



CITY OF CONWAY, ARKANSAS PLANNING COMMISSION

September 19, 2022 • 6:30pm • 1111 Main Street

**Decisions made by the Planning Commission acting as the Board of Zoning Adjustment are final. Decisions may not be appealed to City Council.*

Planning Commission meeting procedures (per by-laws adopted July 19, 1993; amended September 20, 2021)

**Subdivision Review items are included for consideration as administrative reviews to determine compliance with the Conway Subdivision Ordinance, Zoning Code, and applicable plans. Such items are not conducted as public hearings.*

***Order and conduct for public hearings: Following the announcement of the item by the Chair, Planning Staff will present the report findings. Following Staff presentation the Applicant is granted up to 10 minutes for additional presentation with subsequent favorable public comments limited to 3 minutes per person. If opposed parties are present the initial speaker is then granted up to 10 minutes with each subsequent public comment limited to 3 minutes per person. No person shall address the Planning Commission without first being recognized by the Chair and stating his/her name and address for the public record. All questions/remarks shall be made from the podium and addressed through the Chair to the Commission as a whole. Any group with common interest shall select a speaker to address the Commission on behalf of the group; repetitive comments will be limited.*



City of Conway

PLANNING COMMISSION

September 19, 2022

PLANNING COMMISSION

Rhea Williams, Chair
Rebekah Fincher, Vice-Chair
Laura King, Secretary
Alexander Baney
Adam Bell
Latisha Sanders-Jones
Ethan Reed
Drew Spurgers
Larry Webb
Greg West

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 **September 27, 2022.**

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 and Roll Call.

Finding of a Quorum.

Approval of Minutes. August 15, 2022

I. Subdivision Review*

- A. Request for preliminary plat approval of The Bird's Nest Subdivision (SUB-0822-0318)
- B. Request for preliminary plat approval of 1600 Place PUD (SUB-0822-0320)

II. Public Hearings**

- A. Request for zoning variance[†] to allow reduced side setback for property located at 266 Skyline Drive (VAR-0722-0292)
- B. Request to rezone 1.28 acres ± located at 82 Lower Ridge Road from A-1 to R-2A (REZ-0822-0306)
- C. Request to rezone 2.02 acres ± located at 4701 Westin Park Drive from O-2 to R-1 (REZ-0822-0317)
- D. Consideration to amend Zoning Code Article 901 to clarify review procedures for rezoning and conditional use permit applications

Adjournment

Request for Preliminary Plat Approval: The Bird's Nest

9.63 acres ± north of Dave Ward Drive, east of S Amity Road

APPLICANT/AUTHORIZED AGENT

Central Arkansas Professional Surveying
1021 Front St
Conway, AR 72032

OWNERS

L&W Development, LLC
PO Box 337
Conway, AR 72033

Elaine Goode, Trustee
Elaine Goode Revocable Trust
PO Box 1390
Conway, AR 72033



SITE DATA

Location. Approximately 700' east of Intersection of Thomas G Wilson Dr and Dave Ward Dr.

Site Area. 9.63 acres +/-.

Current Zoning. C-3 (Highway Service & Open Display District).

Comprehensive Plan. Commercial/General Industry.

Master Street Plan. Dave Ward Dr (Major Arterial 100' ROW+), Future N-S Street (Collector 60' ROW).

Existing Structures. None.

