



# CITY OF CONWAY, ARKANSAS PLANNING COMMISSION

August 16, 2021 • 7:00pm • 1111 Main Street



# City of Conway PLANNING COMMISSION

August 16, 2021

## PLANNING COMMISSION

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

The Conway Planning Commission makes recommendations to the City Council on public hearing items. Items reviewed on this agenda will be considered by the City Council as early as **August 24, 2021**.

Items not approved by the Planning Commission may be appealed to the City Council within 30 days of the date of Planning Commission denial, with exception of decisions made by the Planning Commission acting as the Board of Zoning Adjustment.

Call to Order.

Roll Call.

Approval of Minutes. July 19, 2021

### I. Public Hearing Items

- A. Request to annex 44.36 acres +/- located at 21 Mill Pond Road to be zoned A-1 (ANN-0621-0068)
- B. Request for conditional use permit to allow a bank or savings and loan in an O-2 zoning district for property located at 841 Donaghey Avenue (CUP-0721-0075)
- C. Request to rezone property at 640 and 680 Hogan Lane from O-2 to C-2 (REZ-0721-0073)
- D. Request for conditional use permit to allow self-storage facility in a C-2 zoning district for property located at 640 and 680 Hogan Lane (CUP-0721-0074)
- E. Request to rezone 25.45 acres +/- along Bill Bell Lane and Stanley Russ Road from A-1 to R-1 (REZ-0721-0082) *request is postponed to the regularly scheduled September Planning Commission meeting; legal notification requirements were not met*

### II. Additional Business

- A. Consideration to amend the Conway Zoning Code concerning regulation of Short Term Rentals for transient occupation
- B. Consideration to amend the Planning Commission By-Laws
- C. Items as decided by the Commission

Adjourn.

