

# CONWAY PLANNING COMMISSION

Planning and Development Staff Report



**Monday, December 15 • 7:00pm**

**District Court Building • 810 Parkway Ave • Conway, Arkansas**



This map illustrates the geographical layout of Springfield, Missouri, and its surrounding regions. The city's official boundaries are highlighted with a red outline. Major transportation routes, including Interstate 40, Interstate 55, and Interstate 65, are clearly marked. The map also shows a network of local roads, water features like the Missouri River and Lake View, and various administrative zones labeled with numbers such as 1A, 2A, 2B, and 365. The surrounding areas, including parts of Jasper, Missouri, and other nearby towns, are also depicted.

1A. MILLER'S MALL REPLAT LOT 11  
2A. VANCE CONDITIONAL USE  
2B. BK DEAN PLANNED UNIT DEVELOPMENT



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PLANNING AND DEVELOPMENT DEPARTMENT FOR  
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WITHOUT NOTIFICATION TO ANY USER.  
THE CITY OF CONWAY PLANNING AND DEVELOPMENT  
DEPARTMENT DOES NOT GUARANTEE THE  
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CONTACT INFORMATION  
LANDMARK INS WEBSITE  
gis.cityofconway.org (UNDER DEVELOPMENT)  
E-MAIL: Jason.Lyon@CityOfConway.org





# CONWAY, ARKANSAS PLANNING COMMISSION MEETING AGENDA

7:00 pm • Monday • December 15, 2014

District Court Building • 810 Parkway

## SUBDIVISION COMMITTEE WILL MEET AT 6:30 PM

### Call to Order

### Introduction & Chairperson Remarks

Minutes: November 17, 2015

## SUBDIVISION COMMITTEE WILL MEET AT 6:30 PM

1. **Subdivision and Replat**
  - A. Miller's Mall Replat
2. **Zoning and Conditional Use Permits (Requires Public Hearing)**
  - A. The Hounds' Hideaway (Vance) Conditional Use Permit to allow a kennel
  - B. BK Dean Rezoning: C-3 to PUD
3. **Discussion**
  - A. 2015 Meeting and Deadline Schedule
  - B. 2015 Officers and Committee Members
  - C. Presentation of Awards to Outgoing Commission Members
  - D. Other 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 Ordinance:

- A. **Development Reviews**
  - Zion Temple, 1272 Sutton Street
  - Conway Machine, 192 Commerce Road
  - Factory Row/Gentiva, 625 Polk Street
- B. **Lot Splits, Lot Mergers, and Minor Subdivisions (filed for record)**
  - CVS 10518 Replat (Block 2 Harkrider Addition)
  - Lieblong Acres
  - Robinson's Plan Pro-Investment Replat
  - The Edge Replat



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 by the Planning Commission on this agenda may be considered by the City Council as early as December 23, 2014. However, due to the Christmas holiday, the City Council may reschedule this meeting to an alternate date. Check the city website, [www.cityofconway.org](http://www.cityofconway.org), for the exact date. In the event that items from this meeting's agenda are not heard at the final City Council meeting in December, they will be heard at the January 13, 2015 City Council meeting.*

# 1A MILLER'S MALL LOT 11 PRELIMINARY REPLAT

## MILLER'S MALL LOT 11 PRELIMINARY REPLAT

### APPLICANT/OWNER

JC Automotive, Inc.  
1170 Pat's Lane  
Conway, AR 72032

### STAFF REVIEW BY

Christy Sutherland, Planner  
1201 Oak Street  
Conway, AR 72032

### SITE DATA

Location: 1170 Pat's Lane

Legal Description: On file

Site Area: 1.09 acres +/-

Existing Structures: Auto repair shop and cell tower

Current Zoning: C-3

Overlay District: None

### STAFF COMMENTS

This property is being replatted into two lots. One lot contains an auto repair business and structures. The second lot contains a cell tower. This land division is due to a change in ownership. The current owner is selling the business but is retaining ownership of the cell tower tract. The Planning Commission must review and approve this replat due to cell tower lot's lack of public street frontage. A required access easement has been created providing access to the lot.

### STAFF RECOMMENDATIONS

**The Planning Commission must consider items, 7, 10, 12, and 14.** Planning Staff recommends approval of this replat subject to the amended punch list.

### CONWAY CITY PLANNING DEPARTMENT REVIEW

#### MILLER'S MALL REPLAT OF LOT 11

#### PRELIMINARY PLAT

#### SUBMITTED BY

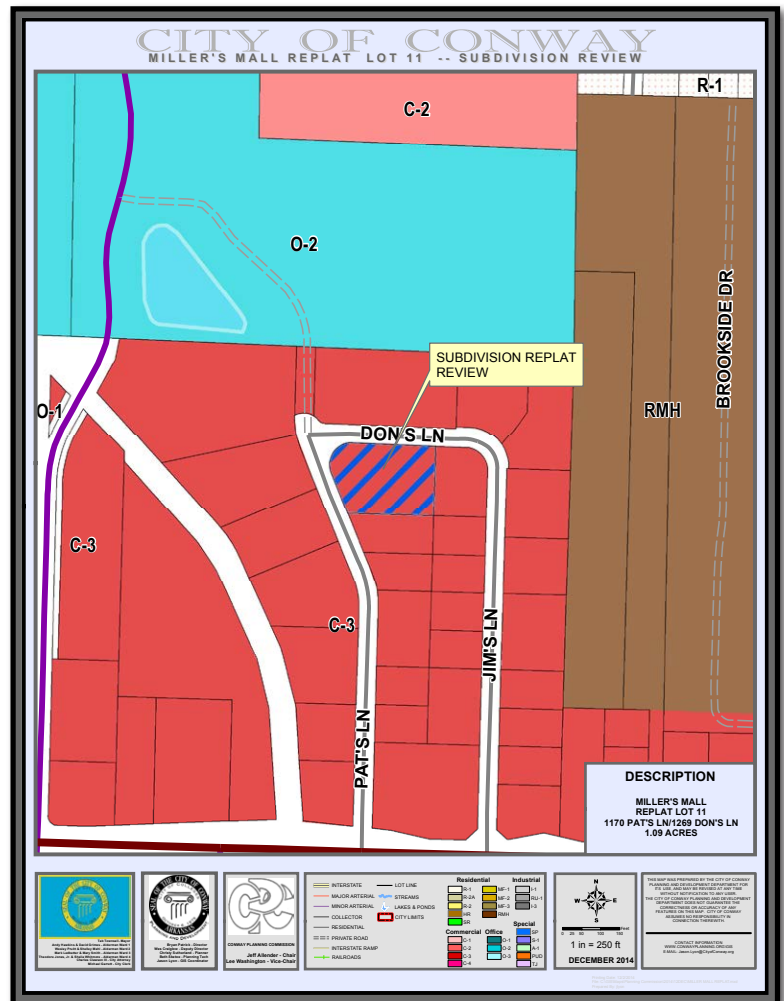
JC AUTOMOTIVE, INC

DECEMBER, 2014

This review lists the changes and/or additions as required by the Conway Subdivision Ordinance for preliminary plat approval.

### BASIC INFORMATION NEEDED ON THE PLAT

1. The scale of the plat must be no smaller than one inch equals 50 feet or one inch equals 100 feet.
2. The present zoning classification of the land to be replatted and of the adjoining land contiguous to the boundary of the proposed replat is needed. The zoning for these lots and the adjoining lots must be changed to C-3.
3. The layout of all proposed sidewalk systems are



needed, along with relevant dimensions and bearings.

4. The Certificate of Preliminary Survey Accuracy is needed.
5. The Certificate of Preliminary Plat Approval is needed.

### ADDITIONAL INFORMATION NEEDED, BUT NOT ON THE PLAT

6. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the submitted plat is needed.