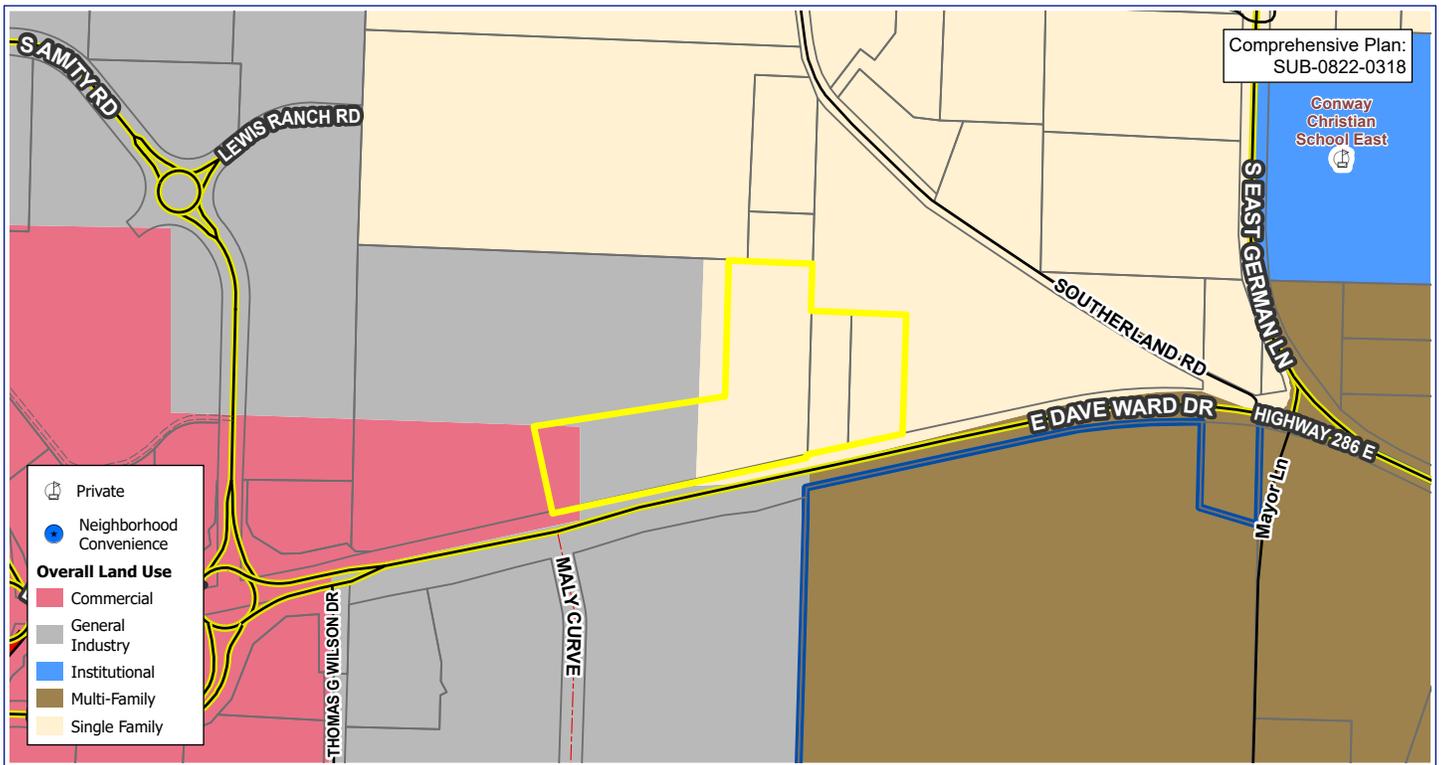
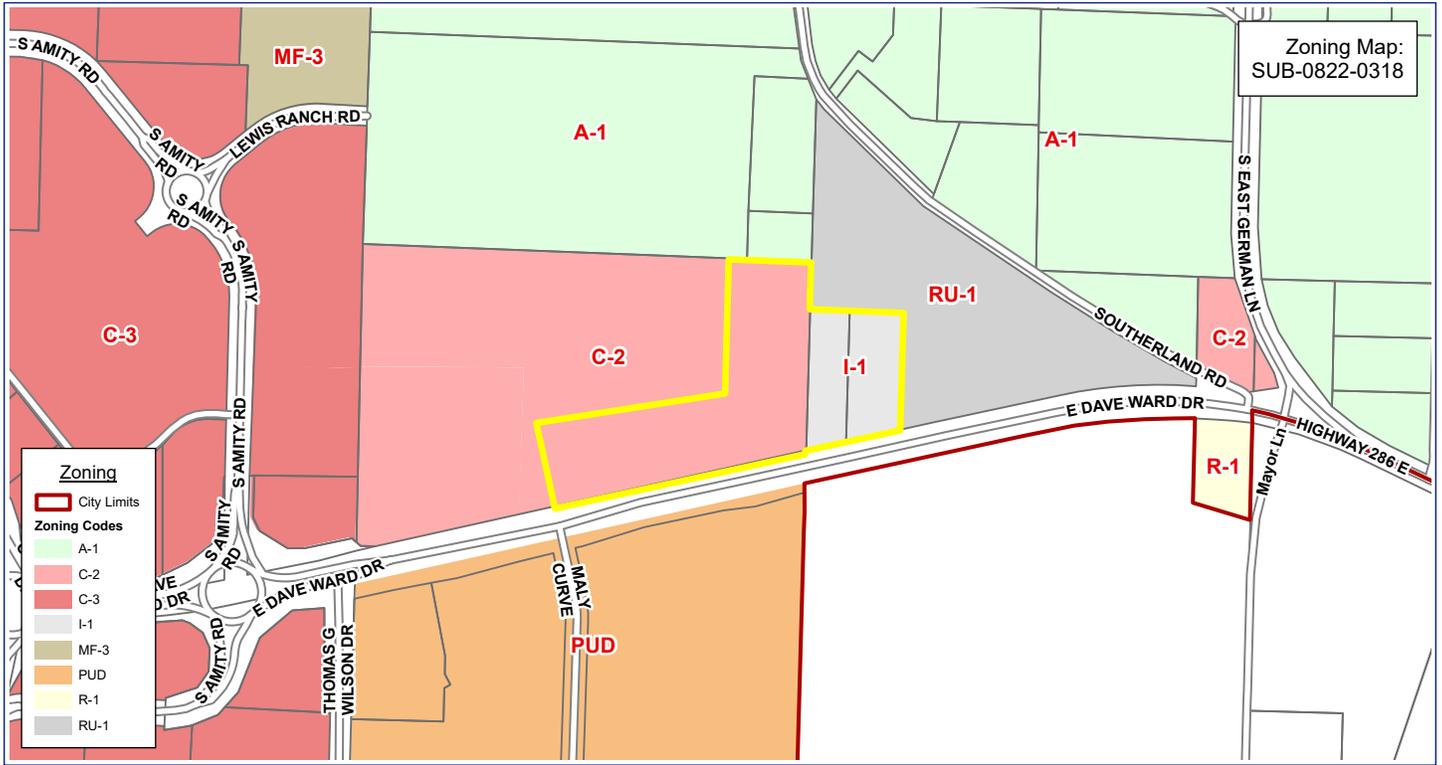
Overlay. None.