# Request to annex 44.38 acres +/-

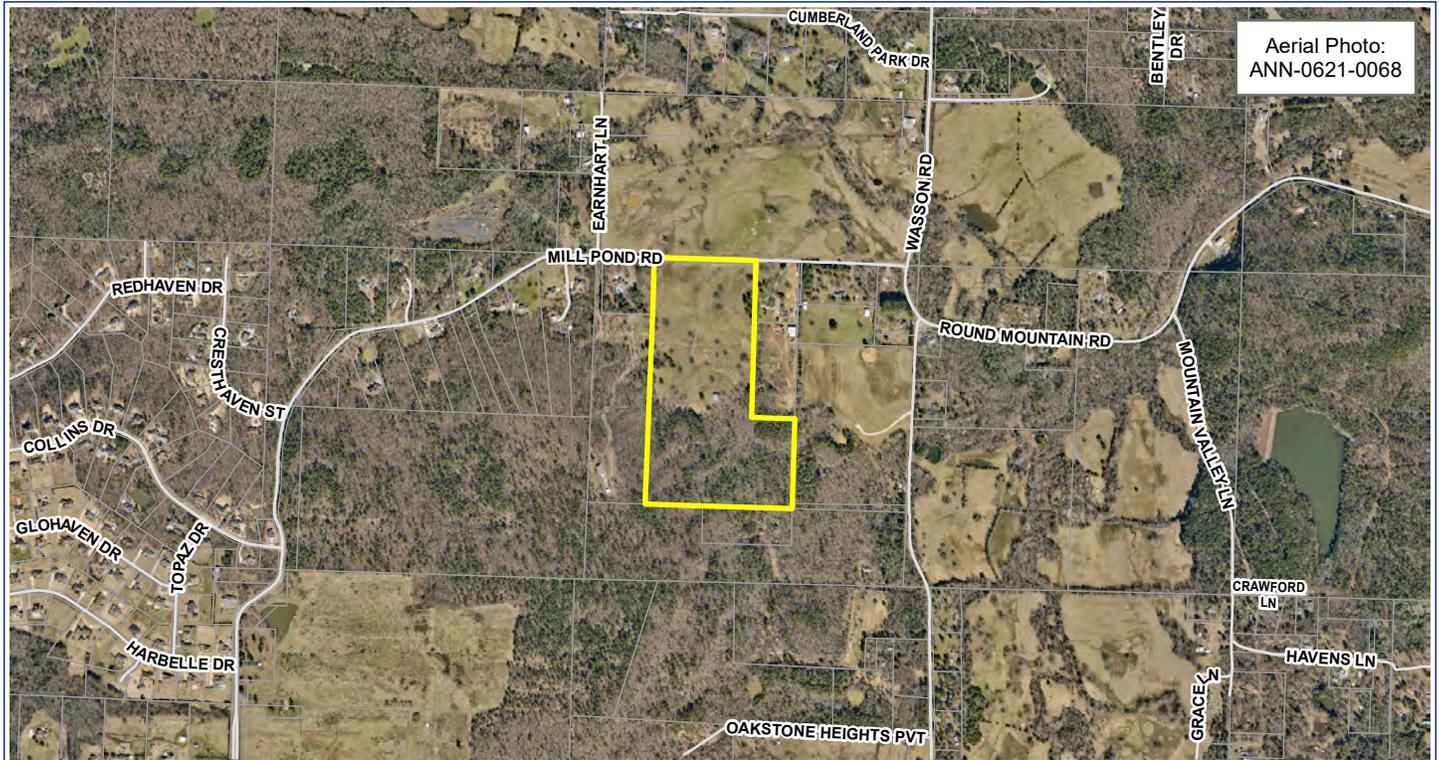
21 Mill Pond Road

## APPLICANT/OWNER

Winfred Thompson  
880 Acadian Point Dr  
Conway, AR 72034

## STAFF REVIEW BY

Beth Sketoe, Planner



## SITE DATA

**Location.** 21 Mill Pond Rd; north side of Mill Pond Rd approximately 1,100 ft west of the intersection of Wasson Rd.

**Site Area.** 44.38 acres +/-.

**Current Zoning.** N/A (Outside City).

**Existing Structures.** 1 outbuilding.

**Overlay.** None.

**Requested Rezoning.** A-1 (Agricultural); Staff Recommends A-1.

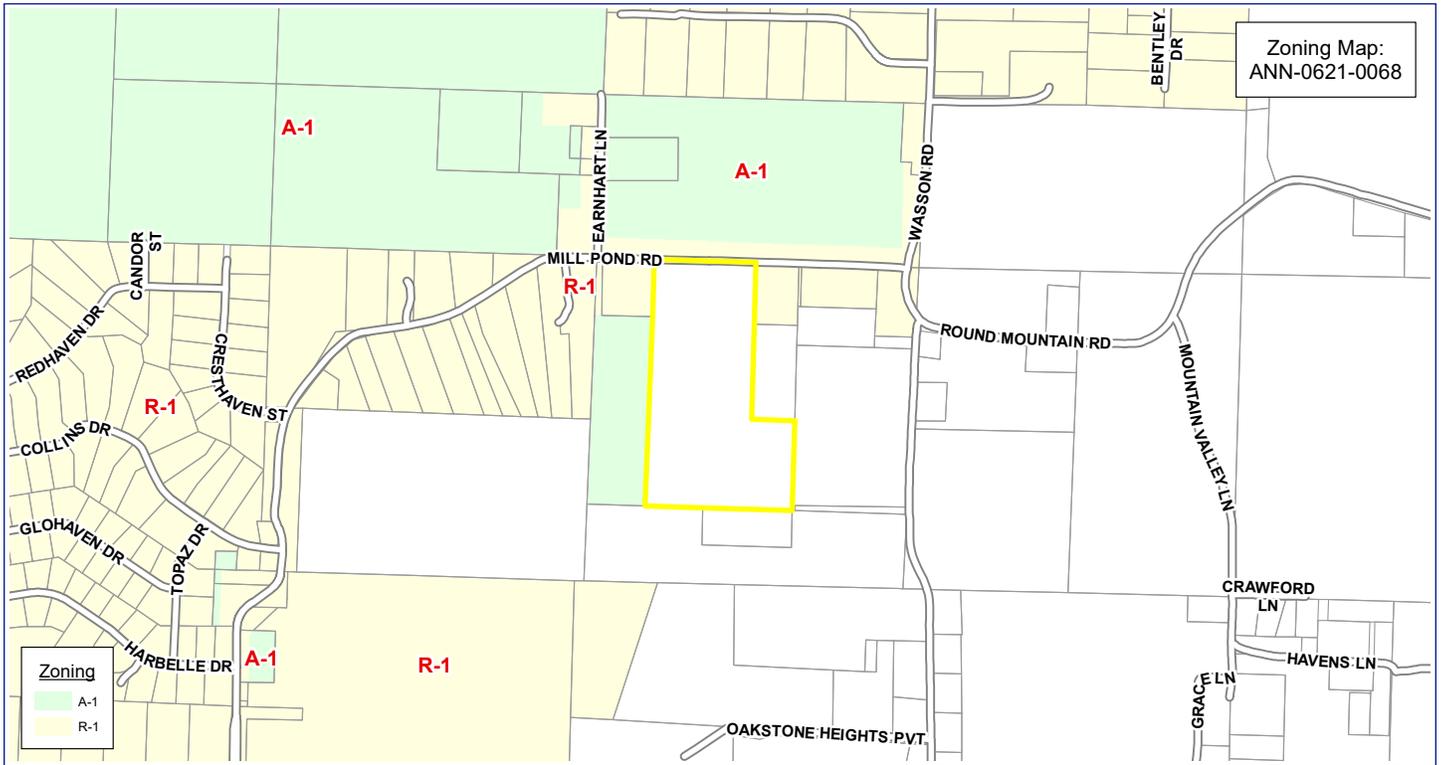
**Comprehensive Plan.** Single-Family.

**Current Traffic Counts.** 1,800 average daily traffic.

**Projected Traffic Impact.** The property is currently undeveloped. If developed under the requested zoning (A-1) for single-family residential use, the property could accommodate up to 40 single-family lots and would likely generate approximately 378 vehicle trips per typical weekday. The traffic impact of the development should be minimal.

# Request to annex 44.38 acres +/-

21 Mill Pond Road



**Flood\Drainage.** The site is not within any FEMA Flood Zones.

**Utilities.** The applicant will need to coordinate utilities with Conway Corporation.

**Street Improvement.** Mill Pond Rd is a 2-lane open-ditch roadway, classified as a Major Arterial. If subdivision occurs on any annexed property, the developer shall be responsible for road construction.

### STAFF COMMENTS

The applicant is seeking annexation of a 44.38 acre site. The following comments and findings have been made:

- The proposed property is primarily vacant land with access to Mill Pond Rd.
- Sewer service is not available to the property, but Conway Corporation does provide water service in the area. As such, development potential is limited.
- A-1 zoning is appropriate for the property in the area.
- The applicant is requesting police protection, fire protection, street maintenance, and the ability to connect to Conway Corp Utilities.
- The annexation request complies with the requirements of ordinance O-99-95 specifying procedures for annexations.

### STAFF RECOMMENDATIONS

- Fire Department: Recommends Annexation
- Conway Corporation: Recommends Annexation
- Planning and Development Department: Recommends Annexation
- Transportation Review: Recommends Annexation

Staff recommends approval of this request. The annexation would have limited impact on current city services offered in the area. If the annexation results in new residential development at the site, issues affecting provision of adequate fire service and access will be addressed at the time of development.