### STREET DESIGN REQUIREMENTS

7. The rights-of-way of all streets must conform to the Master Street Plan and the requirements of Table 1, Street Classification & Design Standards, City of Conway in the Subdivision Ordinance. Commercial streets require a 60' right-of-way. A request for variance has been received to not dedicate the additional 5' right-of-way for existing streets. The City Engineer does not recommend approval since the streets are cement and when city maintenance is done, the street will be widened at that time. **The Planning Commission must approve this request or this condition must be corrected.**

### EASEMENT DESIGN REQUIREMENTS

8. Utility easements as required by Conway Corporation are needed.

9. Drainage easements as required by the City Engineer are needed.

#### LOT DESIGN REQUIREMENTS

10. Lots must abut upon a public street except where private streets are approved by the Planning Commission in Planned Unit Developments or where a dedicated access easement 25' in width in C-1, C-3 or O-1 zones has been approved by the Planning Commission. A request for variance has been received to allow lot 11B without street frontage and to only require a dedicated access easement of 20' since the lot is for a cell tower and not a commercial business. ***The Planning Commission must approve this request or these conditions must be corrected.***
11. In a C-3 Zone corner lots shall have a setback of 40 feet from the front lot line and 15 feet from the exterior side lot line as required by the Zoning Ordinance. The building line for Don's Lane may be changed to a 15' setback.

#### UTILITY DESIGN REQUIREMENTS

12. Where a public sanitary sewer is within 300 feet of any point of a subdivision, the subdivider shall install a system of sewer lines and provide connection to each lot. A request for variance has been received to allow lot 11B to be an unbuildable lot with no water or sewer. A note can be placed on the plat stating that no habitable structures allowed on Lot 11B until water and sewer mains have been extended. ***The Planning Commission must approve this request or water and sewer mains must be extended for the filing of this plat.***

#### SIDEWALK DESIGN REQUIREMENTS

13. Sidewalks are required along both sides of all streets within all zoning districts within Conway city limits and within the Conway Territorial Jurisdiction.
14. The property owner/developer may request a waiver from the required sidewalk construction. The Planning Commission should grant this money in-lieu of sidewalk construction only in extreme circumstances. ***The Planning Commission shall review the following factors to determine whether or not to grant this waiver:***
  - Pedestrian traffic generators such as parks and schools in the area.
  - The existence of a sidewalk network in the area.
  - The density of current and future development in the area.
  - The amount of pedestrian traffic likely to be generated by the proposed development.
  - Whether the terrain is such that a sidewalk is physically practical and feasible, and the extent to which trees, ground cover, and natural areas would be adversely impacted by the construction of the sidewalk.
  - The design of the subdivision such that utilities, the location of structures, rights-of-way, easements, etc., create conditions making sidewalks impractical
  - The overall need for a sidewalk to be constructed on the lot.

If a waiver is granted, the developer shall contribute an amount of money in lieu of construction equal to \$15 per linear foot of the required sidewalk.

This money shall be deposited into a general sidewalk fund to be used solely for the addition of new sidewalks and maintenance of the existing sidewalk network. The dispersal of money from this sidewalk fund shall be at the discretion of the Conway City Council. Contributions to this fund are to be expended within two (2) years to serve a sidewalk project. This in-lieu fee shall be reviewed by the City Council at least every five (5) years.

A developer may appeal the sidewalk construction requirement/in-lieu fee to the City Council. The City Council shall use the above waiver factors to determine if an exception may be made. If the Council makes an exception, the developer shall construct an equivalent amount of sidewalk in a location designated by the City Council. ***A request for variance has been received to pay in-lieu instead of building the sidewalk. The Planning Commission must approve this request or sidewalk construction will be required.***

15. All sidewalks shall be handicapped accessible to public streets at street corners and at designated mid-block public service drives/alleyways. Sidewalks shall meet American Disability Act Standards.
16. Sidewalk elevation. The sidewalk elevation shall be two (2) percent above the top of the curb, sloping two percent towards the curb (one-fourth inch in each foot). This elevation shall be continuous through the driveway approach.
17. Driveway approach. The area remaining between the sidewalk and the flow-line of the gutter, called the approach to the driveway, shall slope up to the elevation of the sidewalk.
18. Sidewalks As Part of Commercial, Multi-Family, and Mixed Use Developments: Sidewalks along streets in commercial, multi-family, and mixed use subdivisions shall be constructed concurrently with building construction as part of site development review. Sidewalks shall be the responsibility of the builder/owner and not the developer. The sidewalk shall be installed prior to the final inspection and issuance of a certificate of occupancy. However, the developer of commercial subdivisions/replats with pre-existing development shall be required to meet the sidewalk provisions of Article 1101 Development Review of the Conway Zoning Ordinance.
19. All sidewalk construction location, and responsibility for construction shall be clearly identified on the final plat. Detailed sidewalk construction drawings coordinating sidewalks with other street/lot/easement infrastructure shall be shown on or included with the final plat.
20. If, during the construction of a building or any other improvements upon a lot or by any other actions, the sidewalk(s) are damaged, the party responsible for the construction or other actions shall repair the sidewalk(s) to the satisfaction of the City.

#### EXPIRATION OF PLAT

21. Plats will expire at the end of one year from acceptance of the Preliminary Plat unless an extension is requested and granted by the Planning Commission. Miller's Mall Replat of Lot 11 will expire on December 15, 2015.

Submitted Preliminary Plat

# MILLER'S MALL REPLAT OF LOT 11 BEING A PART OF MILLER'S MALL REPLAT, CITY OF CONWAY, ARKANSAS

**CERTIFICATE OF OWNER**  
WE, THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND INSURED  
HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED, AND SUBDIVIDED  
AND DO HEREBY LAY OFF, PLAT, SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE  
WITH THE ACTS OF THE LEGISLATURE OF THE STATE OF ARKANSAS, AND THE PUBLIC THE STREETS,  
RIGHTS OF WAY, AND EASEMENTS AS SHOWN ON SAID PLAT.

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

SIGNED: \_\_\_\_\_  
J. AUTOMOTIVE, INC.  
101 PATS LANE  
CONWAY, AR 72032

SOURCE OF TITLE: DOC. 2002-3154

**CERTIFICATE OF RECORDING**

THIS DOCUMENT FILED FOR RECORD \_\_\_\_\_ DAY, 2014  
IN PLAT BOOK NO. \_\_\_\_\_ PAGE \_\_\_\_\_

SIGNED: \_\_\_\_\_  
TAKONIA WILKINSON  
FALLGATER COUNTY CIRCUIT CLERK

**CERTIFICATE OF SURVEYING ACCURACY**

I, ROBERT D. BRUNCH, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A  
BOUNDARY SURVEY MADE BY ME AND BOUNDARY MARKERS AND LOT CORNERS SHOWN  
HEREON AND CALL A REPLY TO THEIR LOCATION, TYPE AND MATERIAL ARE CORRECTLY  
FOR SURVEYORS HAVE BEEN MET.

DATE OF EXECUTION: 11/3/14

SIGNED: \_\_\_\_\_  
ROBERT D. BRUNCH  
STATE OF ARKANSAS

**CERTIFICATE OF FINAL PLAT APPROVAL**

PURSUANT TO THE CONWAY SUBDIVISION REGULATIONS AND ALL OTHER CONDITIONS  
AND APPROVAL HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED, THIS  
MILLER'S MALL REPLAT OF LOT 11 IS HEREBY EXECUTED UNDER THE AUTHORITY OF THE SAID RULES AND  
REGULATIONS.