REQUEST

The applicant is requesting preliminary approval of a 6-lot subdivision located about 700' east of the Thomas G Wilson Dr and Dave Ward Dr intersection. The plat includes 2 existing lots (Lots 1-2 of Mayor's Replat). The development represents an initial phase of development at the site, with future development to the north and west. The proposed buildable lots range from 1.19 acres to 1.75 acres. The subdivision will access via a proposed north-south street and a series of private streets, which will provide cross access. The north-south street is indicated on the Master Street Plan and will connect to the property to the north and a future extension of Lewis Ranch Rd. No direct access will be permitted from Dave Ward Dr. The proposed street will require 8-foot sidewalks.

Request for Preliminary Plat Approval: The Bird's Nest

9.63 acres ± north of Dave Ward Drive, east of S Amity Road



STAFF COMMENTS

1. Given the zoning of the site, it is anticipated the subdivision will be used for commercial, retail, restaurant, and/or office uses.
2. Construction of Veterans Dr shall occur prior to filing of the final plat. Construction of the private streets may be deferred to the development of lots 5-6.
3. It is anticipated that the portion of Dave Ward Dr in front of the development will be widened in the next 10 years.
4. Construction of sidewalks shall occur with site development at each lot per the Subdivision Ordinance.
5. The development is consistent with the Comprehensive Plan, including the following goals:
 - "Develop high standards for urban development to ensure lasting quality in the development of business, commercial, and industrial establishments."
 - "Provide a logical pattern of land uses throughout the community incorporating an efficient relationship between transportation, public services, residential, commercial, industrial, and business areas."

STAFF RECOMMENDATIONS

Planning Staff recommends approval of the preliminary plat contingent upon the completion of the amended punch list and associated conditions of approval.

SAMPLE MOTION

I move to accept the staff recommendation of approval with the corrections and conditions of approval indicated in the staff report.