**Request to annex 44.38 acres +/-**

21 Mill Pond Road

I.A



View of property from Mill Pond Rd looking SE



View of property from Mill Pond Rd looking S



View of adjacent property along Mill Pond Rd looking N



View of adjacent property along Mill Pond Rd looking E



View of adjacent property along Mill Pond Rd looking W

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

841 Donaghey Avenue

**APPLICANT/OWNER**

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

**STAFF REVIEW BY**

Beth Sketoe, Planner



**SITE DATA**

**Location.** 841 Donaghey Ave (Suite 3).

**Site Area.** 0.90 acres ±.

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

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

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

**Overlay.** Old Conway Design Overlay District.

**Requested Conditional Use.** Bank or Savings and Loan.

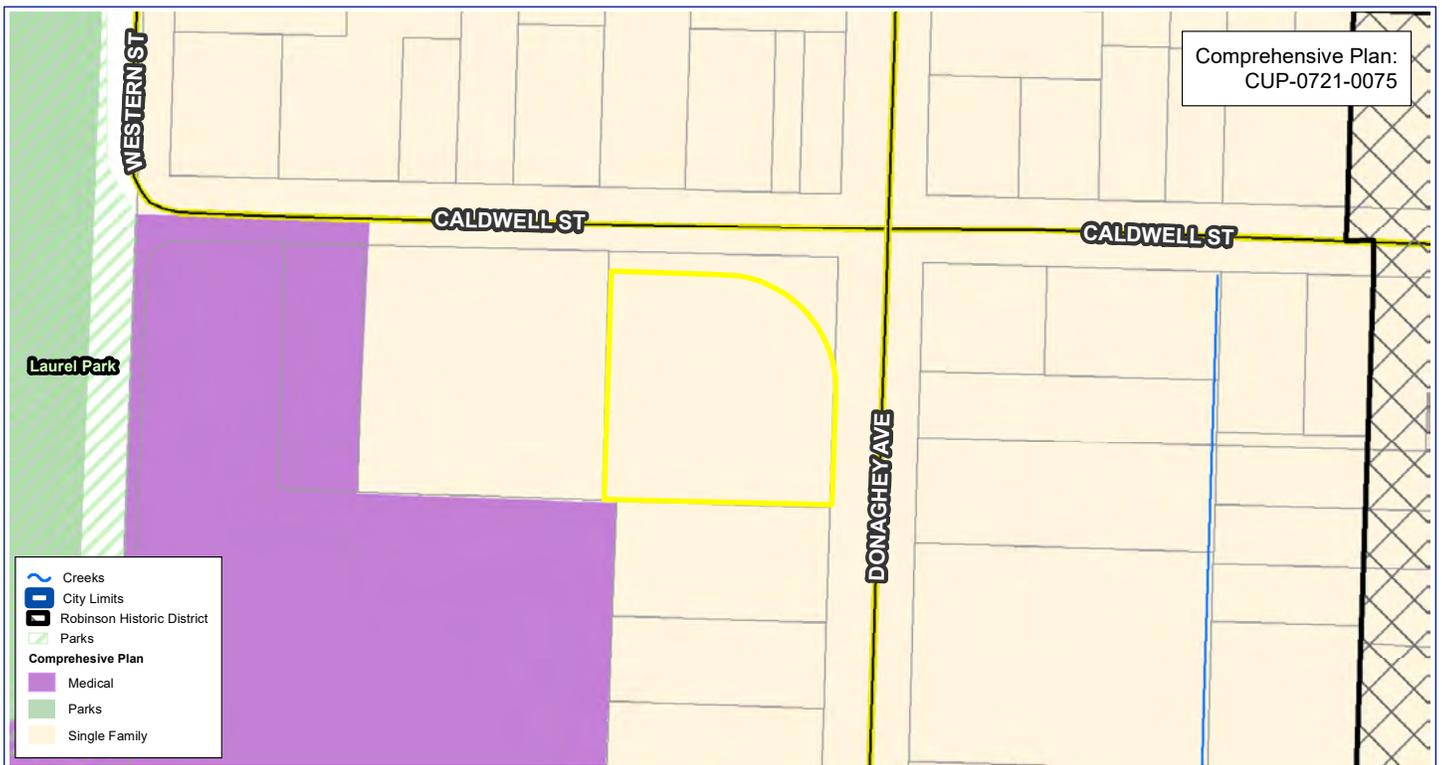
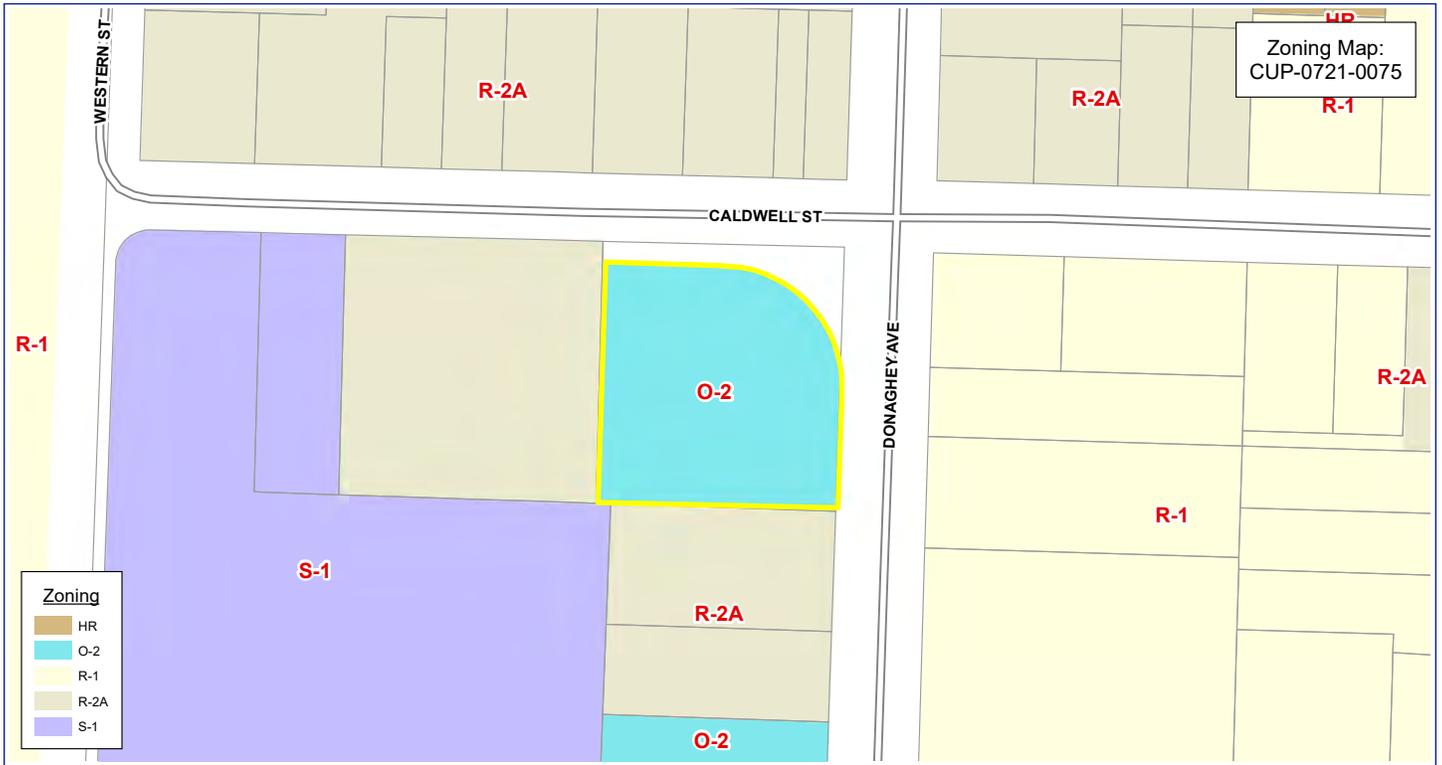
**Comprehensive Plan.** Single-Family.

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

**Current Traffic Counts.** Donaghey Ave - 11,000 vehicles per day.

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

841 Donaghey Avenue



841 Donaghey Avenue

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

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

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

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

## STAFF COMMENTS

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

## STAFF RECOMMENDATIONS

Staff recommends approval of the request with the following conditions:

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

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

841 Donaghey Avenue

I.B



View of site from Caldwell St looking SE



View of site from Caldwell St looking S



View along Caldwell St looking E



View of adjacent properties looking W along Caldwell St



Properties adjacent to the N



Property adjacent to the N

# Request to Rezone: O-2 to C-2

640 & 680 Hogan Lane

I.C

## APPLICANT

Jim Burrows  
Absolute Storage Investment LLC  
1630 Bonnie Ln, Ste 106  
Cordova, TN 38016

## AUTHORIZED AGENT

Central Arkansas Professional Surveying  
1021 Front St  
Conway, AR 72032

## OWNER

Hal Crafton  
Rush-Hal Development  
PO Box 10482  
Conway, AR 72034

## STAFF REVIEW BY

Levi Hill, AICP, Asst. Director



## SITE DATA

**Location.** 640 & 680 Hogan Ln; Approximately 400 feet south of the intersection of Hogan Ln and Prince St.

**Site Area.** 2.68 acres ±.

**Current Zoning.** O-2 (Quiet Office District).

**Adjacent Zoning.** West: A-1 (Agricultural); North: C-3 (Highway Commercial); East, South: R-1 (Single-Family Residential).