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

SIGNED: \_\_\_\_\_  
CONWAY PLANNING DIRECTOR

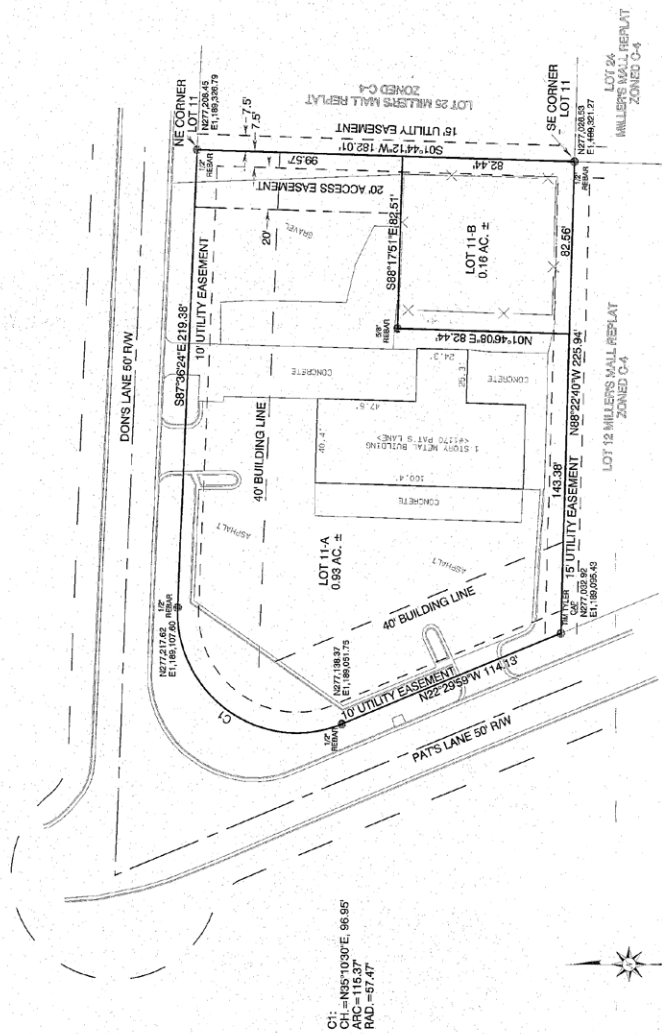
**LEGAL DESCRIPTION:**

LOT 11, MILLER'S MALL REPLAT AS SHOWN ON PLAT OF RECORD IN PLAT BOOK H,  
PAGE 51, PLAT RECORDS OF FALLGATER COUNTY, ARKANSAS.

## GENERAL NOTES:

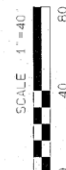
1. THIS PROPERTY SURVEYED ON 10/31/14
2. THIS PROPERTY ZONED C-4
3. THIS PROPERTY ZONED C-4
4. CONVEYANCE UTILITIES - WATER AND  
SEWER
5. ALL LOTS SHALL SET BACK TO A STREET  
CROSSING MON. #1040

<b>MILLER'S MALL REPLAT OF LOT 11</b>	
CITY OF CONWAY, ARKANSAS	SHEET NO. 1 OF 1
CENTRAL ARKANSAS PROFESSIONAL SURVEYING	SCALE 1"=40'
PLAT BOOK H, PAGE 51 FALLGATER COUNTY, ARKANSAS	DATE 11/03/14

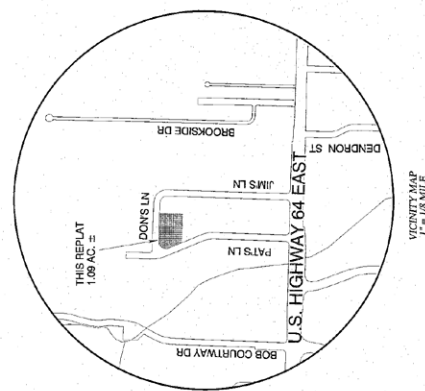


CH: N85°10'30"E, 96.95'  
ARC=115.37°  
RAD=67.47°

BEARINGS ESTABLISHED BY  
STATE PLANE COORDINATES  
NAD 83, ARKANSAS NORTH ZONE



Symbol	Description
●	FOUND MONUMENT AS NOTED
○	SET 1/2" REBAR W/ID CAP





## Christy Sutherland

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**From:** Bobby <surveying@conwaycorp.net>  
**Sent:** Monday, December 01, 2014 12:03 PM  
**To:** Christy Sutherland

CAPS would like to request a variance for the following items on the Replat of lot 111 Millers Mall  
To pay in lieu of sidewalk  
To allow a lot with no water and sewer  
To allow a lot with no street frontage with a 20' access easement  
To not require additional R/W

Robert French  
PLS #1363  
Central Arkansas Professional Surveying  
501.513.4800- Office  
501.472.2862- Mobile  
501.513.0900- Fax

## 2A THE HOUNDS' HIDEAWAY (VANCE) CONDITIONAL USE PERMIT REQUEST

### THE HOUNDS' HIDEAWAY, LLC CONDITIONAL USE PERMIT REQUEST TO ALLOW A PET LODGE AND GROOMING BUSINESS (KENNEL)

#### APPLICANT/OWNER

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:** 1300 Old Military Road, Lot 22 Sherwood Estates

**Site Area:** 3.00 acres +/-

**Existing Structures:** None

**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.

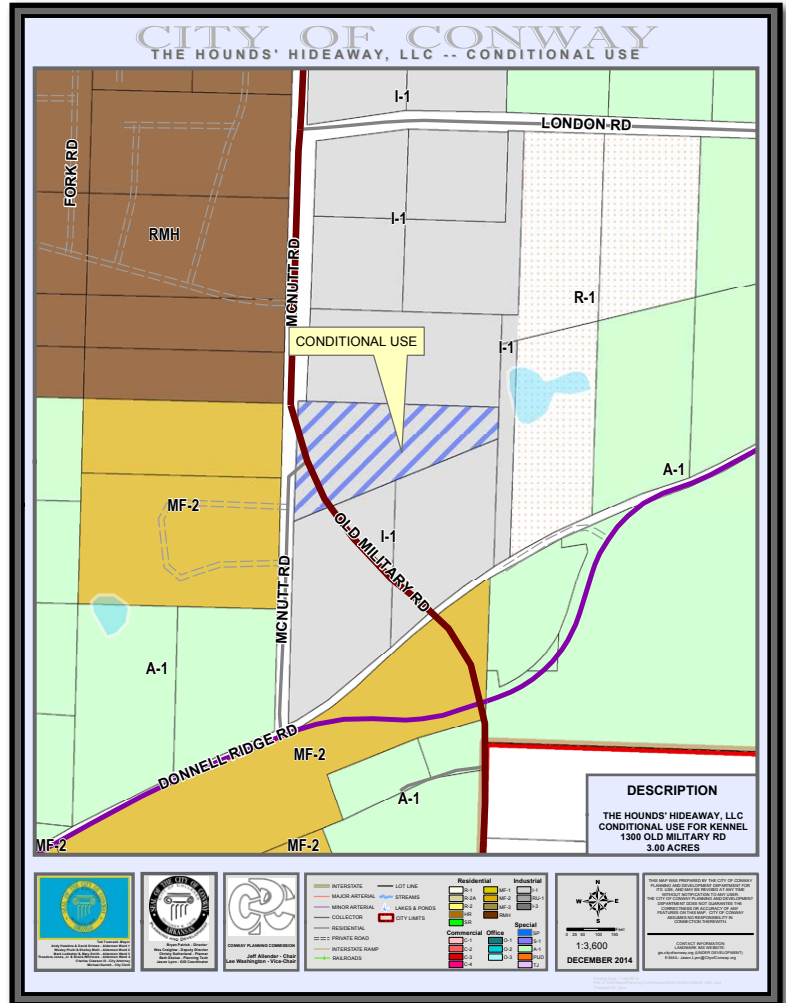
**Projected Traffic Impact:** Assuming a 2000 square foot facility, traffic should be generated in the range of 72 vehicle trips per day. The property is zoned I-1 which allows a fast food restaurant generating 1400 vehicle trips per day.

**Utility Infrastructure:** There are sufficient utilities in the area for 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 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 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 630 feet from the center of the property. A multifamily structure is around 400 feet away. The applicant has listed some noise inhibiting measures in their application letter.