CORRECTIONS NEEDED ON THE PLAT

1. Indicate proposed/existing locations of CAGIS monuments.
2. Provide all easements as indicated by the City Engineer, Planning Director, and Conway Corporation.
3. Other corrections as required by the City Engineer, Planning Director, Fire Marshal, and Conway Corporation on the Preliminary Plat/Street and Drainage Plans.

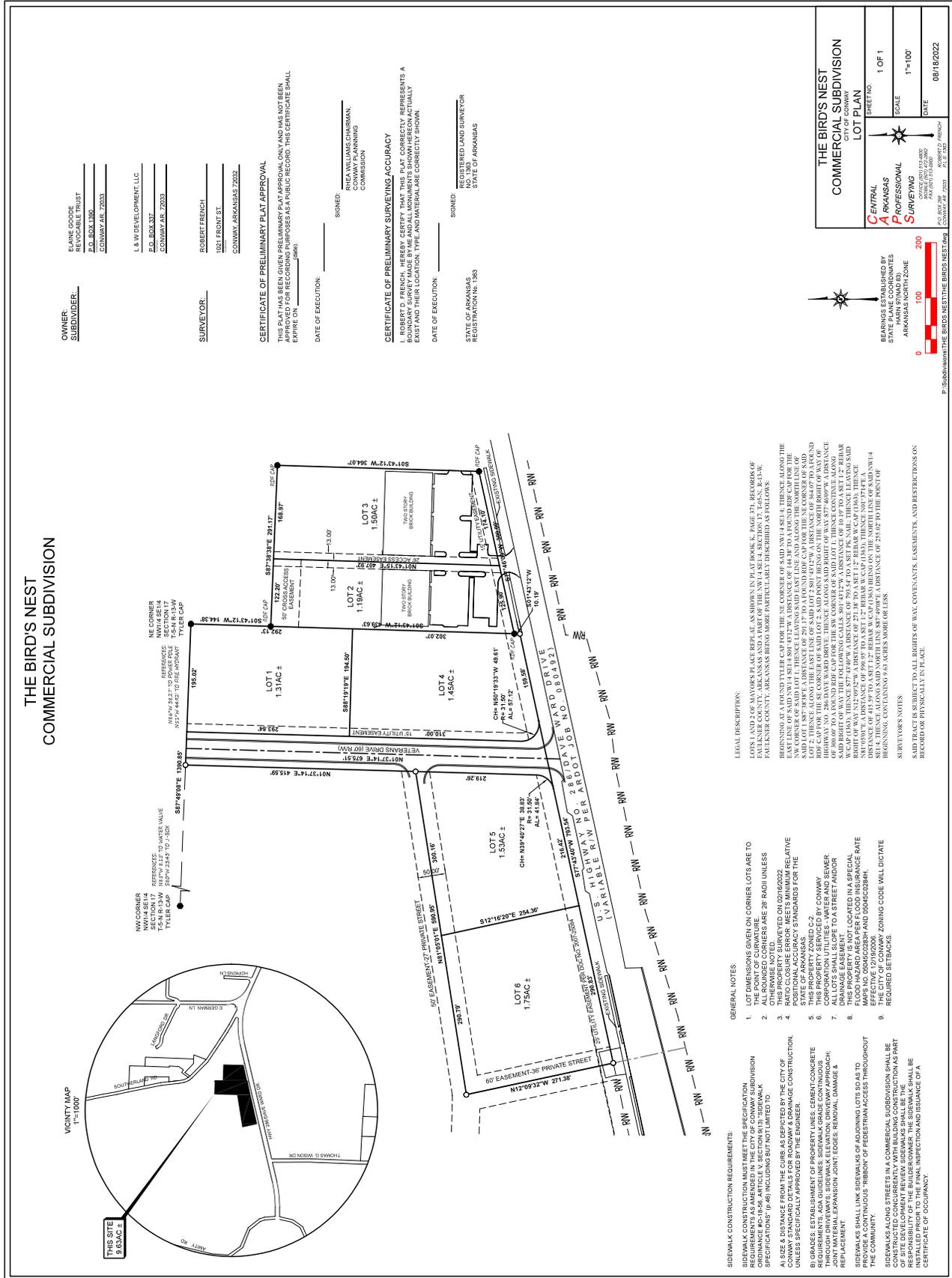
CONDITIONS

1. A planting easement along Dave Ward Dr will be provided to restrict direct access to Dave Ward Dr for lots 4-6. Lots 4-6 shall access from a private street or the proposed Veterans Dr.
2. Private streets for lots 5-6 shall be constructed concurrently with the development of each lot. No certificate of occupancy may be obtained for either lot unless all portions of the proposed private street fronting the lot has been constructed.
3. Wheelchair ramps shall be provided by the developer in accordance with the City of Conway's Standard Details.
4. The Street and Drainage Plans/Drainage Report shall be modified to meet the requirements necessary for approval by the City Engineer.
5. A draft Bill of Assurance/Covenants and Restrictions proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the submitted plat.
6. Fire hydrants must be placed so that the furthest point of a lot in a commercial subdivision is not more than 400 feet from the hydrant located on the same street. Variances must be approved by the Planning Commission and Fire Chief.