**Existing Structures.** None.

**Overlay.** None.

**Requested Rezoning.** C-2 (Neighborhood Commercial).

**Comprehensive Plan.** Single Family.

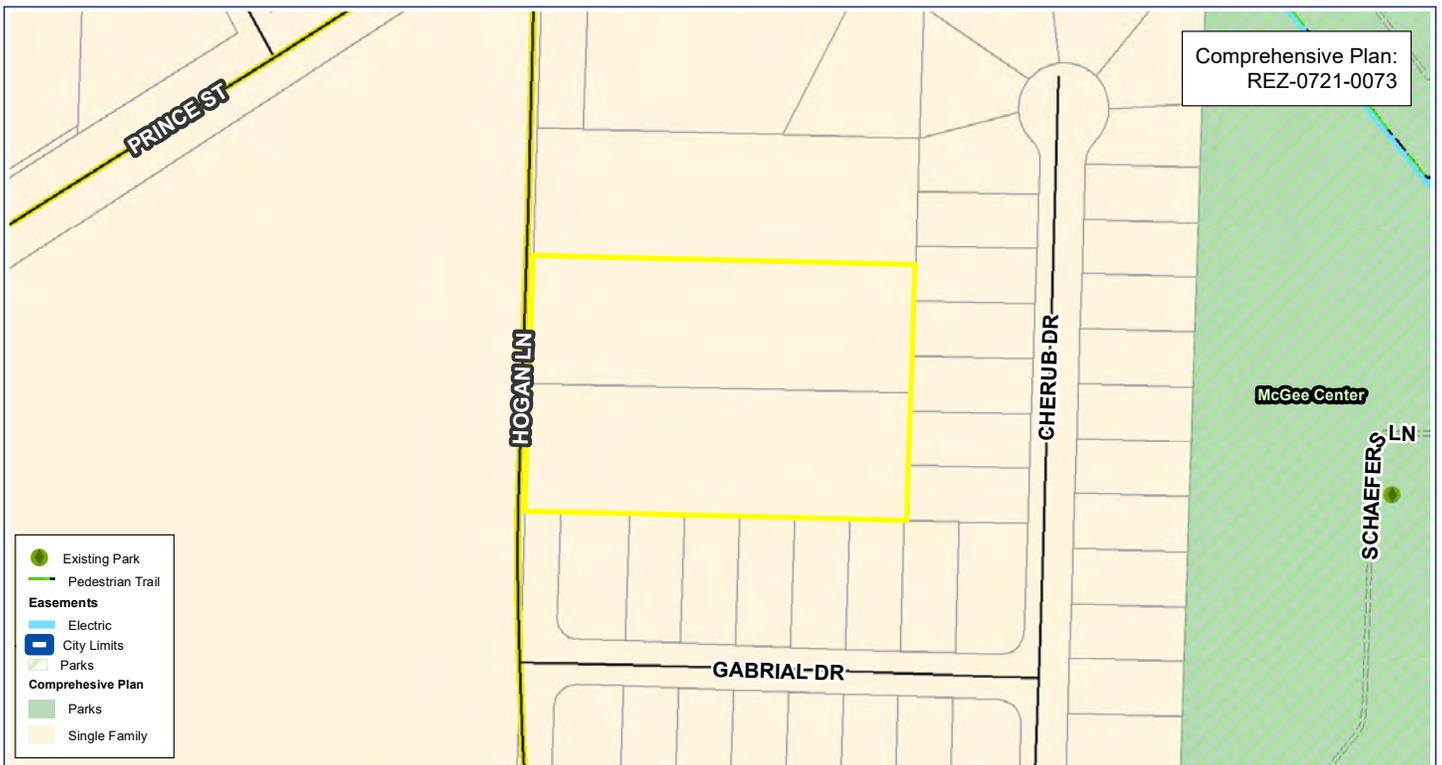
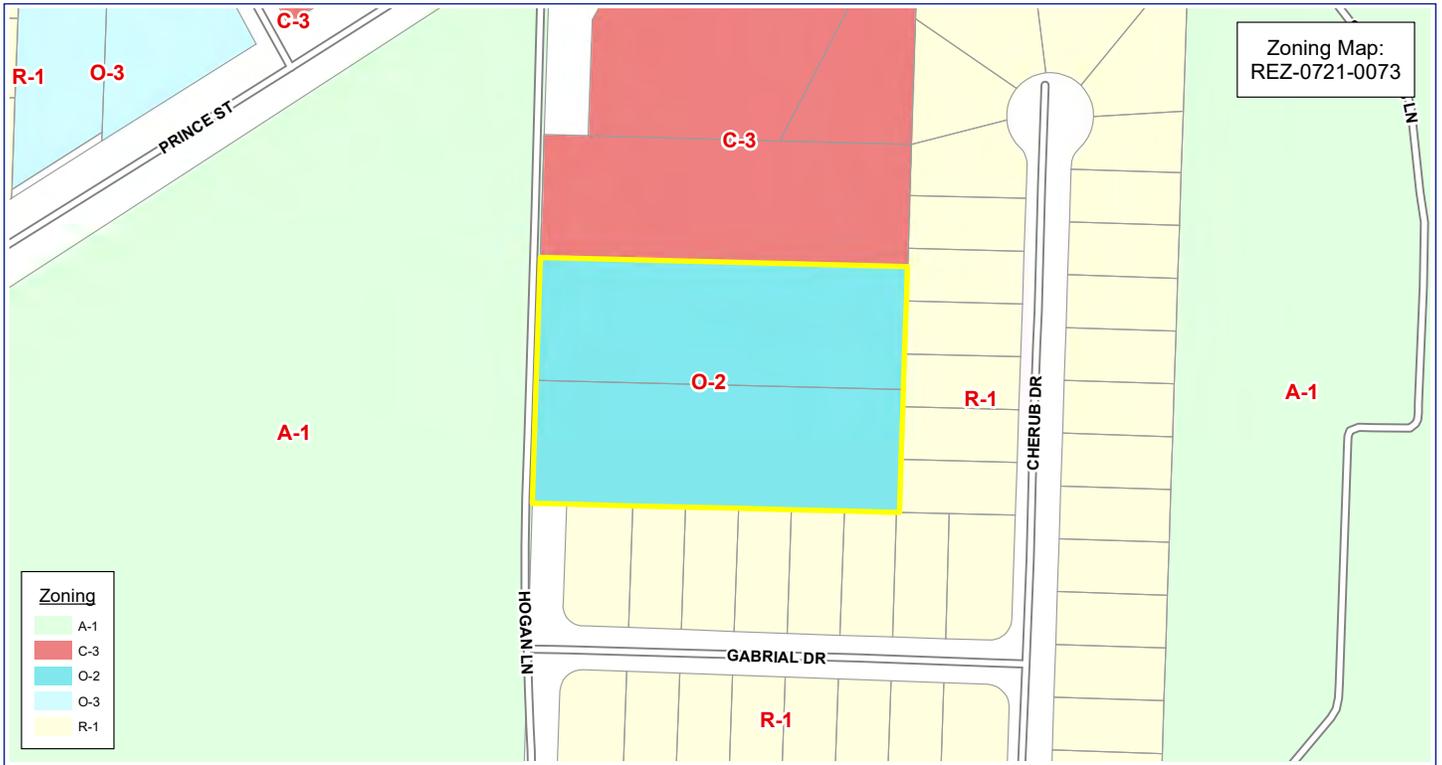
**Projected Traffic Impact.** The proposed rezoning is being sought to allow the development of a 50,000 square foot mini-storage facility. If approved, it is anticipated the development would generate approximately 76 daily average trips.

