamily up to 12 units/acre).

**MF-1 Building setback requirements.**  
 Front: 25 feet  
 Interior Side: 15 feet  
 Rear: 25 feet  
 Exterior (Street Side): 25 feet

**Requested Variances.**  
 1. 2 foot variance on the rear setback for the original residential structure.  
 2. 2 foot variance on the exterior (Meadowlake Rd) setback



- of existing structure to bring into compliance
- 3. 7 foot 6 inch variance on the rear setback of the new addition.

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

The applicant claims that the variances are minimal and do not materially prejudice surrounding property owners, do not create special conditions that adversely affect other's property values or rights, and does not result in any special privilege to the applicant.

In examining the 3 requested variances, only Variances Number 1 and 2, seem to meet the above approval criteria. The residential structure was constructed at a time when Conway did not have set zoning regulations, building permits, or inspections. There are many older structures in Conway that do not meet current zoning setbacks. The owner purchased the residence "as is".

Variance number 3 concerns the rear setback of the new addition.



This situation that was created by the applicant. The rear setback encroachment will place the new addition 17.4 feet from the rear property line.

encroachment of 17.4 feet. This setback error was recently created by the applicant and was not shown on the Permits Department approved site plan.

**STAFF COMMENTS**

The applicant is seeking variances to the MF-1 (Multi-Family up to 12 units per acre) building setbacks. The structure out of compliance began as a single family home. Over the past year, the applicant has added significantly to the structure. The original residential structure did not meet the minimum setbacks on the rear (west side) under the original R-2 or new MF-1 zoning (setbacks are basically the same across both zones).

**Original Single Family Residential Structure.**

- Rear (west side).** A 25 foot setback is required on the west side of the building. The submitted plan shows a varying setback deficiency. The maximum encroachment appears to be around 2 feet at the northwest corner of the structure. The rear setback of the original residence seems to be an error that was made when the single family residence was constructed in the 1960s.
- Exterior (street side).** A 25 foot setback is required on the north street side along Stout Street. The submitted plan shows the original structure at 23 feet from the north property line. It is unclear whether the nonconforming setback existed prior to the applicant's enclosure of the original carport. In old Google street views, the original walls of the carport utility may have met the required 25 foot exterior street side setback; however, there is no definitive answer.

**New Addition to the Residential Structure.**

- Rear (west side).** The new addition to the south side of the original residential structure does meet the rear 25 foot setback. The submitted plan shows a maximum

**Building Permit Timeline.**

The applicant approached the Planning staff asking if he could build a detached duplex on the south side of the lot. This was not possible as a new lot would need to be created meeting minimum setbacks and lot size. Under R-2, the lot could only yield one additional unit; the residence could be made into a duplex or an approximately 900 square foot detached accessory building could be constructed (i.e. mother-in-law quarters). The applicant submitted a site plan, building elevations (side views), and floor plan to the Permits Department showing the proposed mother-in-law quarters, which met all setbacks for an R-2 zone. Permit B16-340 was issued on 7/27/16.

When an inspection was made in September 2016, it was discovered that instead of building the detached mother-in-law quarters, the applicant had constructed an addition to the house. This was noted on the approved site plan and measurements were taken by the inspector. The project was allowed to proceed. At some point, it was discovered that the rear (west) side setback of the addition was less than the required 25 feet. This along with other building code problems led to a stop work order. This stop work order has been in place since 6/13/2017.

**STAFF RECOMMENDATIONS**

Planning Staff recommends approving setback variances 1 and 2 for setback errors involving the original residence. Variance 3 should be denied. The applicant willfully constructed an addition not meeting required setbacks contrary to the plans originally approved by the Permits and Inspections Department.



Original elevation of accessory building as submitted by applicant

**FLOOR PLAN SPECS.**  
 HEAT/COOLED SANITEL STORAGE & PORCH TOTAL: 884 SQ. FT. / 10,50 SQ. FT. / 108 SQ. FT.

**Notes:**

- All measurements are to be verified by the contractor/builder on the job site.
- Calculated dimensions take precedence over scaled dimensions.
- PROVIDED SECTIONS
- It is the responsibility of the framer and/or contractor to verify all sections provided on this set of plans. Typical sections are provided as a guideline only and may require adjustment on site in order to satisfy local building codes or alternate methods used by different contractors and/or framers.
- Any adjustments made to the plan without discussion with Quality Designs is the sole responsibility of the contractor or framer. Frame and the number provided if any identification is needed.

**STRUCTURAL AND FRAMING MEMBERS**

- It is the responsibility of the contractor/builder to confirm the following aspects of the structural and framing members at the job site:  
 a. species  
 b. size  
 c. spacing
- It is the responsibility of the contractor/builder to consult with a certified engineer for all structural framing members before construction.

**MECHANICAL/ELECTRICAL LAYOUTS**

- Layouts included with this plan shall only be interpreted/used as suggested mechanical and electrical layouts.
- For the precise specifications, locations and sizes, consult a professional mechanical and electrical contractor before construction.