7. All other applicable provisions of the City of Conway Subdivision Ordinance (O-00-03) shall be satisfied and accounted for prior to Preliminary Plat approval.
8. Receipt of an approved copy of the Preliminary Plat along with approved Street and Drainage Plans shall constitute authorization of the Planning Commission for the developer to proceed with the preparation of the Final Plat.
9. Any of the above conditions not met, as determined by the concurrence of the Planning Director and City Engineer, shall require re-review and approval by the Planning Commission.
10. Sidewalk construction along Dave Ward Dr and Veterans Dr shall be handled at the time of building construction.

Request for Preliminary Plat Approval: The Bird's Nest

9.63 acres ± north of Dave Ward Drive, east of S Amity Road

I.A



Request for Preliminary Plat Approval: The Bird's Nest

9.63 acres ± north of Dave Ward Drive, east of S Amity Road

I.A



View of 1500 & 1520 E Dave Ward Dr looking N



Property adjacent to the S of 1500 & 1520 E Dave Ward Dr



Property adjacent to the E of 1500 & 1520 E Dave Ward Dr



View of 1480 E Dave Ward Dr looking N



Property adjacent to the S of 1480 E Dave Ward Dr

Request for Preliminary Plat Approval: 1600 Place PUD

I.B

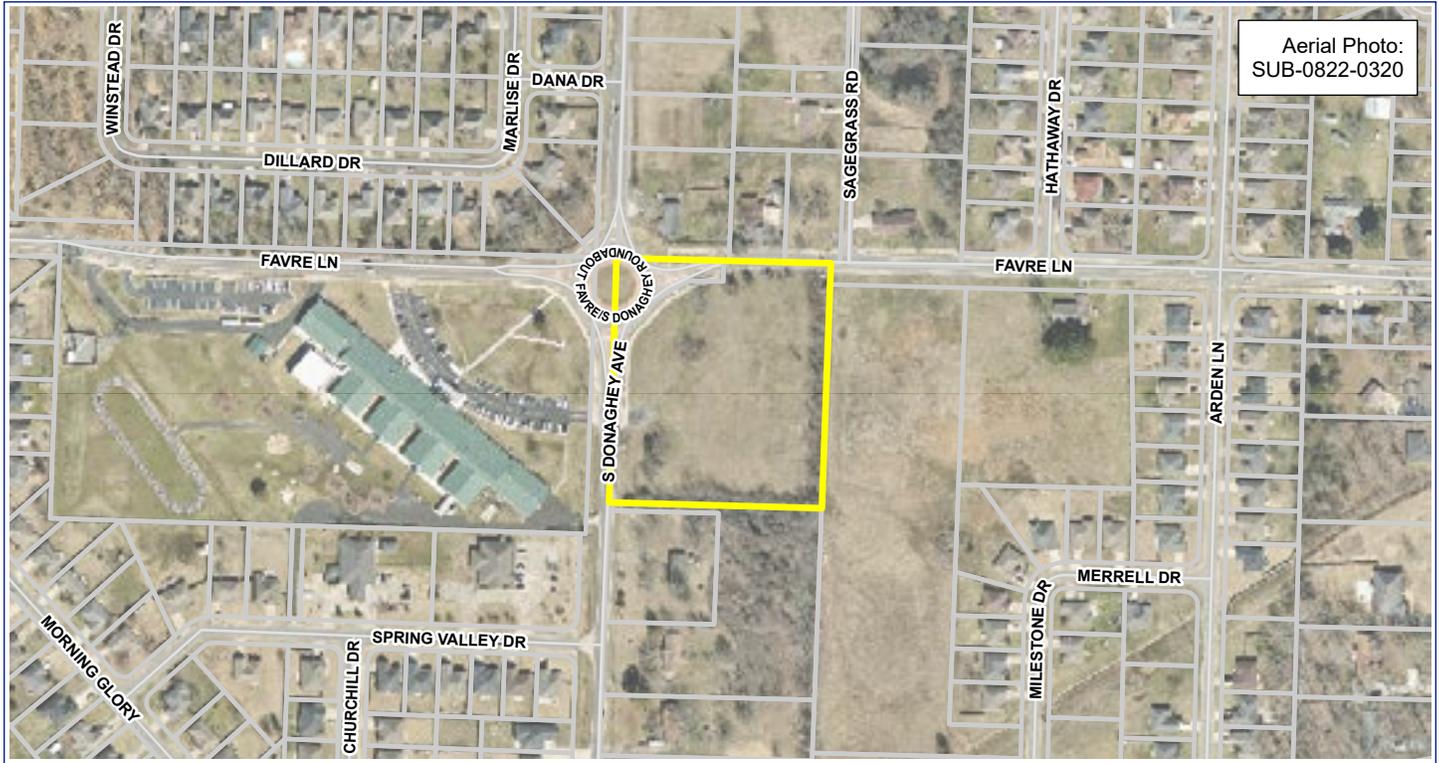
4.06 acres ± at the southeast corner of Favre Lane and S Donaghey Avenue