#### STAFF RECOMMENDATIONS

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



#### SUGGESTED CONDITIONS

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



## 2A THE HOUNDS' HIDEAWAY (VANCE) CONDITIONAL USE PERMIT REQUEST





**The Hounds' Hideaway, LLC**  
**Conditional Use Permit Application**

**Statement of Intended Use**

**1. Location**

- a. The proposed pet resort will be located on McNutt Road in Conway, Arkansas, operating in a new construction facility. The location may also be known as Lot 22 in the Sherwood Estates plat.
  - b. The property's present zoning classification is I-1.
  - c. The site measures 3.0 acres.
  - d. Conway Corp supplies water to the site. A water meter is not currently located on the property.
  - e. The site currently contains no physical structures.
  - f. There have been no other Conditional Use Permits issued for this property.
2. The property owner is Mitchell Hart. There is an existing contingency agreement between Mitch Hart, the seller, and Lacey Vance, the buyer. The contingency is based upon approval of the Conditional Use Permit by the Conway Planning Commission.
3. An additional contingency agreement exists between the buyer and seller, based upon feasibility for design and implementation of acceptable septic system to service the business. Installation of septic system will begin after the sale and legal transfer of the property to the buyer.
- a. Percolation tests have been successfully completed and septic system design will begin after sale and legal transfer of property to the buyer.

**4. Description of Use**

**Business Use Description**

The proposed business will be named The Hounds' Hideaway and provide the following services:

- Full range of Dog Grooming services
- Dog Daycare
- Dog Boarding
- Cat Boarding
- Self-Serve Dog Wash
- Retail
- Group/Individual Training
- Membership-Only Dog Park

The business will be open to the public Monday – Friday 6:30am-6:30pm, and Saturday-Sunday 8am-5pm. Outside of normal operating hours, the business will be staffed from 6:00am-10:00pm to provide continuous care to the animals in overnight boarding.

Cats will be boarded in appropriately sized “condos” and will be kept indoors throughout their stay.

Dogs in boarding and daycare will have free play time during all staffed hours. Pets will have access to group indoor play areas (separated based on size and temperament), and enclosed outdoor areas in pleasant weather. All dogs will have lights-out bedtime at 9:30pm, and morning wakeup time at 6:00am to allow for adequate potty breaks. Grooming and self-serve wash clients, as well as any dog outside the perimeters of the play areas and suites will be leashed and supervised at all times.

**5. Site Plan and Drawings**

- a. There are no existing structures on the property.
- b. The landscape planning will maintain the established rural landscape theme, and will incorporate as much of the existing landscaping (trees) as possible.
- c. Fencing and new landscaping along all dog-facing exterior areas will lessen the visual impact of noise and animal activity.
- d. The proposed parking layout allows for appropriate number of parking spaces (including handicapped spaces) as per city guidelines. The parking lot will be concrete and a drive up awning (see exterior rendering) will be located at the front entrance of the building.
- e. The site boundaries will be re-established as part of a re-plat being submitted to the city by the seller.
- f. Business signage will conform to provisions of the Conway Sign Ordinance.

**6. Start and Completion Projections**

- a. The approximate start time for construction of the proposed business will be March 2014. Anticipated opening date will be November 2014.

**7. Survey of Similar Uses**

- a. There are currently no businesses identical to The Hounds' Hideaway in Conway. There are several traditional boarding facilities in Conway (veterinary or kennel boarding) and one in Guy, but none who offer daycare or a combined daycare/boarding/grooming experience. Similar businesses in Little Rock include Chenal Pet Palace, Canine Country Club, and Arkansas Pet Resort in Maumelle.

**8. Noise**

- a. There will be noise generated from dogs intermittently barking inside the confines of the facility, and outdoors during appropriate hours.
- b. Various measures will be taken to ensure noise levels adhere to the guidelines set forth in the Conway Municipal Code (7.44):

- i. 4-5ft high isolation panels between suites limits sight and exposure to other pet guests, making for a more secure, den-like environment where barking is less likely.
- ii. Polyethylene baffles will be installed between suites. Hung from ceiling in rows, they absorb 85% to 100% of noise that hits them.
- iii. Continuous classical music played in kennel areas has been proven to reduce stress levels in dogs, reducing their need to bark.
- iv. Kennel and daycare areas will be separated from “human” areas. Dogs can hear sounds from office machines and video display, and they resonate at higher frequencies than our hearing allows, and can potentially give dogs reason to bark.
- v. Double-door passageways between office areas and kennels, and acoustic walls between kennels and office/reception area will reduce distraction that might encourage dogs to bark.
- vi. Noise abatement curtains will be installed in exterior play area fencing. These materials can reduce the NRC (Noise Reduction Coefficient) as much as .78 (with 1.0 being the maximum).
- vii. Water squirt bottles will be used in all outdoor group play to distract dogs who may play too loudly or bark excessively.

## **9. Chemicals, Biological, and Radioactive Agents**

- a. Harsh or dangerous chemicals will not be used in this facility. In addition, products that are not tested on animals will be given preference for use.



## 2B BK DEAN REZONING: C-3 TO PUD

**915 EAST OAK STREET, LLC REZONING C-3 (COMMERCIAL: HIGHWAY SERVICE AND OPEN DISPLAY DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT)**

### APPLICANT/OWNER

915 East Oak Street, LLC  
Ryan McNeill  
405 E. 119th Street  
Jenks, OK 74037

### STAFF REVIEW BY

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

### SITE DATA

**Location:** 915 East Oak Street

**Site Area:** 6.70 acres +/-

**Existing Structures:** Two automobile dealership structures on the west side of Bill Dean Dr.

**Current Zoning:** C-3 (Commercial: Highway Service and Open Display District)

**Requested Zoning:** PUD (Planned Unit Development)

**Overlay District:** None

**Comprehensive Plan:** The Comprehensive Plan shows this property as appropriate for commercial development. The request is congruent with the Plan.

**Projected Traffic Impact:** At maximum build out as planned, 2404 vehicle trips per day could be expected. This number of vehicle trips is the same with current C-3 zoning. There is no change in projected traffic impact.

**Utility Infrastructure:** There are sufficient utilities in the area for development.

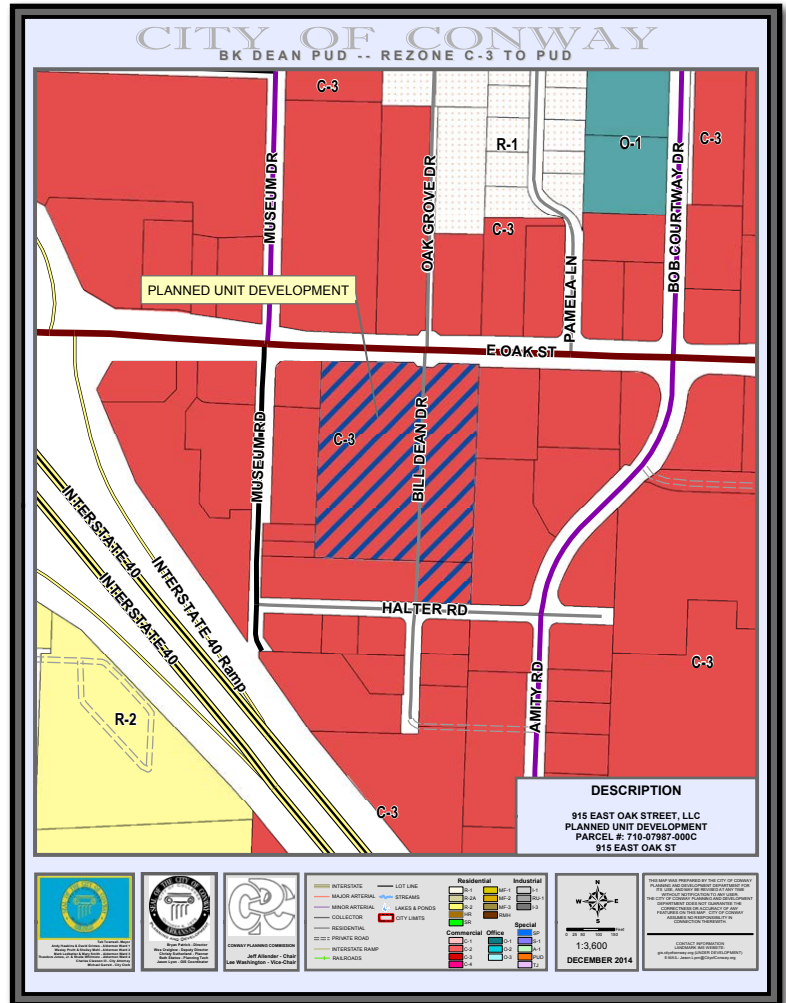
**Flood/Drainage:** The property is not within flood plain or flood way.