**FOUNDATION**  
 3/4" = 1'-0"

**STEP DOWN**  
 3/4" = 1'-0"

**2307 STOUT STREET**

**FLOOR**

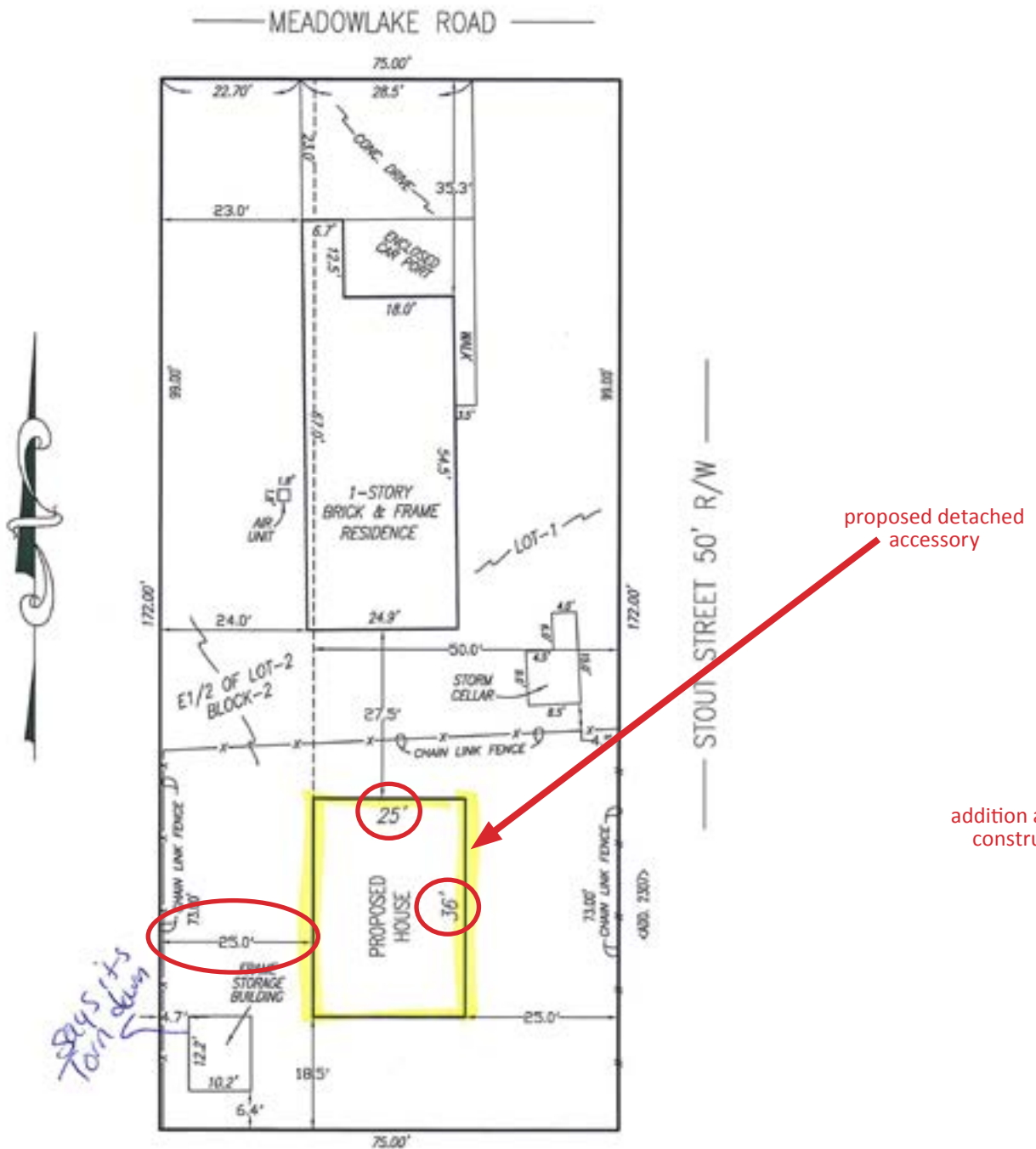
Quality Designs Inc  
 501.377.4206

DRG DESIGNED  
 Job: 00000-0  
 SCALE: 1/4"=1'-0"

**C1 PAGUYA REQUEST FOR ZONING VARIANCE**

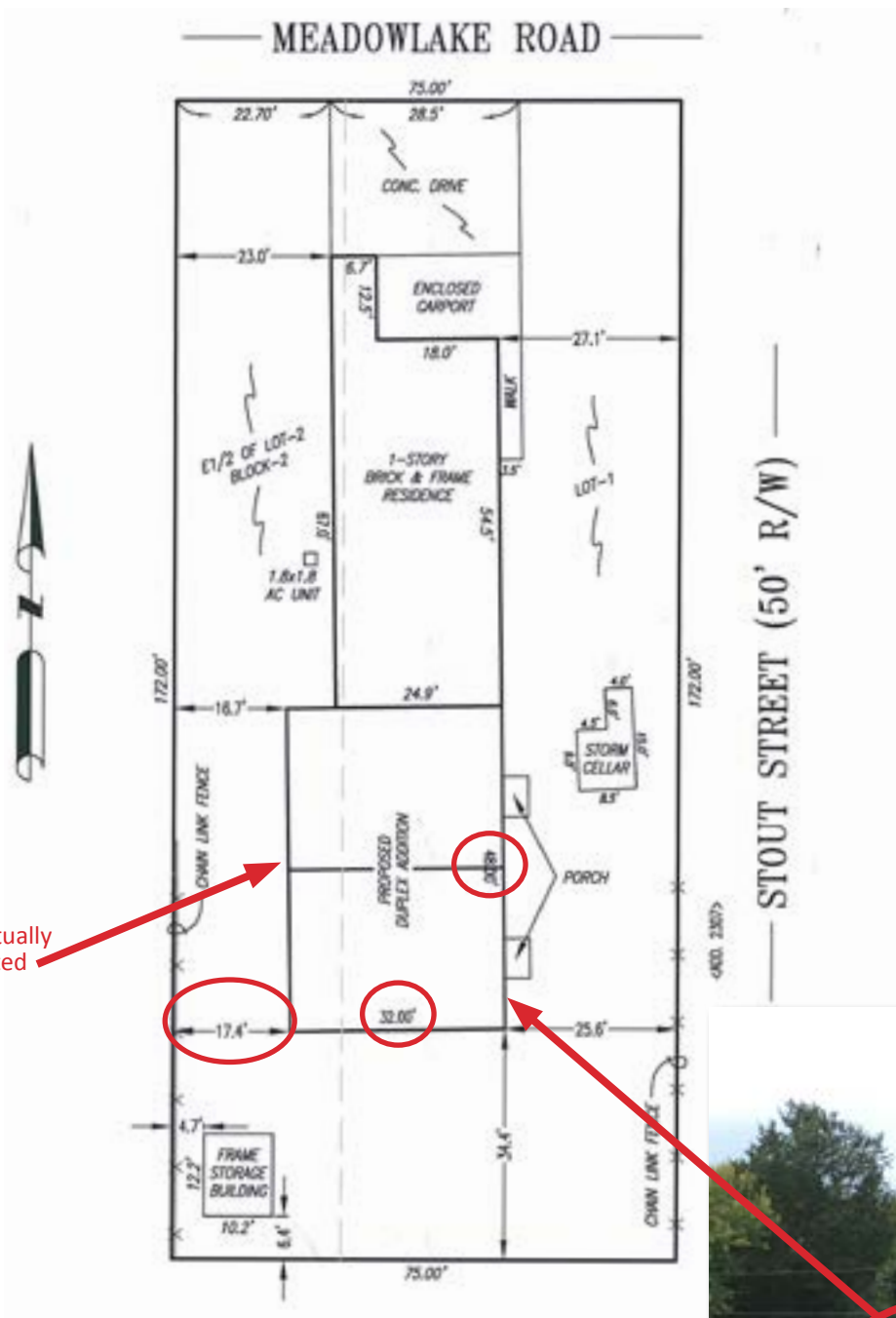
Modified site plan proposed by applicant and approved by Building Permits & Inspections Department

As-built drawing showing what was actually constructed by applicant



Prepared for : Abraham Paguya  
 Date : July 25, 2016  
 Scale : 1 inch equals 20 feet

Being Lot 1 and the East 25.0 feet of Lot 2, Block 2, J.A. Hutto Addition to the City of Conway, Arkansas, Faulkner County as shown on Plot of Records in Plat Book A Page 108, Records of Faulkner County, Arkansas.



Prepared for : Abraham Paguya  
 Date : July 25, 2016  
 Scale : 1 inch equals 20 feet

Being Lot 1 and the East 25.0 feet of Lot 2, Block 2, J.A. Hutto Addition to the City of Conway, Arkansas, Faulkner County as shown on Plot of Records in Plat Book A Page 108, Records of Faulkner County, Arkansas.





RUSH-HAL DEVELOPMENT REQUEST FOR BOARD OF ZONING ADJUSTMENT ZONING VARIANCE TO ALLOW REDUCED CORNER LOT STREET FRONTAGES FOR LOTS LOCATED IN CHERRY HILL SUBDIVISION/1300 BLOCK FAVRE LANE

APPLICANT

Hal Crafton  
PO Box 10482  
Conway, AR 72034

STAFF REVIEW BY

Bryan Patrick, Director of Planning and Development  
1201 Oak St  
Conway, AR 72032

SITE DATA

Location. 1300 Block Favre Lane; Lots 18, 22, 23, and 27

Site Area. Requested Lots = ±0.66 acre +/- ; Cherry Hill Subdivision = 10.4 acres +/-

Current Zoning. R-1 (Single Family Residential)

Requested Zoning Variance. To allow a reduced lot width on 4 corner lots.