**Current Traffic Counts.** Hogan Ln – 9,000 vehicles per day.

# Request to Rezone: O-2 to C-2

640 & 680 Hogan Lane

I.C



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

**Utilities.** Utilities are available on site.

**Master Street Plan.** Hogan Ln – Major Arterial.

**Street Improvement.** No current improvement plans.

### STAFF COMMENTS

- The applicant is seeking a rezoning to C-2 (Neighborhood Commercial) to approximately 2.68 acres at 640 and 680 Hogan Lane.
- The purpose of the rezoning is to allow for the future development of a mini-storage facility.
- A mini-storage facility would require the approval of a conditional use permit in the C-2 zoning district.
- The comprehensive plan designates the property as Single-Family, however the intersection of Hogan Lane and Prince Street is identified as a neighborhood commercial node. Given the sites proximity to an existing commercial pocket, the request appears to be appropriate.
- The zoning change would not likely negatively impact adjacent property.
- Any future development would be subject to the City's Subdivision Regulations and Development Review requirements.

### STAFF RECOMMENDATIONS

Staff recommends approval of the rezoning. The proposed rezoning would allow for low intensity commercial development in an existing mixed-use area. The request is unlikely to negatively impact adjacent property.

# Request to Rezone: O-2 to C-2

640 & 680 Hogan Lane

I.C



View of property from Hogan Ln looking NE



View of property from Hogan Ln looking E



Property adjacent to the W



Property adjacent to the W



Vacant lot and fuel station adjacent to the N

# Request for Conditional Use Permit: Mini-Warehouse in C-2

I.D

640 & 680 Hogan Lane

**APPLICANT**

Jim Burrows  
Absolute Storage Investment LLC  
1630 Bonnie Ln, Ste 106  
Cordova, TN 38016

**AUTHORIZED AGENT**

Central Arkansas Professional Surveying  
1021 Front St  
Conway, AR 72032

**OWNER**

Hal Crafton  
Rush-Hal Development  
PO Box 10482  
Conway, AR 72034

**STAFF REVIEW BY**

Levi Hill, AICP, Asst. Director



**SITE DATA**

**Location.** 640 & 680 Hogan Ln; Approximately 400 feet south of the intersection of Hogan Ln and Prince St.

**Site Area.** 2.68 acres ±.

**Current Zoning.** O-2 (Quiet Office District). *Applicant has a concurrent application requesting rezoning to C-2 on this agenda.*