**Street Improvements:** There are no area street improvements planned in the near future.

**Conway 2025:** Not directly applicable

### STAFF COMMENTS

This property is the former Superior Chevrolet dealership and the adjacent vacant lot on the east side of Bill Dean Drive. The applicant plans to divide the property into 5 lots and initially construct a hotel, a restaurant, and a retail building. There will be two lots available for future development. The property could be developed with similar uses and structures under the current C-3 zoning. However, the applicant would like to create a development with greater flexibility in setbacks, landscaping, building

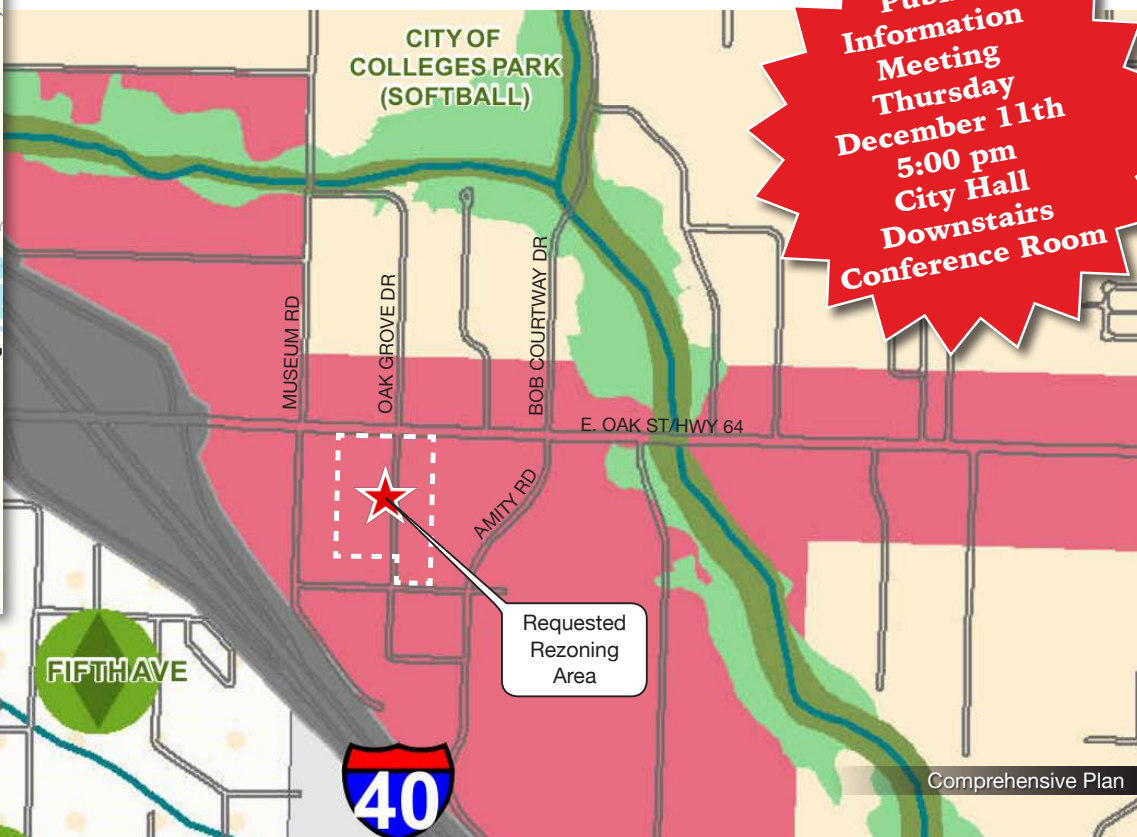
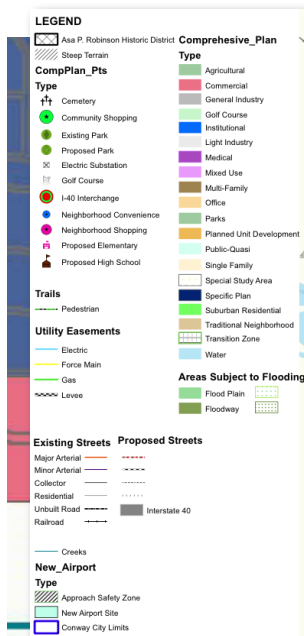


height, and signage. Traffic conflicts should be greatly diminished by requiring access to the various businesses from Bill Dean Drive. Cross access to adjoining businesses will also be provided.

**PUD Specific Requirements.** Below is an examination of requirements specific to PUD zoning requests:

- **Relation to Utilities and Major Roads** - A PUD shall be located in relation to utility systems, drainage systems, and major roads so that neither extension or enlargement of public facilities shall be at the public's expense. The development would not create any additional expense to the public.
- **Internal Street Network** - A PUD shall 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. The applicant is proposing access to the development off Bill Dean Drive and cross access easements to reduce traffic conflicts throughout the PUD and Oak Street.
- **Sidewalk System** - Unless there are outstanding reasons that warrant otherwise, all internal streets within the PUD shall include pedestrian sidewalks. The proposed development will include sidewalks internally and along Bill Dean Drive. However, the applicant has requested to construct sidewalks only on the west side of Bill Dean Drive. See PUD regulations and staff comments.





**Public Information Meeting**  
**Thursday**  
**December 11th**  
**5:00 pm**  
**City Hall**  
**Downstairs**  
**Conference Room**

- **Common Space** - The incorporation of plazas, courtyards, and other outdoor spaces for people to gather is encouraged.
- **Green Space** - PUDs over 3 acres in area shall dedicate a minimum of 20% of the development as green space. Green space is defined as permeable area set aside for open space or landscaping. 20%+ green space is accomplished through open areas and landscaping throughout the development.
- **Property Owners Association** - PUDs may require the formation of a property owners association to oversee the upkeep of common area and green spaces. Submitted PUD regulations address a property owners association.
- **Required Meetings** - A PUD request requires two specific meetings prior to the Planning Commission public hearing; a development review meeting and a public informational meeting. The development review meeting is scheduled for December 11, 2014 at 3:30pm at City Hall. This meeting is a technical meeting between the applicant and city officials to determine any technical development issues. A public informational meeting will be held at City Hall following the technical meeting at 5:00pm. A brief from the meetings will be emailed to the Planning Commission on December 12.
- **Signage** - Unless specified otherwise, a PUD is subject to current Conway sign regulations. However, as part of the PUD's final development plan, signage may deviate from these requirements. The applicant has requested additional signage. See the submitted PUD regulations and staff comments.
- **Platting, Development Review** - Platting and staff

development review will be required upon approval of the PUD prior to issuance of building permits.

#### STAFF RECOMMENDATIONS

Planning Staff recommends approval of this rezoning request with amendments to the developer submitted PUD regulations. As a Planned Unit Development, conditions may be placed on the project. Any conditions will be included in the final PUD Plan and will regulate the development.

The following list of conditions is not complete and should be considered a "starting point" for conditions. If the Commission feels that a rezoning to PUD is appropriate, the suggested conditions should be revised, added to, or deleted appropriately after public comment.