General Overview. A new single family residential subdivision is planned for the property. At the September 2017 Planning Commission meeting, the preliminary plat was approved subject to completion of the amended punch list which included the seeking of necessary variances. The property was rezoned from A-1 to R-1 at the 10-24-2017 City Council meeting.

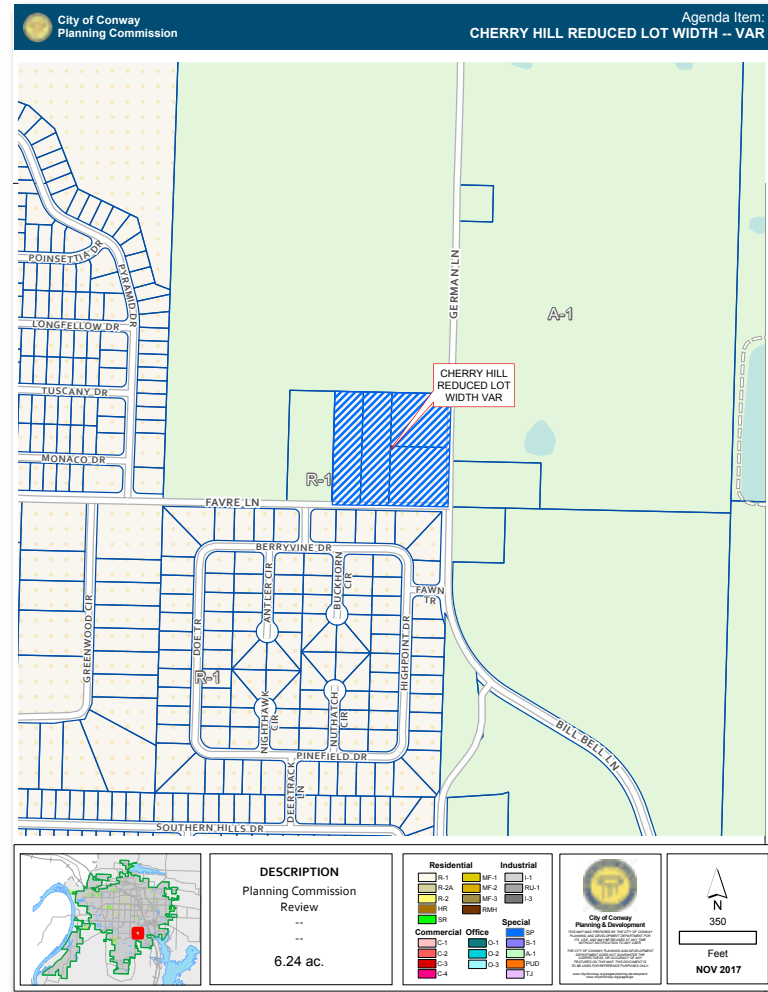
Zoning Ordinance Regulations. In the R-1 zoning district, the zoning ordinance requires corner lots to be at least seventy 75 feet wide at the building line.

Requested Variances. A variance of up to 2.63 feet in the north-south dimension of Lots 18, 22, 23, and 27 resulting in a lot width of no less than 72.37 feet.

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

STAFF COMMENTS

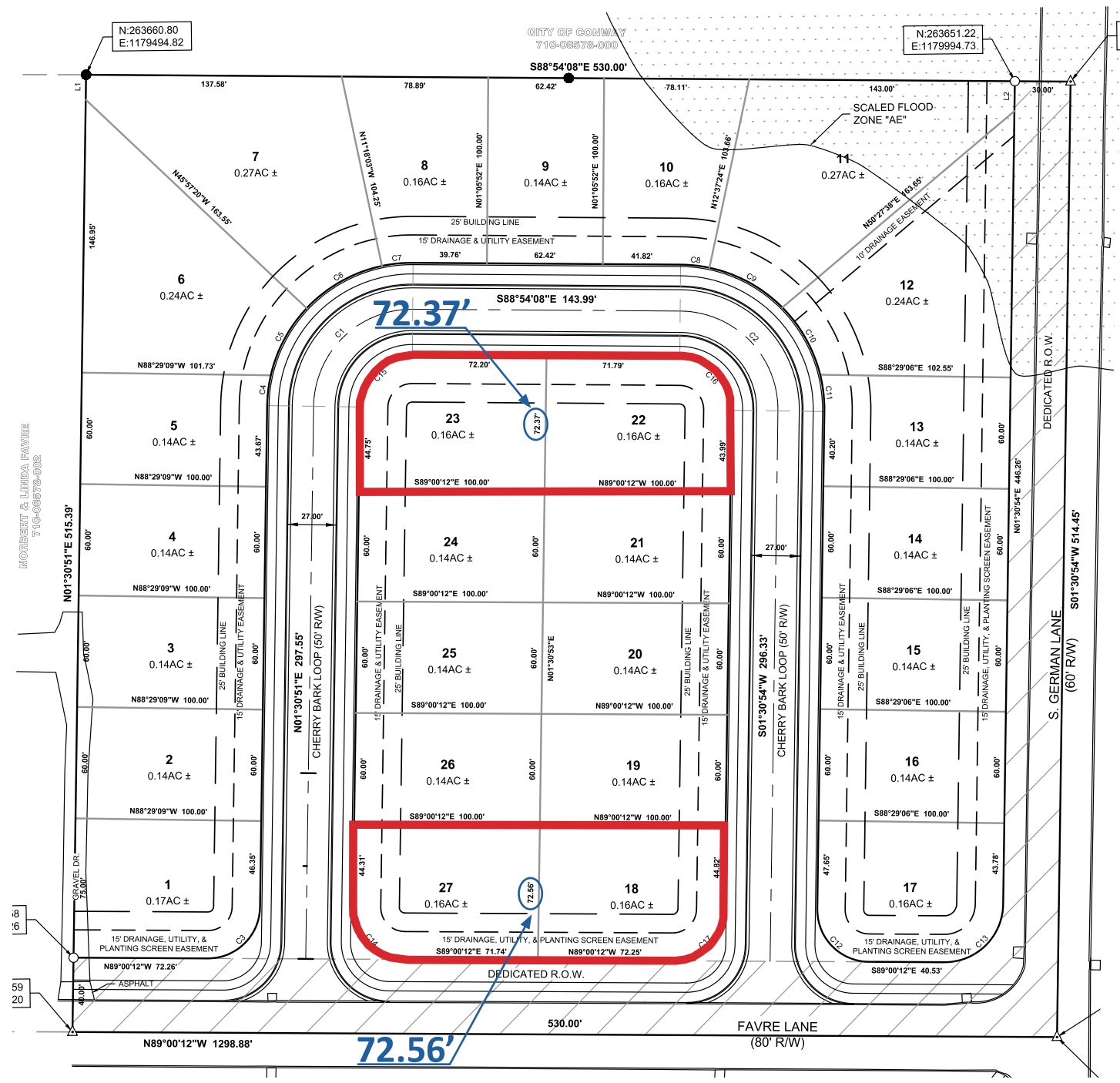
The applicant is seeking a variance to the 75 foot prescribed width of corner lots. In reviewing the basis for granting a variance, this request could be seen as reasonable. Recently, the prescribed lot area of R-1 lots was reduced from 7500 square feet to 6000 square feet. Cherry Hill Subdivision is using this new reduced lot area minimum.