APPLICANT/AUTHORIZED AGENT

Tyler Group, Inc.
240 Skyline Dr, Ste 3000
Conway, AR 72032

OWNER

Watson Homes, Inc.
700 Padgett Rd
Conway, AR 72034



SITE

Location. At the southeast corner of the intersection of S Donaghey Ave and Favre Ln.

Site Area. 4.06 acres +/-.

Current Zoning. PUD (Planned Unit Development).

Comprehensive Plan. Multi-Family.

Master Street Plan. S Donaghey Ave (Major Arterial 100' ROW), Favre Ln (Collector 80' ROW).

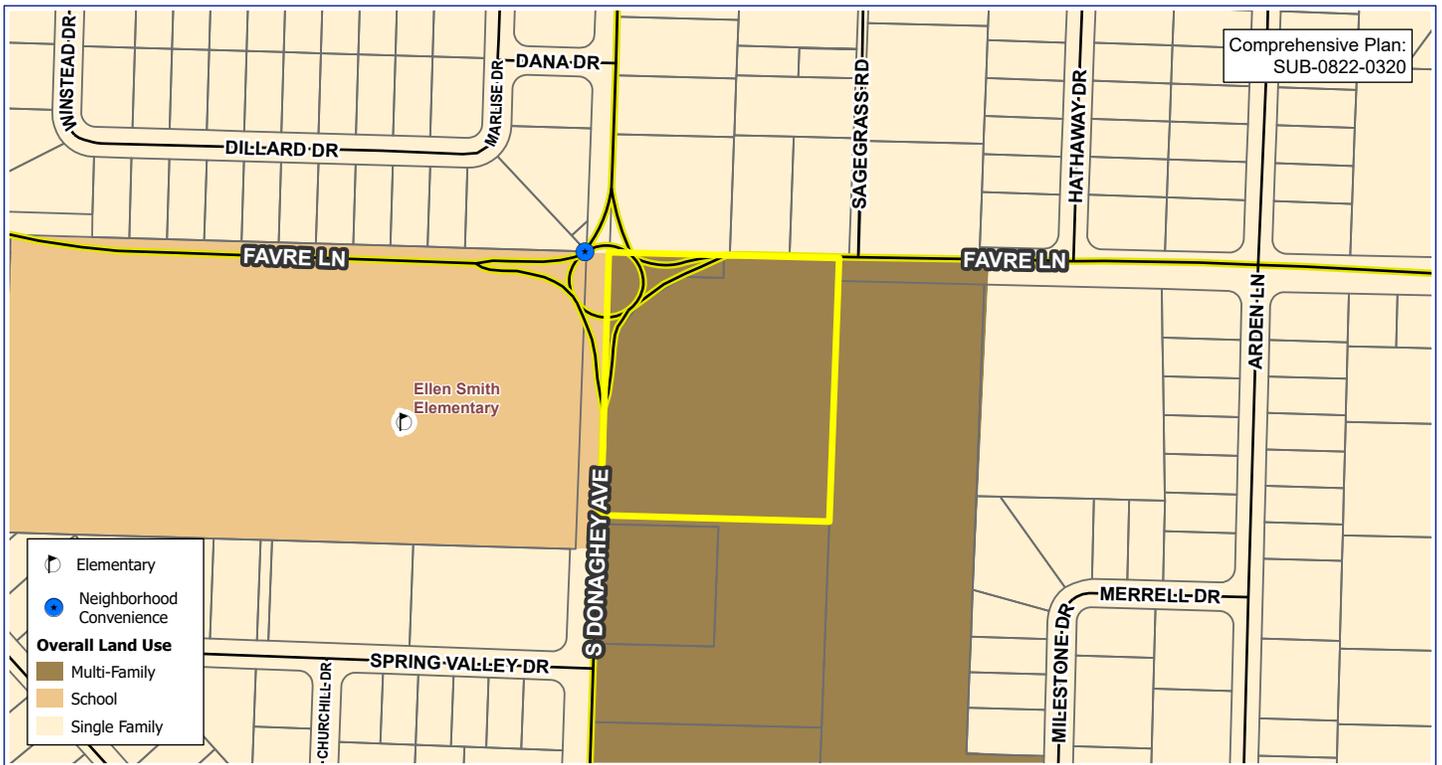
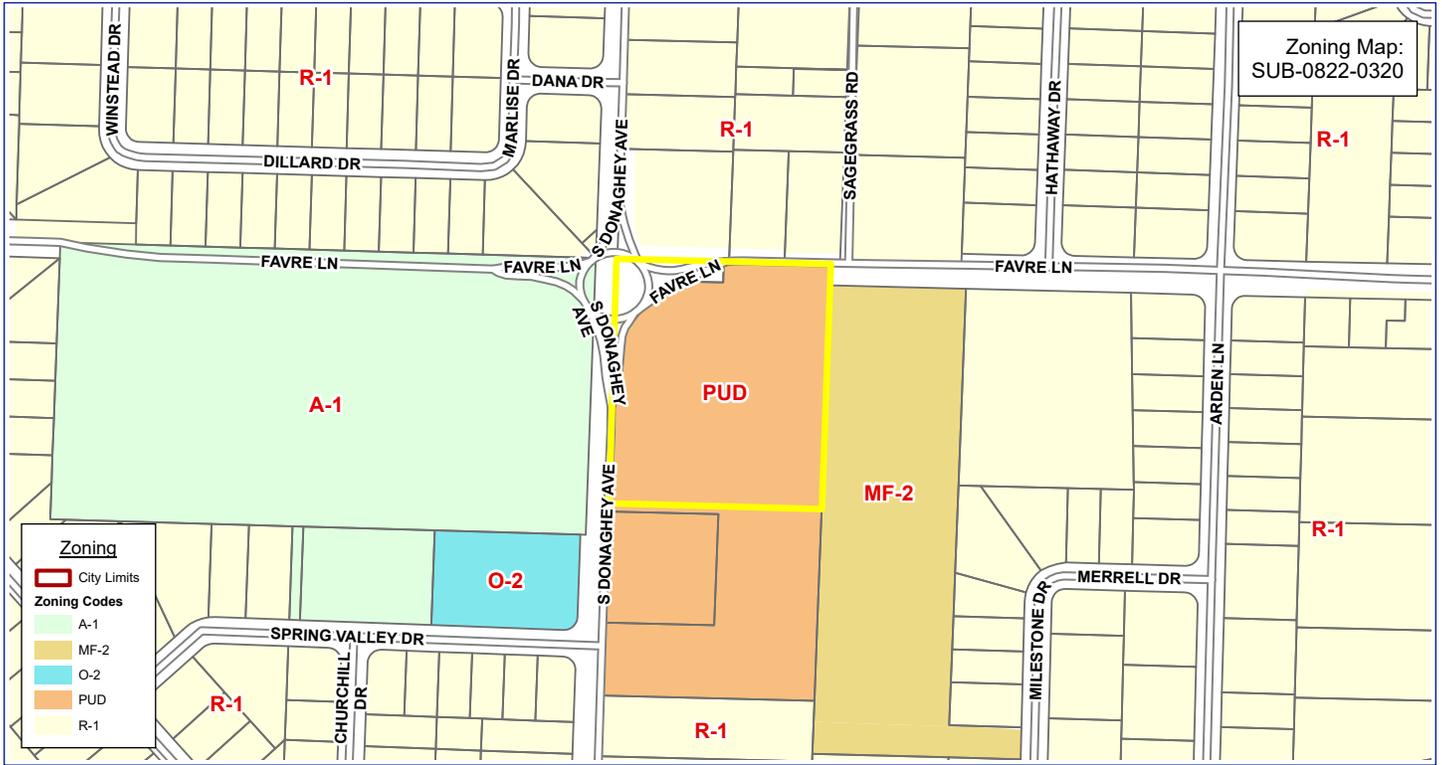
Existing Structures. None.