**Existing Structures.** None.

**Overlay.** None.

**Requested Conditional Use.** Mini-storage.

**Comprehensive Plan.** Single Family.

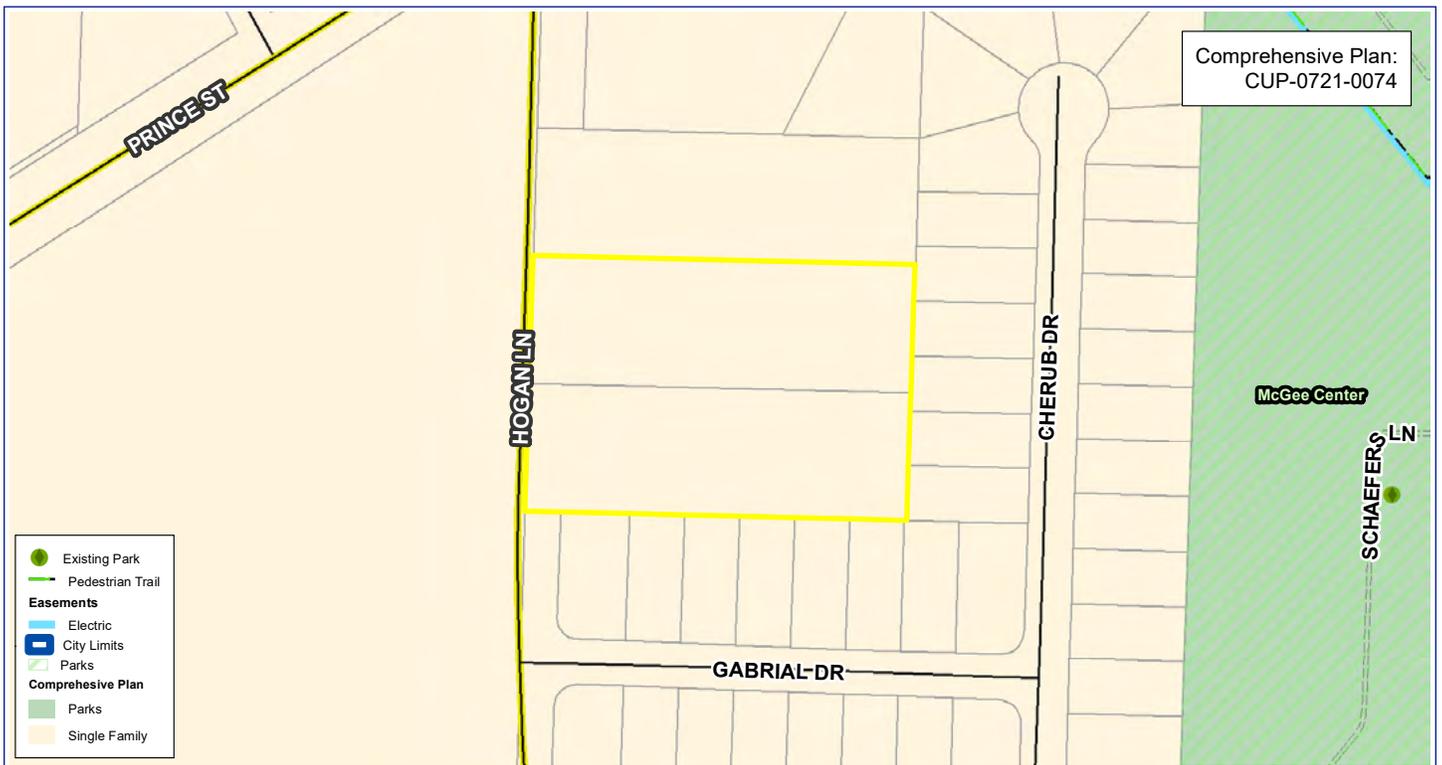
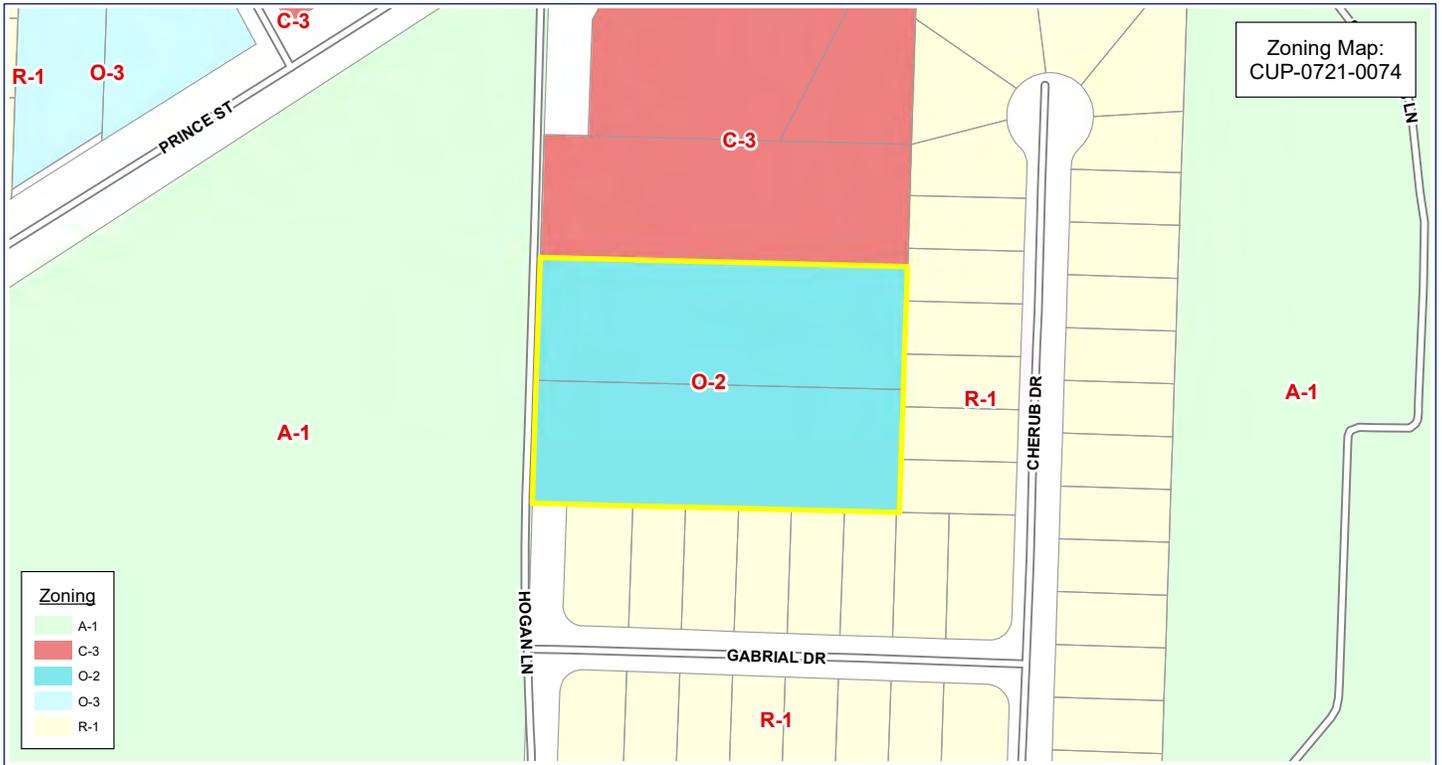
**Projected Traffic Impact.** With the concurrent requested rezoning to C-2, the applicant is proposing a mini-storage development by conditional use permit. If approved, it is anticipated the development would generate approximately 76 daily average trips.

**Current Traffic Counts.** Hogan Ln – 9,000 vehicles per day.

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

# Request for Conditional Use Permit: Mini-Warehouse in C-2

640 & 680 Hogan Lane



**Utilities.** Utilities are available; applicant shall coordinate extension of utilities with Conway Corp.

**Master Street Plan.** Hogan Ln – Major Arterial.

**Street Improvement.** No current improvement plans.

## STAFF COMMENTS

- The applicant intends to develop the property with a self-storage facility. This use is not permitted by right or conditional use permit in the current zoning, but is allowed as a conditional use in the requested C-2 zoning district. *A concurrent application for rezoning is included on this application.*
- The comprehensive plan designates the property as Single-Family, however the intersection of Hogan Ln and Prince St is identified as a neighborhood commercial node. Given the site's proximity to an existing commercial pocket, the request appears to be appropriate.
- The property lies in an existing mixed-use area with commercial, residential, and institutional uses in the immediate vicinity.
- The development will be subject to the commercial development standards in accordance with Section 1101 of the Zoning Code.
- As conditioned, the use would not likely negatively impact adjacent property.

## STAFF RECOMMENDATIONS

Staff recommends approval of the conditional use permit with the following conditions:

1. The use shall be subject to Development Review, in accordance with Article 1101 of the Zoning Code, prior to issuance of building permits.
2. Platting of the property, in accordance with the Subdivision Regulations, shall be required.
3. Any proposed fencing shall be masonry or ornamental metal. The Planning Director may approve alternative materials.
4. The development shall be built in a manner that is consistent with the conceptual site plan and operational plan included in this application. Significant deviation will require modification to the Conditional Use Permit.
5. Landscaping shall be provided in excess of that required by Article 1101 of the Zoning Code. At a minimum, this shall include one canopy tree planted every 15 feet along the Hogan Ln.
6. The storage of hazardous chemical, petroleum products, or explosives is prohibited.
7. The operation of spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, and other similar equipment is prohibited.
8. No storage unit may be used for the purposes of operating a business except for the purpose of providing storage for a business which is located off-site.
9. Any outside storage, including vehicles, recreational vehicles, trailers, etc. or vehicles/equipment for rental use shall be screened and shielded from view of adjacent property or public right-of-way.
10. All lighting shall not exceed twenty (20) feet in height and be full cut-off, shielded lighting as defined by the IESNA. Such lighting shall be directed to prevent the trespass of light onto the adjacent properties.
11. Any expansions or additions to the structure(s) as well as any changes to the use shall require an amended or new conditional use permit.
12. Conditional Use Permit expires 2 years from the date of issue if no building permit has been issued.