In order to create a subdivision layout that best utilizes this new regulation, the corner lot widths require a slight reduction in the prescribed 75 feet. Discussion leading to the new reduced lot area regulation included the possibility of also reducing the required 75 foot corner lot width. At the time, it was decided to leave the requirement and adjust at a later date if necessary. If future subdivision layouts continue the need for a width reduction, Planning Staff will support a zoning ordinance amendment. Therefore, the granting of this variance is in keeping with the spirit and intent of the zoning ordinance.

STAFF RECOMMENDATIONS

Planning Staff recommends approval of the following variance: The north-south dimension of Lots 18, 22, 23, and 27 may be reduced up to 2.63 feet resulting in a lot width of no less than 72.37 feet.



**FINISH LINE MOTORS REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW AUTO SALES & SERVICE IN A C-MU ZONING DISTRICT (Markham Street Neighborhood Specific Plan)**

**APPLICANT**  
 Finish Line Motors  
 Sylvester Ingram  
 PO Box 10202  
 Conway, AR 72032

**STAFF REVIEW BY**  
 Bryan Patrick, Director of Planning and Development  
 1201 Oak St  
 Conway, AR 72032

**SITE DATA**  
**Location.** 1267 and 1269 Harkrider Street (Southwest corner of Pine and Harkrider)

**Site Area.** ±0.29 acre

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

**Requested Conditional Use.** Seeking permit to allow Auto-Related Sales and Service

**Existing Structures.** 2 former single family residential structures addressed 1267 (south) and 1269 (north)

**Overlay.** Markham Street Neighborhood Specific Plan

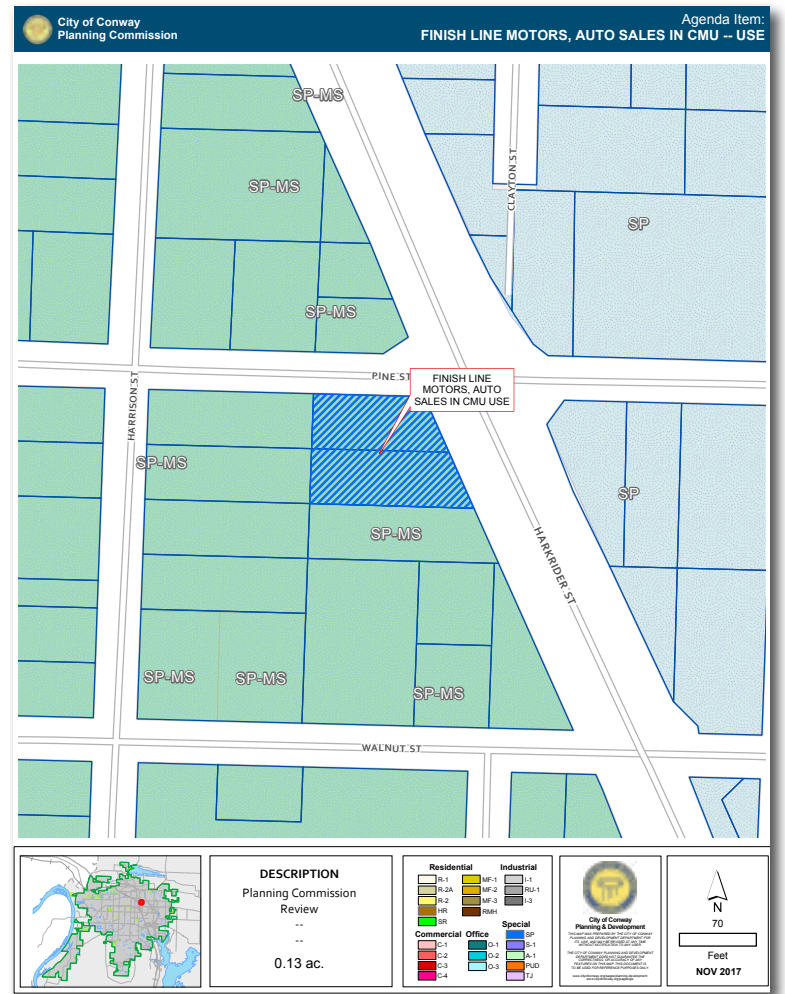
**Comprehensive Plan.** The 2004 Comprehensive Plan notes the property as part of a special study. The Markham Street Neighborhood Specific Plan (MSN-SP) was completed in March 2015. The Markham Street Plan rezoned the area from a conventional C-3 intensive commercial zone to Commercial Mixed Use. The MSN-SP not only regulates allowed land uses, it also is a form based code regulating the exterior form of structures and specific building material requirements. Auto sales and service are allowed by conditional use permit. However, auto storage is not allowed.

**Projected Traffic Impact.** With a conditional use permit for auto sales and service, traffic would increase slightly. An increase in vehicle trips would be limited by the available vehicle storage area. As a major arterial, Harkrider can accommodate the slight increase in vehicle traffic.

**Flood\Drainage.** No flood issues on this property

**Utility Infrastructure.** The applicant will need to coordinate utilities with Conway Corporation for any extension or upgrade of services.

**Street Improvement.** In 2012, Harkrider Street was improved. There are no current street improvement plans for the area.