#### SUGGESTED CONDITIONS TO BE INCLUDED IN THE FINAL DEVELOPMENT PLAN

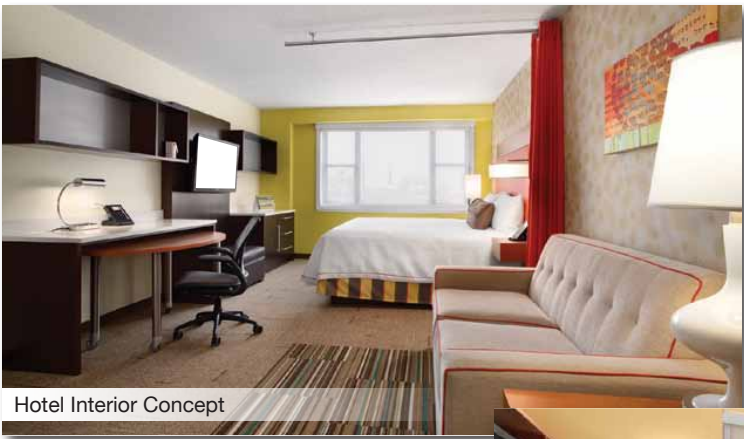
The regulations as submitted by the developer in the project application may serve as the PUD Final Development Plan. Planning Staff has reviewed these regulations and made recommended modifications. These proposed regulations and comments are on pages 20-23.







Street View SE from Oak Street



Hotel Interior Concept



Hotel Interior Concept

**BK DEAN SUBDIVISION  
PLANNED UNIT DEVELOPMENT****STAFF COMMENTS STAFF RECOMMENDATIONS****1. INTRODUCTION**

The BK Dean Subdivision Planned Unit Development (PUD), consisting of 6.7 acres more or less, is located within the Northwest Quarter of Section 8, Township 5 North, Range 13 West in Conway, Arkansas. The Subject Property is generally located east of Interstate 40 on the south side of Oak St. and on the east and west sides of Bill Dean Drive.

**2. LEGAL DESCRIPTION**

See Exhibit A (the "Site" or Subject Property")

**3. OWNER / DEVELOPER**

The owner of this property described in Section 2.0 above is 915 East Oak Street, LLC. The developer of the property is 915 East Oak Street, LLC of Edmond, Oklahoma.

**4. CURRENT AND SURROUNDING AREAS**

The Subject Property is currently vacant but was previously used as an automobile dealership. The property is zoned C-3 Highway Service and Open Display District. The surrounding properties are zoned and used for:

North (north of Oak St.) – Zoned C-3; Current uses are automobile dealership and hotel

East – Zoned C-3; Current uses are bank and hotel

South – Zoned C-3; Current uses is automobile repair and Halter Rd.

West – Zoned C-3; Current uses are restaurant (coffee), hotel and HVAC

The relationship between the proposed use of this parcel and the above adjoining land uses is compatible due to the commercial/retail nature of the PUD. The demographic of the clientele for this project is such that the noise and traffic impacts will be minimal.

**5. PHYSICAL CHARACTERISTICS**

The Subject Property contains a vacant car dealership with approximately 6.7 acres consisting of 4 acres of paving and 2 structures on the west side of Bill Dean Dr. and 2.7 acres east of Bill Dean Dr. consisting of 0.5 acre of paving and 2 acres of unimproved land .

The western portion of the Site contains the former and now vacant Superior Chevrolet Dealership building and out building. The remaining areas are covered with asphalt and gravel leaving only a small amount as grass. The highest elevation is approximately 305 feet at the existing main building in the center of the lot. The slope analysis reveals a flat to gentle slope in all directions away from the building. Surface drainage is overland to the north to an open ditch along Oak St., east to Bill Dean Drive, south to an existing drainage ditch and west to a drainage swale.

The eastern half of the Site presently consists of an asphalt parking area on the north end and undeveloped land on the remaining areas. Surface drainage on this portion is overland to shallow areas to the east, Bill Dean Drive to the west and to Halter Rd. to the south.

**6. CONCEPT**

The concept for this PUD is to provide a mix of upscale dining, retail services and hospitality for the City of Conway and surrounding areas. The anticipated uses include quick casual restaurants, a casual dining concept, retail shop services, and approximately 82 hotel rooms.

**7. DEVELOPMENT AND SUBDIVISION VARIATIONS**

The following represents variations to the base zoning district or other sections of the City of Conway Zoning Ordinance:

- Reduced landscape buffers/setbacks
- Reduced building setbacks
- Altered building height restrictions
- Site signage

**8. USE AND DEVELOPMENT REGULATIONS**

The current zoning for the Subject Property is C-3 Highway Service and Open Display District. The project will generally follow the C-3 regulations with exceptions as outlined in this PUD.



## 9. SPECIAL CONDITIONS

Hours of external construction are limited to 7:00 am to 7:00 pm Monday through Saturday and 1:00 pm to 7:00 pm on Sunday.

## 10. FAÇADE REGULATIONS

Exterior building wall finish on all main structures shall consist of a minimum 70% brick veneer, masonry, drivet, rock, stone, stucco, hardi-plank concrete siding, wood or other similar type finish approved by the Planning Director of the City of Conway. Buildings finished with EIFS (Exterior Insulation Finish System) material shall be permitted. Exposed metal or exposed concrete block main buildings shall not be permitted.

**Building facades shall meet current design development standards.**

## 11. LANDSCAPE REGULATIONS

Store design will be generally as depicted in submitted rendering. See Exhibit C.

## 12. LIGHTING REGULATIONS

Lighting installed on lots contained in this PUD shall meet the City of Conway Design Standards.

## 13. SCREENING REGULATIONS

If deemed appropriate, screening may be provided in the form of a wooden privacy fence along the south property line of the Subject Property, west of Bill Dean Drive.

## 14. PLATTING REGULATIONS

Platting of this PUD shall be required prior to development.

## 15. DUMPSTER REGULATIONS

Dumpsters shall be located within an area screened by a fence or masonry wall of sufficient height that screens the dumpster from public streets and residences and shall be placed no closer than 50 from all property lines adjacent to residential zoning/ use.

**Dumpsters shall be located within a masonry enclosure meeting design development standards.**

## 16. ACCESS REGULATIONS

A minimum of 1 access point (curb cut) from Bill Dean Dr. for the west portion of the Subject Property and 1 access point (curb cut) from Bill Dean Dr. for the east portion of the subject will be provided.

Curb cuts shall be provided as proposed but in general the centerline of the curb cut along Bill Dean Drive may be a minimum of 200 feet from the centerline of Oak Street.

Lots within the PUD shall not be required to have frontage on an existing street. Access to these lots may be provided through a platted Access Easement.

**A maximum of 2 access points (curb cuts) from Bill Dean Drive to the west portion of the subject property and 2 access point (curb cuts) from Bill Dean Drive for the east portion of the subject property shall be allowed. Curb cuts shall be provided as proposed, but the centerline of the northern curb cut along Bill Dean Drive shall be placed no closer than 200 feet from the centerline of Oak Street.**

**Lots within the PUD shall not be required to have street frontage. Access to these lots may be provided through a platted access agreement.**

## 17. SIGN REGULATIONS

In addition to current City of Conway sign ordinances, pylon/pole signs may be allowed.

*Staff Comment: The majority of this property is within the interstate sign zone which allows an on premise interstate sign up to 75 feet tall and 300 square feet in area to be used in lieu of a monument sign. Since the majority of the development is within the interstate zone, the PUD regulation could state:*

**Interstate signs, as defined and allowed per the Conway Sign Ordinance, are allowed throughout the PUD. Monument signs, as defined and allowed per the Conway Sign Ordinance C-3 zone, are also allowed throughout the PUD.**

**18. SIDEWALK REGULATIONS**

Sidewalks shall be provided along the western side of Bill Dean Drive to accommodate anticipated pedestrian traffic. In addition, a minimum of one (1) crosswalk across Bill Dean Dr. shall be provided to sufficiently accommodate anticipated pedestrian traffic within the PUD. Sidewalks shall be a minimum of 5 feet wide.

Sidewalks shall be provided along both sides of Bill Dean Drive to accommodate anticipated pedestrian traffic within the PUD. Sidewalks shall be a minimum of 5 feet wide. Crosswalk shall be provided at a location specified by the City Engineer.

**19. HEIGHT REGULATIONS**

The maximum height for Lot 5 shall be 45 feet and the maximum stories allowed for Lot 5 shall be 4.