**Central  
Arkansas  
Professional  
Surveying, LLC**

1021 Front Street  
Conway, AR 72032  
501.513.4800  
501.513.0900-fax

June 28, 2021

Re: 640 and 680 Hogan Lane, Conway, AR 72034

Our firm, on behalf of Mr. Jim Burrow, is requesting to rezone the above mentioned property to C-2 with a conditional use to allow storage facility. We are proposing the following:

- 50,000 square foot building, mostly climate controlled with all brick
- Earth tone metal roll up doors facing the gas station and rear, with brick between doors, as rendering shows.
- Building will heavily landscaped
- Proposed building will look more like an office building.

If you have any questions, please call me at 501-472-2862.

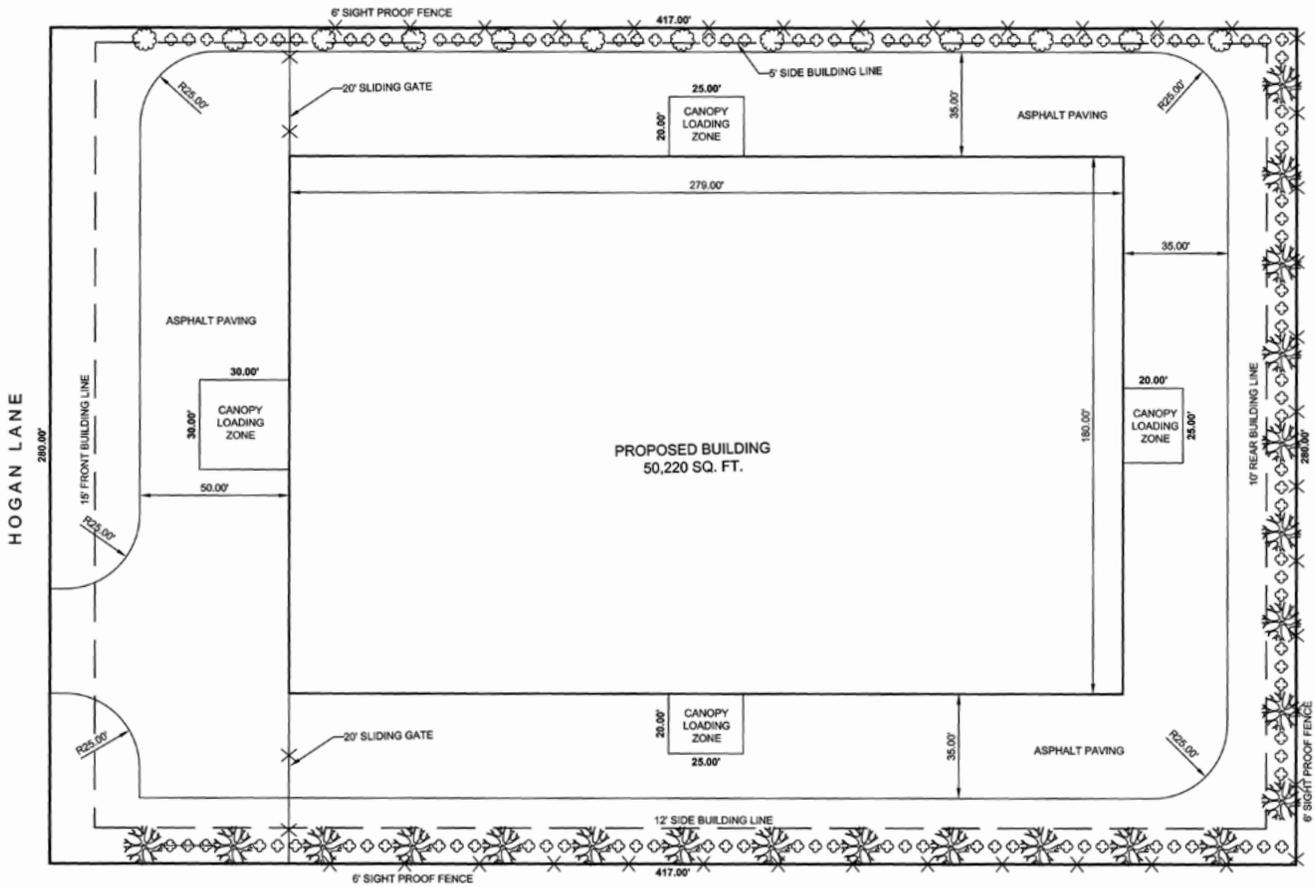
Sincerely,

Robert D. French, P.S. 1363, Central Arkansas Professional Surveying

# Request for Conditional Use Permit: Mini-Warehouse in C-2

640 & 680 Hogan Lane

I.A



### **SECTION 601.29 SHORT TERM RENTALS**

Requirements applying to Short Term Rentals are as follows:

- A. General: The purpose of these provisions are to provide guidelines that balance the right for city homeowners to utilize the benefits of short term rental units while protecting the health, safety, and welfare of the entire community. Additionally, these provisions seek to protect the users of short term rentals.
- B. License Requirement: All short term rentals shall obtain and maintain a short term rental license to operate within city limits. To obtain a short term rental license application shall be made to the Conway City Clerk's office and the following information is required:
  1. Applicant Information: The applicant shall be the property owner or provide written authorization to act on the behalf of the property owner. The applicant shall provide their name, address, applicable business entity information, and authorization of agency.
  2. Insurance: The applicant shall provide an up-to-date certificate of insurance documenting that the dwelling is insured as a short term or vacation rental with a general commercial liability policy of at least one million dollars (\$1,000,000) of coverage.
  3. Inspection: The potential short term rental shall be inspected by the Fire Marshal and Chief Building Official or his/her designee for compliance with the Arkansas Fire Prevention Code regarding all applicable provisions including those for transient accommodation.
  4. Local Property Representative: The applicant shall designate a local property representative who shall be available twenty-four (24) hours per day, seven (7) days per week, for the purpose of:
    - a. Responding within one (1) hour to complaints regarding the condition, operation, or conduct of occupants of the short-term rental;
    - b. Taking remedial action to resolve any such complaints.