**Conway 2025.** Not applicable.

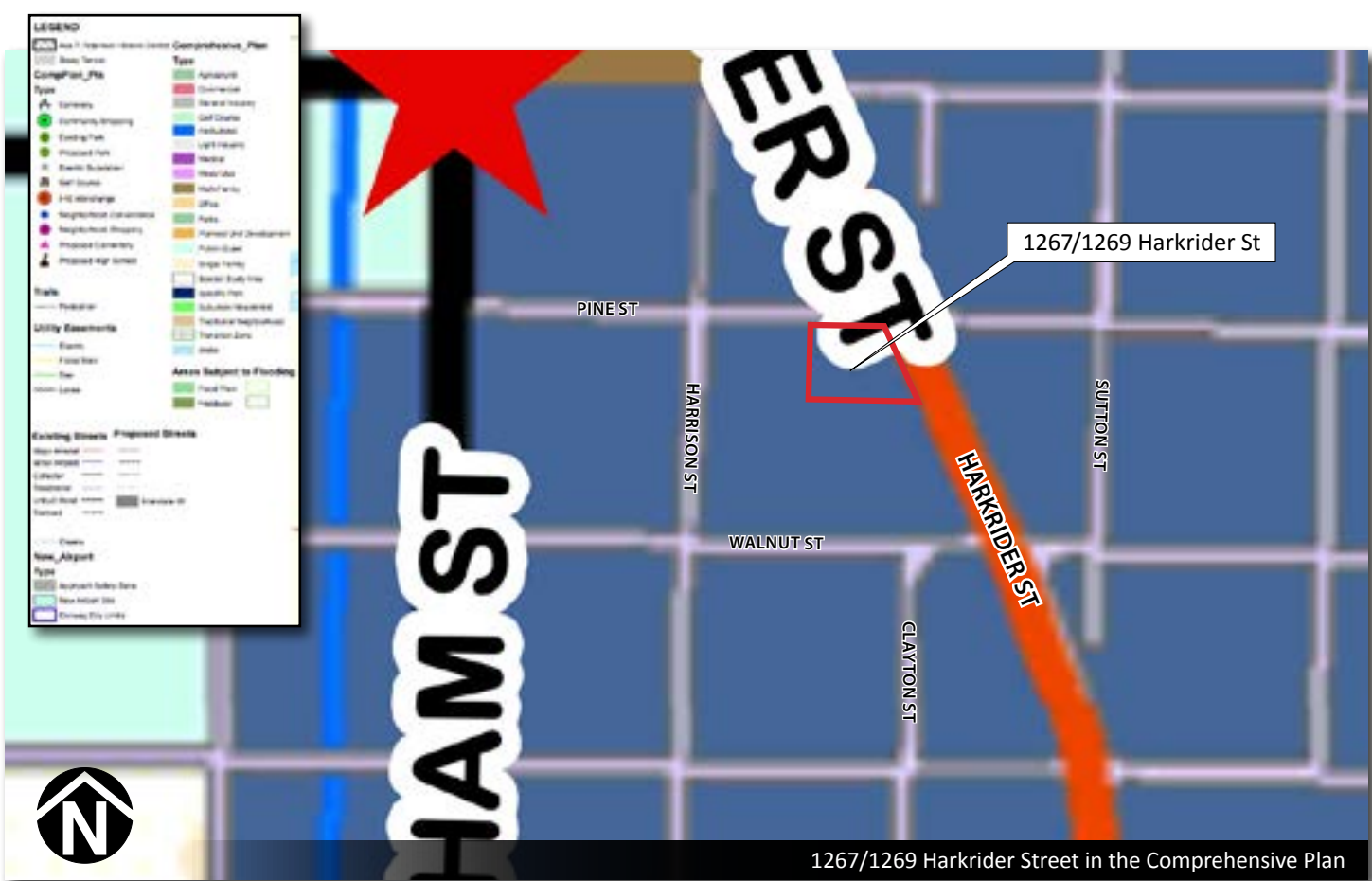
**STAFF COMMENTS**

The applicant began storing cars and trucks on this property over a several week period. In October 2017, Code Enforcement issued a citation and told the applicant that the property is not zoned for car storage, sales, or service. The applicant is now seeking a conditional use permit in order to continue to store, service, and sell cars at this location. There are 2 old residential structures on the property; the south structure has only been used as a residence. In recent years, the north structure has been used as a bail bondsman office. The applicant plans to tear down the south structure and use the north structure as an office. They would like to spread gravel on the property and put up a fence in order to store cars. City zoning regulations do not allow car sales from gravel lots. A paved parking area must be used. There is no practical street access from Harkrider and only a small one car driveway on Pine Street. The residential office structure would also need upgrades in order to be used for commercial purposes such as handicap restrooms and access. There is an auto sales lot immediately north across Pine Street. This car sales lot has been in operation since the 1990s when Harkrider was a more rural like highway. It appears that no vehicle service takes place at the existing car lot.





Aerial View of 1267/1269 Harkrider St



1267/1269 Harkrider Street in the Comprehensive Plan

In 2015, the Markham Street Neighborhood Specific Plan was approved. The MSN-SP envisions Harkrider becoming an urban corridor with a more traditional downtown streetscape. As property is redeveloped, new structures are to be built closer to the street with pedestrian friendly sidewalks. Parking lots are secondary and must be on the rear or sides of structures. Parking lots cannot be placed on corners. Harkrider redevelopment is slowly taking shape. Further south, at Oak and Harkrider, Primecare was recently upgraded and given a pedestrian friendly streetscape. A new medical office building at the old Pizza Hut location is slated to be constructed, townhomes and a cottage development on Siebenmorgen are also planned.

Car storage, sales, and service goes against area redevelopment plans. The Markham Street Neighborhood Plan only allows the sales and service of vehicles. However, most vehicle service shops accumulate non-functioning vehicles and create vehicle storage problems. The size of the lot also limits usable vehicle sales and service area. The ideal use of the property would be a new commercial structure meeting the Markham Street Neighborhood - Specific Plan appropriately located on the street with car parking at the rear of the structure.

**STAFF RECOMMENDATIONS**

Planning Staff recommends denial of this conditional use permit request. The requested use is not congruent with the Markham Street Neighborhood Plan. It would be difficult and expensive to construct a paved parking area with appropriate screening and fencing as required by the Markham Street Neighborhood - Specific Plan. The Plan envisions vehicles as a secondary use. The existing structure(s) are in poor shape and would not function well as commercial structures. The proposed use of gravel for vehicle storage is prohibited and inappropriate.



Photos of property taken on October 17, 2017 provided by City of Conway Code Enforcement Department





**C4 SALTER PROPERTIES REQUEST TO AMEND CONDITIONAL USE PERMIT TO ALLOW UP TO 24 DWELLING UNITS PER ACRE**

**SALTER ACQUISITIONS, LLC REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW MULTI-FAMILY IN O-1 ZONING DISTRICT**

**APPLICANT/OWNER**

Salter Acquisitions, LLC  
201 Lee Andrew Ln  
Conway, AR 72034

**STAFF REVIEW BY**

Jason Lyon, Assistant Director of Planning and Development  
1201 Oak St  
Conway, AR 72032

**SITE DATA**

**Location.** 2100-2300 Block Dave Ward; Southwest Corner Dave Ward Dr and South Donaghey Ave west to Stone Dam Creek

**Site Area.** ± 16.5 acre

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

**Requested Conditional Use Permit.** To allow Multifamily (24 units per acre maximum) in O-1 General Office district as an amendment to Conditional User Permit #1288 covering the entire area of Permit #1288 plus additional O-1 zoning on the east.

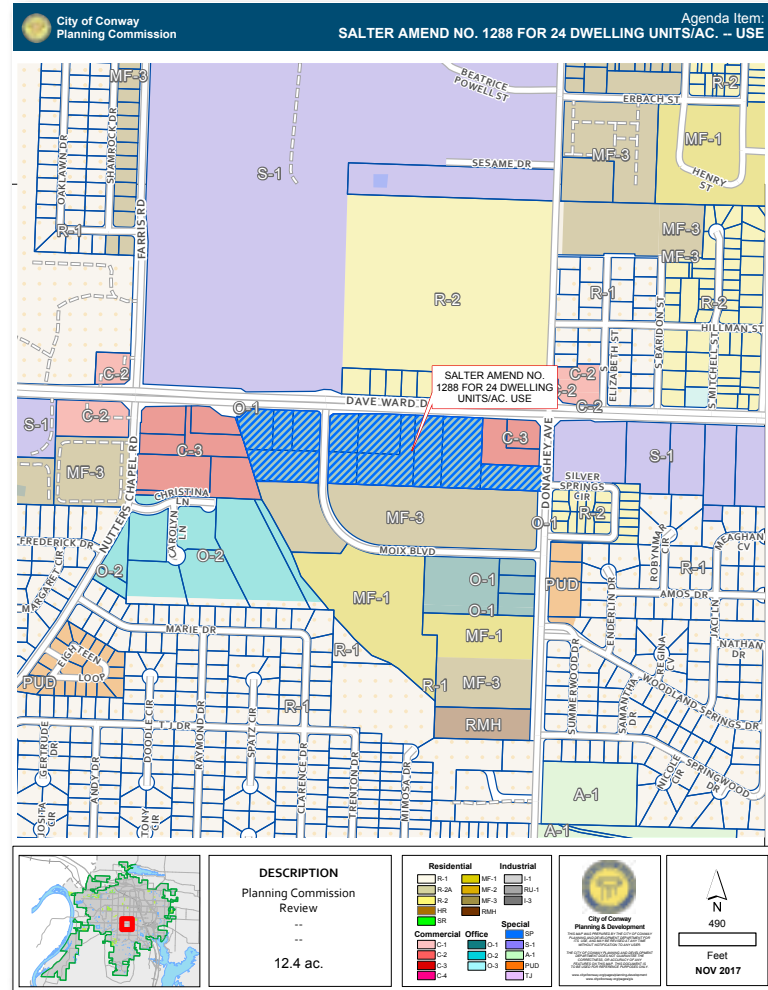
**Existing Structures.** 2 Single Family Homes at 2215 and 2195 Dave Ward Drive and 6 commercial structures.