**20. SETBACK REGULATIONS**

*Staff Comment: Current C-3 zone setbacks, height, and Development Design Landscaping Standards*

**Setbacks**

*Front: 40 feet*

*Rear: 10*

*Side: 0*

*Exterior (side against street): 15*

*Height: 35 feet or 2.5 stories. May be exceeded by providing 1 foot setback for each 1 foot above 35 feet.*

**Design Development Landscaping Standards:**

*Landscape area along street: 10 feet*

*Landscape area along commercial property lines: 6 feet*

Below are the minimum Building and Landscaping setbacks allowed per this PUD. All other applicable setbacks not mentioned below shall be per the current C-3 zoning classification.

**Building Setbacks**

For Lot 1:

Front Yard (along Oak St.) 30'<sup>1</sup>

*<sup>1</sup>Staff Comment: A 30 foot front setback is encouraged. The buildings will be placed closer to Oak Street without parking in front. The 30 foot setback along Bill Dean will not create problems.*

For Lot 2:

Front Yard (along Oak St.) 30'<sup>1</sup>

For Lot 3:

Front Yard (along Bill Dean Drive) 30'<sup>1</sup>

Exterior Side Yard 8'

For Lot 4:

Front Yard (along Oak St.) 30'<sup>1</sup>

For Lot 5:

Front Yard (along Bill Dean Drive) 30'<sup>1</sup>

Rear Yard 0'<sup>2</sup>

*<sup>2</sup>Staff Comment: A 0 foot rear setback is atypical. However, it should not pose a problem. The adjoining lot contains a 4 story hotel. The new hotel appears to be offset to not create a "back to back" wall situation. Stricter fire codes could come into play, but would be reviewed during staff development review and building permitting.*

**Landscape Setbacks**

For Lot 2:

Along Bill Dean Drive 5'<sup>3</sup>

5 feet is allowed along the parking area as shown. A reduction may be considered as a development review variance when future plans are submitted.

*<sup>3</sup>Staff Comment: Typical street frontage landscaping is 10 feet in depth. In order to accommodate additional parking on Lot 2, 5 feet is requested. This reduction is also requested on Lot 3. However no construction is shown at this time. Staff recommends only allowing the 5 foot reduction along the parking area as shown on Lot 2. The reduction can be considered as a development review variance when future plans are submitted.*

For Lot 3:

Along Bill Dean Drive 5'<sup>3</sup> 10'

Interior Side Yard (south property line) 3'

A reduction may be considered as a development review variance when future plans are submitted.

For Lot 4:

Interior Side Yard (east property line) 6'

For Lot 5:

Front Yard (along Bill Dean Drive) 0'<sup>4</sup>

Rear Yard 0'<sup>5</sup>

Exterior Side Yard (along Halter Rd) 5'

0 foot landscape area for the Bill Dean Drive frontage along the hotel drive lane only.

*<sup>4</sup>Staff Comment: Typical street frontage landscaping is 10 feet in depth. In order to accommodate a drive lane for the hotel on Lot 5, 0 feet is requested. It appears the parking area could accommodate a 5 foot landscape area. Staff recommends a 0 foot landscape area along the drive lane only.*

For parking areas/cross access driveways that are physically shared by multiple lots, then the landscaping setbacks in these cases are zero (0').

*<sup>5</sup>Staff Comment: Typical interior landscaping is 6 feet in depth. In order to accommodate additional parking, 0 feet is requested. It appears the parking area could accommodate a 5 foot landscape area. Staff recommends a 5 foot rear landscape area.*

Parking and drives are permitted within the setbacks.

Fireplaces, bay windows, entry ways, patios, patio covers and other similar appurtenances may encroach up to two feet into the side yard setback and up to five feet into the rear yard setback. However, said appurtenances shall not extend into a utility easement, right of way or across a property line.

## 21. PARKING DENSITY

*Staff Comment: Conway Design Development regulations have maximum allowed parking standards. The number of spaces requested is around 82 spaces over the maximum. Development regulations state that parking maximums may be exceeded if low impact environmental design is used on parking areas. The applicant is requesting additional parking to accommodate proposed popular restaurants.*

The number of parking spaces provided for Lot 1 shall be 98 and assume a building of 6,000 square feet.

The number of parking spaces provided for Lot 2 shall be 112 and assume a building of 6,300 square feet.

The number of parking spaces provided for Lot 4 shall be 41 and assume a building of 5,000 square feet.

The number of parking spaces provided for Lot 5 shall be a maximum of 93 parking spaces.

Parking Density Staff Recommendation: Low impact design shall be used in the design of parking areas as per Conway Development Review Design Standards. Shared parking/access agreements shall be required.

## 22. PERMIT REQUIREMENTS

Applications for building permits must include an overall PUD site plan that depicts the location of the proposed building permit and size and address of all existing buildings as well as existing parking and landscaping proposed for each building for which a building permit is requested.

## 23. COMMON AREAS

Maintenance of the common areas in the development shall be the responsibility of the property owner or Property's Owner's Association (if applicable). No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent, shall cause a blockage of flow or an adverse effect on the functioning of the storm water facility, shall be placed within the common areas intended for use of conveyance of storm water, and/or drainage easements shown. Certain amenities such as, but not limited to, walks, benches, etc. shall be permitted if installed in such a manner to meet the requirements specified above.

## 24. DEVELOPMENT SEQUENCE

Development phasing shall be allowed as part of the development of this PUD.

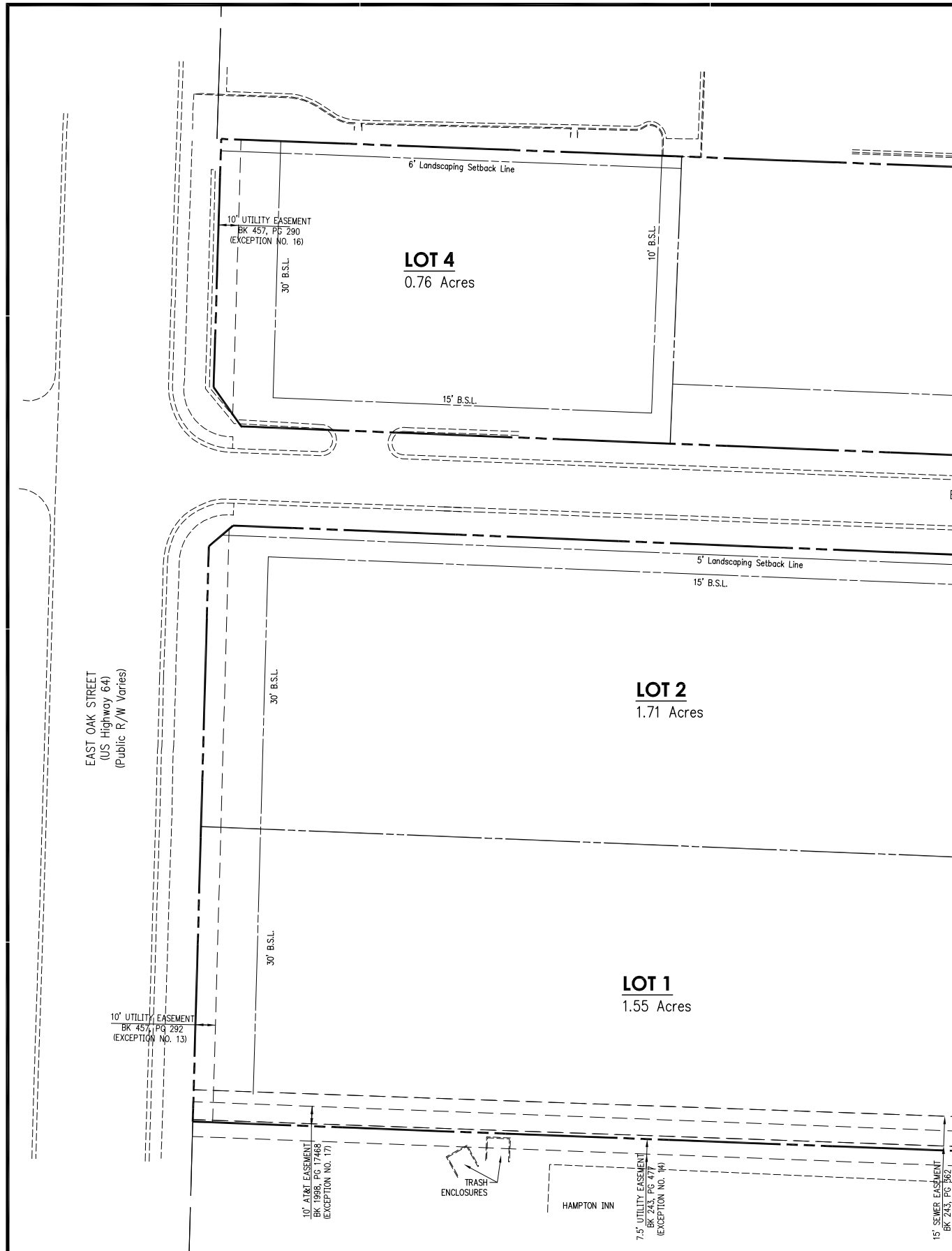
Staff Recommended Additional Language for Development Sequence: Additional structures and subdivision of the PUD are allowed. Land uses shall be those uses allowed under C-3 zoning. Future development will comply with development review design standards and subdivision regulations in effect at that time.