The name, address, and telephone contact number of the property owner and the local property representative shall be kept on file with Conway City Clerk's office and Conway Police Department. The failure to provide the contact information, failure to keep the contact information current, failure to respond in a timely manner to complaints, or the occurrence of repeated complaints may result in the suspension or revocation of the short term rental license.
5. Fee: An annual fee set according to fee schedule adopted by the Conway City Council. The fee shall be submitted at the time of application/renewal for the short term rental license. If no fee schedule is adopted, the annual fee shall be one hundred dollars (\$100).
6. A&P Tax Permit: The applicant shall be required to provide proof of a current Conway A&P Tax Permit prior to issuance of a short term rental license.
- C. License Renewal: Licenses issued during any part of a calendar year must be renewed the succeeding year. Annual license renewal applications must be submitted to the City of Conway by January 31st. A ten percent (10%) late fee shall be assessed for renewal applications submitted after March 1st. A thirty percent (30%) late fee shall be assessed for renewal applications submitted after April 1st. A license shall be deemed revoked if an application for renewal has not been made before May 1st.
- D. Update of Information: If any information changes related to the applicant materials provided, the applicant shall be required to immediately provide an update of such information to the Conway City Clerk's office.

## Proposed Amendment: Short-Term Rentals

- E. Revocation: Any short term rental license may be revoked upon written notice by Certificate of Mailing by the Conway City Clerk for any of the following:
1. A false material statement or misrepresentation has been made in, or in support of, the application;
  2. A change occurs in any material fact upon which the short term rental license was issued that has not been reported to the City Clerk as a change to the required applicant materials within thirty (30) days of the change;
  3. The short term rental has been the site of violation of any provision of law, or otherwise fails to meet sanitation standards, Arkansas Fire Prevention Code requirements regarding all applicable provisions including those for transient accommodation, or other applicable standards established by local, state, or federal law.
  4. The local property representative failed to timely respond to two (2) or more complaints within any twelve (12) month period.
- F. Revocation Appeal: Any holder of short term license which is revoked by the City Clerk may appeal such decision to the Conway City Council within thirty (30) days of issuance of the Certificate of Mailing of revocation by the Conway City Clerk. Appeal review by the Conway City Council shall be on the basis of determining factual compliance by the applicant with the provisions of this Code and in determining if the severity of noncompliance warrants revocation due to consistent lack of effort by the applicant to correct known issues.
- G. Information Packet: A packet of information shall be provided to renters and posted conspicuously in the common area of the short term rental summarizing guidelines and restrictions applicable to the short term rental use, including:
1. Information on maximum occupancy;
  2. Applicable noise and use restrictions;
  3. Location of off-street parking;
  4. Direction that trash shall not be stored within public view, except within proper containers for the purpose of collection, and provision of the trash collection schedule;
  5. Contact information for the local property representative;
  6. Evacuation routes;
  7. The renter's responsibility not to trespass on private property or to create disturbances; and;
  8. Notification that the renter is responsible for complying with these regulations and that the renter may be cited or fined by the city for violating any provisions of this or any other applicable code.
- H. Use: Short term rentals may only occur in a legally permitted and zoned single-family dwelling. All other transient use and short term rental shall meet the applicable standards and requirements for a bed and breakfast, hotel, or motel.
- I. Parking: One (1) off-street parking space per bedroom rented shall be provided. Where on-street parking is available, up to two (2) spaces may be used to meet this requirement. These parking requirement shall not apply in C-1 or C-MU districts.

### **SECTION 301.2 DEFINITIONS OF TERMS AND USES**

**Short Term Rental:** The rental of no more than one entire dwelling with no more than five (5) sleeping rooms to one (1) family or no more than eight (8) persons not related by blood, marriage, custodial relationship, or guardianship for less than 30 days with or/ without the owner living on the premises.

**Bed and Breakfast:** A dwelling unit that contains no more than ten (10) guest rooms where lodging, with or without meals, is provided for compensation for a term of less than 30 days.

**CONWAY PLANNING COMMISSION By-laws**

*Adopted July 19, 1993*

*Amended May 20, 1996*

*Amended November 20, 2000*

***DRAFT August 2021***

**ARTICLE I • PURPOSE OF THE By-Laws**

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

**ARTICLE II • THE COMMISSION**

**A. Members and Terms**

1. The membership and the terms of service shall be as stipulated by Ordinance No. A306 as amended. The term shall be for five (5) years, which shall begin on January 1 and end on December 31 or until a successor has been appointed, except for extenuating circumstances as mentioned in the ordinance. No member may succeed him/herself.
2. Members who are appointed to fill vacancies for unexpired terms shall join the Commission at the next meeting following their appointment and confirmation. Such members shall not succeed themselves.
3. The Chair, on behalf of the Commission, may request the resignation of any member who has missed three (3) consecutive meetings without reasonable cause.

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

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

**ARTICLE III • COMMITTEES**

**A. Special Committees**

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

**B. Advisory Committees**

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

### ARTICLE IV • MEETINGS

#### A. Regular Meetings

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

#### B. Special Meetings

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

#### C. Freedom of Information Act

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

### ARTICLE V • CONDUCT OF BUSINESS

#### A. Order of Agenda

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

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

#### B. Order of Hearing

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

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

## Proposed Amendments

### C. Conduct of Hearing

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

1. The Conway Planning Commission makes recommendations to the City Council on public hearing items. Items reviewed on this agenda will be considered by the City Council as early as [DATE OF THE NEXT CITY COUNCIL MEETING]. Items not approved by the Planning Commission may be appealed to the City Council within 30 days of the date of Planning Commission denial, with exception of decisions made by the Planning Commission acting as the Board of Zoning Adjustment.
2. No person shall address the Planning Commission without first being recognized by the Chair.
3. All questions and remarks shall be made from the podium and addressed through the Chair.
4. After being recognized, each person shall state their name and address for the record.
5. When a group of citizens is present to speak about an item, a spokesperson shall be selected by the group to address the Planning Commission.
6. All remarks shall be addressed to the Planning Commission as a whole and not to any individual member.
7. No person, other than members of the Planning Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Planning Commission, without permission of the Chair.
8. Once the public hearing is closed by the Chair, no person in the audience shall address the Planning Commission on the matter without first securing permission to do so by a majority vote of the Planning Commission.

### D. Standard Rule of Procedure

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

### E. Rules of Procedure

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

## Proposed Amendments

### F. General Policies

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

### ARTICLE VI • AMENDMENTS

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

*The following items, which do not require public hearings or Planning Commission action, have been reviewed and approved by the Director of Planning & Development and are being reported to the Planning Commission as required by the Zoning Code and Subdivision Ordinance.*

**Development Review Approvals**

- Conway Christian School Addition, 500 S East German Ln (SDR-0621-0059)
- First Community Bank, Temporary Bank Building, 766 Harkrider St (SDR-0721-0072)

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

- Replat of Lot 39, Thousand Oaks Subdivision (SUB-0721-0077)
- Bell Valley, Phase I Final Plat (SUB-0721-0078)
- Schichtl Addition (SUB-0721-0080)

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

- Bell Valley, Phase I
- Estates at Centennial Valley