**Overlay.** None; Dave Ward Access Management Plan for driveways curb cuts.

**Comprehensive Plan.** The Comprehensive Plan shows this area as a neighborhood convenience node with an underlying land use as multifamily. The requested multifamily amendment would be congruent with the comprehensive plan and would be an added component to create a mixed uses with retail, new apartments, and nearby apartments.

**Projected Traffic Impact.** The requested amendment to add multifamily to the current conditional use permit would add traffic to Dave Ward and South Donaghey, however the extent is not fully known until more concrete plans are submitted for the amount of multifamily units. It is projected approximately 9 acres would be available for multifamily development (not including existing commercial structures), which would allow for 216 units to be developed. If there was a full build out, traffic impact could be 1400 vehicle trips a day. This amount of residential units and residential traffic generation will likely not be realized as the developer plans to create mixed-use structures with both retail and commercial structures.

**Flood\Drainage.** The western edge of the property along Stone Dam Creek is within 100 year flood plain and is noted on filed plats.



**Street Improvement.** There are no plans currently for upgrading of abutting roads, although South Donaghey Avenue would be appropriate for expansion from 2 to 4 lanes in the future for additional traffic capacity and flow. The proposed pedestrian walk way over Dave Ward Drive will also assist in alleviating traffic by allowing UCA students and guests to cross from the development to the main campus.

**Conway 2025.** Not directly applicable.

**STAFF COMMENTS**

The applicant is requesting conditional use permit to allow Multifamily 24 units/acres in an O-1 zoning district. This request is in line with current development of nearby and adjoining properties and would amend current Conditional Use Permit #1288 originally issued in 2008 and amended in 2014 and 2016. The property to the east has a Starbucks coffee shop with drive through. The properties to the south and west have already been developed with a mix of office, sit down restaurants, fast food restaurants, and retail. Multifamily use at the properties in question fits with the surrounding areas uses. Traffic impact will be moderate but should have no effect on surrounding commercial and office uses. The additional residential use could

continued on pg 21





**PERMIT No. 1288 Amended**  
 (ORIGINALLY SIGNED 11-25-2008)  
 (REISSUED 9-18-2014)

USE2016JUN01  
 51414SE

## CONDITIONAL USE PERMIT

### CITY OF CONWAY, ARKANSAS

**PROPERTY DESCRIPTION / ADDRESS / LOCATION:**

This conditional use is for property located along the south side of Dave Ward Drive on both sides of Moix Boulevard, starting at Stone Dam Creek and extending east about 1,300 feet, with the legal description

**TRACT 1:**

A part of the NW¼ SE¼ of Section 14, Township 5 North, Range 14 West and apart of Lot 7 of Moix Meadows Subdivision as shown in Plat Book K, on page 34, Records of Faulkner County, Arkansas being more particularly described as commencing at the Northeast Corner of said NW¼ SE¼ and running thence S66°06'52"W, 149.36 feet to the corner of said Lot 7, said point being the point of beginning; thence run along the West right of way of Moix Boulevard S24°32'46"E, 13.93 feet; thence S02°02'00"W, 444.80 feet; thence leaving said right of way run N87°53'44", 397.40 feet; thence run N17°12'12"W, 259.68 feet; thence N19°49'12"W, 164.83 feet to the South right of way of HWY #60 (now HWY 286 aka Dave Ward Drive); thence run along said right of way S87°23'25"E, 30.44 feet; thence N48°25'20"E, 79.01 feet; thence S88°31'37"E, 450.46 feet to the point of beginning. Said Tract contains 4.91 acres more or less.

**TRACT 2:**

A part of the N½ SE¼ of Section 14, Township 5 North, Range 14 West, Faulkner County, Arkansas, being more particularly described as commencing at the Northeast Corner of the NW¼ SW¼ of said Section 14 and running thence S33°36'33"W, 94.21 feet to the North right of way of HWY #60 (now HWY 286 aka Dave Ward Drive), said point being the point of beginning; thence run along said right of way the following: N89°03'34"E, 162.31 feet; N89°43'18"E, 165.16 feet; S87°58'52"E, 375.20 feet; thence leaving said right of way run S01°57'26"W, 458.43 feet; thence run N87°53'44"W, 721.69 feet to the East right of way of Moix Boulevard; thence run N02°02'00"E along said right of way 428.39 feet; thence N55°22'53"E, 23.39 feet to the point of beginning. Said tract contains 7.52 acres more or less.

**TRACT 3:**

A part of the NE1/4 SE1/4 of Section 14, T-5-N, R-14-W, Faulkner County, Arkansas, being more particularly described as commencing at the northeast corner of said NE1/4 SE1/4 and running thence N87°53'44"W, along the north line of said NE1/4 SE1/4, 418.28 feet; thence S01°58'24"W, 64.29 feet to the south right of way of highway #60 and the point of beginning; thence continue S01°058'24"W, 458.41 feet; thence N87°54'32"W, 250.61 feet; thence N01°054'01"E, 458.50 feet to the south right of way of said highway; thence run S87°53'20"E, 251.19 feet to the point of beginning. Said tract contains 2.64 acres more or less.

allow for mixed use development with both a commercial and multifamily mix (retail below - multifamily above). The maximum number of units more than likely will not happen as the developer intends for future commercial on several of the vacant lots; as such, the allowed maximum multifamily units of 24 units per acre is likely not feasible.

**STAFF RECOMMENDATIONS**

Staff recommends approval of this conditional use permit amendment with the following condition.

**Suggested Additional Conditions to be added to the existing conditional use permit:**

1. Multifamily units limited to 216 units

**PERMIT No. 1288 Amended**  
 (ORIGINALLY SIGNED 11-25-2008)  
 (REISSUED 9-18-2014)

USE2016JUN01  
 51414SE

**TRACT 4:**

A part of the NE1/4 SE1/4 of Section 14, Township 5 North, Range 14 West, Faulkner County, Arkansas, described as beginning 366 feet south of the northeast corner of said NE1/4 SE1/4, and running thence south 156 feet; thence west 418 feet; thence north 156 feet; thence east 418 feet to the point of beginning.