## 25. EXHIBITS

The following exhibits are hereby attached and incorporated into this PUD:

EXHIBIT A: Legal Description of PUD  
EXHIBIT B: Site Plan

EXHIBIT C: Landscaping Representation  
EXHIBIT D: Supplemental hotel information















A. The 2015 calendar below is presented for approval

# 2015

## CONWAY PLANNING COMMISSION

### SCHEDULED MEETING DATES

MONTH	MEETING DATE	SUBMISSIONS DUE
January	<u>Tuesday</u> , January 20 <sup>1</sup>	Friday, January 2
February	<u>Tuesday</u> , February 17 <sup>2</sup>	Friday, January 30
March	Monday, March 16	Friday, February 27
April	Monday, April 20	Friday, April 3
May	Monday, May 18	Thursday, April 30 <sup>3</sup>
June	Monday, June 15	Friday, May 29
July	Monday, July 20	Thursday, July 2 <sup>4</sup>
August	Monday, August 17	Friday, July 31
September	Monday, September 21	Friday, September 4
October	Monday, October 19	Friday, October 2
November	Monday, November 16	Friday, October 30
December	Monday, December 21	Friday, December 4

Planning Commission meetings begin at 7:00 p.m. in the Russell L. "Jack" Roberts District Court Building located at 810 Parkway, Conway, Arkansas. The agenda with supporting information for each meeting is posted at [www.conwayplanning.org](http://www.conwayplanning.org).

<sup>1</sup>Meeting moved due to Martin Luther King Day Observance

<sup>2</sup>Meeting moved due to Presidents' Day Observance

<sup>3</sup>Submission deadline moved due to Toad Suck Daze Festival. Offices closed May 1.

<sup>4</sup>Submission deadline moved due to Independence Day Observance. Offices closed July 3.



## 3B 2015 OFFICERS & COMMITTEE MEMBERS

### B. Planning Commission 2015 Officer and Committee Assignment discussion

#### Current Committee Members and Vacancies

ANNEXATION	CONDITIONAL USE
Stan Hobbs	Lee Washington, Chair
Mark Lewis	Mark Lewis
Anne Tucker	Anne Tucker
Lee Washington	Marilyn Armstrong
Vacancy	Stan Hobbs

SUBDIVISION	ZONING
Matthew Brown, Chair	Marilyn Armstrong
Wendy Shirar	Jerry Rye
Jerry Rye	Wendy Shirar
Vacancy	Matthew Brown
Vacancy	Vacancy

#### 2015 Committee Members and Chairpersons

ANNEXATION	CONDITIONAL USE

SUBDIVISION	ZONING

## 3C PRESENTATION OF AWARDS

**Thank you to Jeff Allender and Jon Arms  
for their Planning Commission Service!**

## PLANNING 101

At the Planning Department, we occasionally receive phone calls with a bit of mystery. Realtors or business representatives will call and ask for zoning information but can't disclose their employers. This usually leads to disjointed conversations as we try to wrestle enough clues from the potential developer to give accurate information.

So, it wasn't a surprise when a call came to my desk a few weeks ago. "Hello, this is Bryan, how can I help you."

"Hello, this is Bernard and I was referred to you by the Conway Development Corporation. Due to climate change we're being forced to find a new location for our world headquarters and manufacturing facility. We're looking at Conway because of it's central U.S. location.

I need Conway zoning information, but I can't reveal too much about the prospective business. We have several locations we're considering and don't want to start any premature rumors or drive up potential real estate prices."

"Ok, What does your company make?"

"Toys."

"That sounds pretty innocuous, that would fit into our light manufacturing zone; I-1."

"We also have a very large research and development department."

"That sounds like an office use, which is allowed in I-1"

"We also make electronics."

"Are you just assembling the electronic components or are you manufacturing the circuit boards?"

"We used to make the whole thing, but since computer chips came along, we've outsourced the components. There just so dang small now."

"Electronic assembly is still allowed in I-1. Is there anything else

you make?"

"We do have a metal foundry, sawmill, and plastics processing facility. We're big on recycling these days. We try to start with as much raw material as possible"

"All right, I think we just left the I-1 zone. That sounds like I-3 Intensive Industrial."

"We also need on site housing for several thousand unique people."

What do you mean unique? Are they ex-prisoners, drug addicts?

"No, just small."

"You mean kids?"

"No, just small. They like to live in small dense multistory developments. Maybe 500 units per acre."

"That's a problem. Multifamily housing isn't allowed in industrial zones and we don't allow that density."

"We also have animals."

"What kind of animals?"

"Mostly deer, a few hundred. We started out with 8, but you know deer."

"You'll need 3 acres for each large animal. We'll need to check with Animal Control and see if deer qualify as smaller animals, but I think they're going to be classified as large."

"What about polar bears?"

"Wild animals are not allowed in Conway."

"Oh well, they're not going to like the summers there anyway. So, there's no zoning that would allow all our different land uses? Did I mention we need a runway?"

"You could request a Planned Unit Development. That requires three meetings; a technical meeting, a public information meeting, and the Planning Commission meeting. A PUD requires specific information to develop a Final Development Plan. We had an old airport property zoned I-3, but it's slated to become a large shopping center."

"That old airport sounds interesting, but the PUD thing sounds complicated. We're not quite ready for that. Like I said, we're looking into a few other locations. I believe there's a town in Indiana that might work for us."

"You could relocate to Faulkner County, they don't have any zoning regulations."

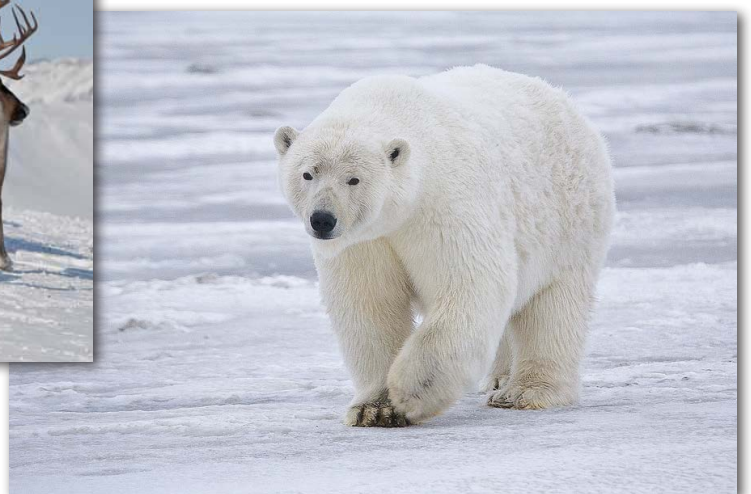
"That's a thought. Well, thanks for the information. We'll get back with you if we decide on Conway."

"Very good, we'd be happy to help...Merry Christmas."





Keeping of “innately wild animals” is prohibited per  
Conway Municipal Code Section 6.08.06.D





...and a Happy  
New Year!