ZONING: O-1 (Central Business District)

CONDITIONAL USE PERMITTED TO SALTER: Retail - General and Hotel

DATE OF COUNCIL MEETING ALLOWING PERMITTED USE: initial October 28, 2008; amendment June 28, 2016

CONDITIONS ATTACHED TO THE PERMIT:

None

APPROVED:

  
 Tab Townsell, Mayor

  
 Date 7/1/2016



**C5 R.U.M., INC. REQUEST TO REZONE FROM I-3 TO MF-3**

**R.U.M., INC. REQUEST TO REZONE FROM I-3 TO MF-3 PROPERTY LOCATED IN THE 1200 BLOCK OF COVINGTON WAY (unbuilt street in progress)**

**APPLICANT**  
 R.U.M. Inc.  
 11912 Kanis Rd Ste F-8  
 Little Rock, AR 72211

**STAFF REVIEW BY**  
 Jason Lyon, Assistant Director of Planning and Development  
 1201 Oak St  
 Conway, AR 72032

**SITE DATA**  
**Location.** Location 1200 Block Covington Way (unbuilt street in progress Covington Commercial Subdivision)

**Site Area.** ± 19.77 acres

**Current Zoning.** I-3 (Intensive Industrial District)

**Requested Zoning.** MF-3 (Multi-family District - 24 units per acre)

**Existing Structures.** None - vacant property

**Overlay.** None, main entry to Covington Commercial Subdivision is under the Dave Ward Access Management Plan

**Comprehensive Plan.** The Comprehensive Plan shows this area appropriate for industrial uses. However, recent rezoning have been shifting the area from industrial to other commercial uses.

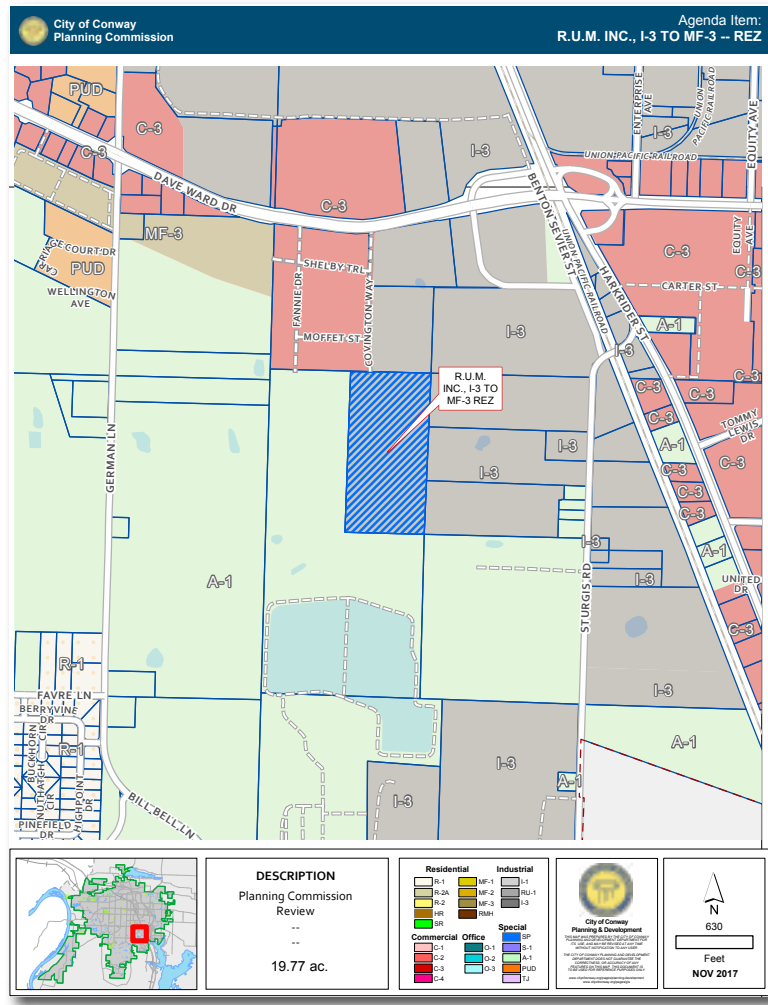
**Projected Traffic Impact.** With a rezoning to MF-3, the applicant could build an apartment complex with up to 474 units, producing an additional 3,100 vehicle trips day onto Dave Ward Drive or surrounding roads. The developer is initially planing 200 or fewer units due to only having one entrance. 200 units could be expected to generate around 1300 units. However, if developer builds a new road from either Sturgis Road or South German Lane, up to 474 units could be constructed.

**Flood\Drainage.** There are no flood issues on this property.

**Utility Infrastructure.** The applicant will need to coordinate utilities with Conway Corporation to supply utility needs for the proposed multi-family development

**Street Improvement.** There are no current plans for this area, the proposed site currently has no external streets into or out of the site. The only ingress will be via Covington Way currently under construction.

**Conway 2025.** Not applicable.



**STAFF COMMENTS**

The applicant is seeking a rezoning from I-3 (Intensive Industrial District) to MF-3 (Multi-Family District 24 units per acre) with plans for a multi-family development. The acreage of the proposed rezoning would allow up to 474 units to be built. However, in order to build the maximum amount a new road would need to be constructed at the owner's expense. Without a new road for ingress/egress fire code will only allow 200 sprinkled units to be built. If the developer can make a viable project with 200 units, then the development is feasible. All traffic would flow from a Dave Ward Drive location with no median. With no median, left turns onto Dave Ward Drive will be difficult at most times of the day. The closest turnaround is at the Harkrider Bridge utilizing Benton Sevier and crossing under the overpass.

**STAFF RECOMMENDATIONS**

Planning Staff recommends approval of this request. The rezoning is unusual for the area; however, the area is transitioning from industrial to a more commercial nature. With the proposed Commercial Subdivision to the north, multi-family would be a transition zone for future development to the east and south. The City of Conway and Conway Corporation own much of the property to the south and west adjacent to the proposed rezoning.



Aerial View of property to be Rezoned



Area to be Rezoned in the Comprehensive Plan



**Nomination & Selection of 2018 Planning Commission Members**

Two new members will be needed in 2018 to fill Marilyn Armstrong's and Anne Tucker's positions, whose terms are expiring. The two new 5 year terms will expire in 2022.

City wide representation is a desirable trait of the Planning Commission. Not including the two outgoing members, the Planning Commission consists of:  
 Ward 1: 1 member  
 Ward 2: 2 members  
 Ward 3: 2 members  
 Ward 4: 2 members  
 Territorial Jurisdiction: 1 member

Marilyn Armstrong resides in Ward 3 and Anne Tucker in Ward 2.

Ideally, one of the new members would represent Ward 1 and the remaining new member could represent any Ward.

Interviews were held Tuesday, November 14. 2 nominees should be selected and approved by the Planning Commission to be presented to the City Council in December for approval.



STEP	DATE	ACTION	DAYS PRIOR TO TERM EXPIRATION	DAYS REQ'D PRIOR TO TERM EXPIRATION
1	October 1, 2017 (Sunday)	Planning Commission advertises for nominations	92	90
2	October 16, 2017 (Monday) <b>October Planning Commission Meeting</b>	Planning Commission discusses nomination process and creates nomination committee(s)	77	N/A
3	October 31, 2017 (Tuesday)	Planning Commission closes nominations	61	60
4	November 1, 2017 (Wednesday)	All Planning Commission nomination forms received by the deadline are sent to current Planning Commissioners		
5	November 1 to November 19, 2017	Nominee interviews, discussion and selection		
5	November 20, 2017 (Monday) <b>November Planning Commission Meeting</b>	Planning Commission chooses and submits nominees to the City Council. Nominee choices are released to the media	42	30
6	December 12 to December 26, 2017	City Council takes under advisement for 14 Days	20	10
7	December 26, 2017 (Tuesday) <b>Second December City Council Meeting</b>	City Council notifies Planning Commission of action	5	---



**SMALL AREA PLANS**  
**Specific Plan:**  
**Markham Street Neighborhood**

**Start with the Comprehensive Plan and Think Smaller**  
 The City of Conway has a Comprehensive Plan that illustrates the desired land use patterns for the entire 46 square miles of city limits. At this scale, it hard to determine specific land uses for areas with mixed uses. Starting in 2008, the Planning Department began studying smaller areas of the city to create "Small Area Plans". These plans examine a smaller segment of the City and through community participation create a finer grained vision and regulations for the growth of specific areas. Planning has studied and created plans and/or regulations for:

- Old Morrilton Highway Corridor
- Lower Ridge Road
- Northeast Old Conway Area
- Donaghey Avenue Corridor

The Old Morrilton Highway and Lower Ridge Road studies resulted in amendments to the Comprehensive Plan for those areas. The Donaghey Avenue Study has not been officially adopted by the City, yet serves as a guide for future growth. The Northeast Old Conway Study resulted in the adoption of a regulating plan for the area that not only control land uses, but the form that structures must take.

**Specific Plan Zone - Be More Specific**  
 In order to create regulations for the NEOCA, a new zone was added to the Zoning Ordinance; the Specific Plan or SP zone. The SP zone is similar to a PUD in that specific regulations above and beyond typical zoning are created. Unlike a PUD, an SP zone is created by direct community interaction between the residents, area stakeholders, and the City.

Transect zones are based on a cross section of the natural progression of urban to rural land uses and forms. Zones corresponding to these zones are created; T5 - Urban = Vertical buildings, mixed uses such as commercial, office, and residential (downtown); T4 Transitional = Lower buildings with a more residential scale, uses include; light commercial, multi-family, office, town homes, single family, etc.; T3 - Suburban = Residential in nature; cottage homes, single family, etc.

These zones allow a more diverse mixture of land uses and through form regulation, create a more traditional, walkable, and ultimately pleasant place to live and work.

**Markham Street - Super Fine**  
 The Markham Street Plan goes deeper into the Northeast Old Conway Area and details land uses, forms, and streetscapes for the Markham Street area. It changes the names of the transect zones to Commercial Mixed Use CM-U (equivalent of T5), Residential Mixed Use Zone R-MU (equivalent to T-4), and introduces a new zone, College Campus Mixed Use CC-MU. The CC-MU designation recognizes the unique needs of Hendrix College which is on the north side of the Markham Street area.

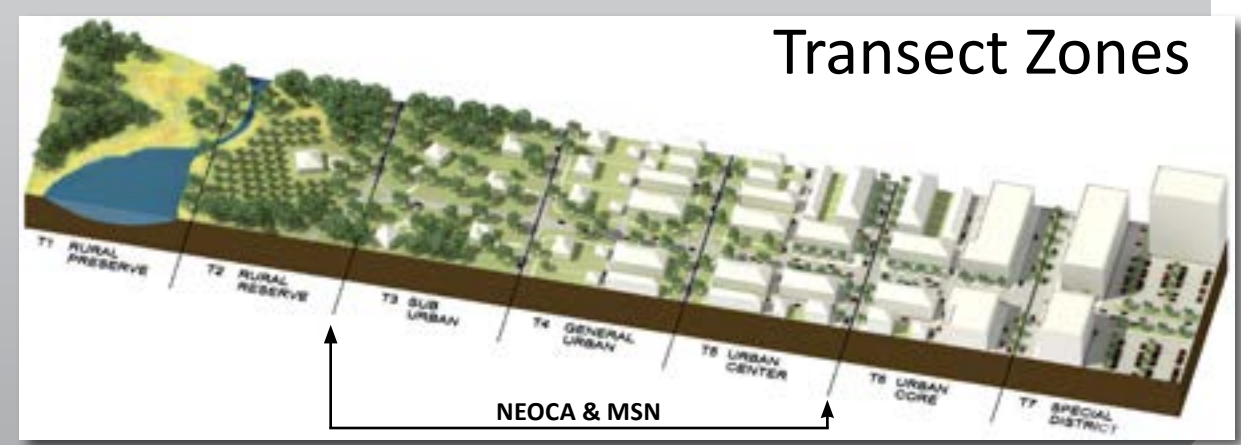
The Markham Street Neighborhood Plan also defines street cross sections, sidewalk details, and open space standards. going beyond the level of detail found in the NEOCA Plan.

The Conway Comprehensive Plan and Small Area Plans can be found at:

[www.cityofconway.org/planninganddevelopment](http://www.cityofconway.org/planninganddevelopment)

**NEOCA Transect - Say What?**

The SP zone is the overall zone for the Northeast Old Conway Area. This SP zone is further broken down into "Transect Zones" or form based zones with land use and structure form regulations.



## TURKEYS, CHICKENS, & HOGS... OH MY! or please pass the ratite?



'Tis the season for turkey. That begs the question, "Can I raise a turkey in my backyard in Conway?". The answer is yes. The Conway Municipal Code allows the raising of turkeys along with other small fowls such as chickens, ducks, guinea hens, etc. as long as they are enclosed. The animals must also be living a happy comfortable life; "All animals, excluding livestock, must be provided with appropriate shelter and a safe, non-injurious environment, as per Federal Animal Welfare Act Guidelines. Shelters and enclosures, whether temporary or permanent, must be constructed so that they are the appropriate size, strength, and material that allows the animal to stand, stretch, turn around, and lie down freely. The shelters, enclosures, and fenced areas for animals must be kept free of hazards such as trash, sharp edges, protruding nails, broken or splintered wood, metal or glass shards, machinery, loose wires, or any other material that may cause injury."

If however, you'd like to have some homegrown ham or bacon along with your turkey, you will be infringing on Conway regulations. The keeping of hogs or swine is forbidden in Conway city limits. However, hogs are allowed for up to 8 days at a livestock auction or the County fair.

Cows, horses, or other large animals such as ratites (Emu-Ostrich) are allowed in the city limits as long as you provide an enclosed 3 acres for each animal. Goats, sheep, and other smaller animals of the hoofed variety are allowed as per the same regulations pertaining to fowl.

If your Thanksgiving meal is more on the "gamey" side, you'll also have to outsource your dinner. Prohibited animals include; bears, wolves, coyotes, foxes, lions, tigers, cheetahs, hyenas, raccoons, skunks, weasels, chimpanzees, gorillas, alligators, and all manner of venomous snakes.

The complete animal control section of the Conway Municipal Code can be found at <http://cityofconway.org/media/archive/ordinances/2016/O-16-102.pdf>.

HAPPY  
Thanksgiving