Overlay. None.

Request for Preliminary Plat Approval: 1600 Place PUD

I.B

4.06 acres ± at the southeast corner of Favre Lane and S Donaghey Avenue



Request for Preliminary Plat Approval: 1600 Place PUD

I.B

4.06 acres ± at the southeast corner of Favre Lane and S Donaghey Avenue

REQUEST

The applicant is requesting preliminary approval of a 19-lot subdivision located about the southeast corner of the S Donaghey Ave and Favre Ln intersection. The development represents the residential Planned Unit Development which was approved in May 2020. 16 of the lots will feature two-family dwellings, while the remainder (lots 6, 18, and 19) will be developed with 4 and 6 attached dwelling units for a total, not to exceed, 48 dwelling units. The proposed lots range from 0.09 acres to 0.35 acres. The subdivision will be accessed via a proposed private drive, Justin Lane, from both S Donaghey Ave and Favre Ln. The development will also be served by a private alley with no on-street parking permitted. No direct access will be permitted from S Donaghey Ave or Favre Ln. The proposed private drive will require 5-foot sidewalks; no sidewalks will be required for portions of lots fronting on the private alley.

STAFF COMMENTS

1. This subdivision represents the development of the 1600 Place PUD which was approved in May 2020.
2. The proposed development and density are consistent with the Comprehensive Plan.
3. Structures exceeding 2 dwelling units shall be subject to Development Review in accordance with Zoning Code §1101.
4. Construction of sidewalks extensions along S Donaghey Ave and Favre Ln are required prior to filing the final plat; construction of sidewalks internal to the development shall occur with site development at each lot per the Subdivision Ordinance and approved PUD Final Development Plan. The portions of lots fronting the private alley will not require sidewalk construction.
5. Approved PUD Final Development Plan conditions are as follows:
 1. Permitted uses are limited to residential as indicated on the approved plan with a maximum of 48 dwelling units.
 2. All standards and uses other than those defined shall be governed by restrictions of the R-2 zoning district.
 3. Buildings shall be of the following materials:
 - Brick/stone
 - Cement fiber board (Hardie® type siding)
 - Wood
 - Other materials as approved by the Planning Director
 4. Vinyl Siding shall be prohibited.
 5. No fences shall be permitted.
 6. No accessory structures shall be permitted.
 7. The amount of impervious surface allowed shall be limited to that as indicated on the plan.
 8. Applicant shall plat the property in accordance with the Subdivision Regulations, at which time setbacks will be finalized.
 9. Applicant shall return a signed copy of the final development plan agreement prior to the issuance of building permits.
complete
 10. All roadway improvements shall be privately maintained.
 11. A Property Owners' Association shall be required to be formed and operate in perpetuity to maintain all common areas and improvements such as streets, sidewalks, and drainage.

STAFF RECOMMENDATIONS

Planning Staff recommends approval of the preliminary plat contingent upon the completion of the amended punch list and associated conditions of approval.

SAMPLE MOTION

I move to accept the staff recommendation of approval with the corrections and conditions of approval indicated in the staff report.

CORRECTIONS NEEDED ON THE PLAT

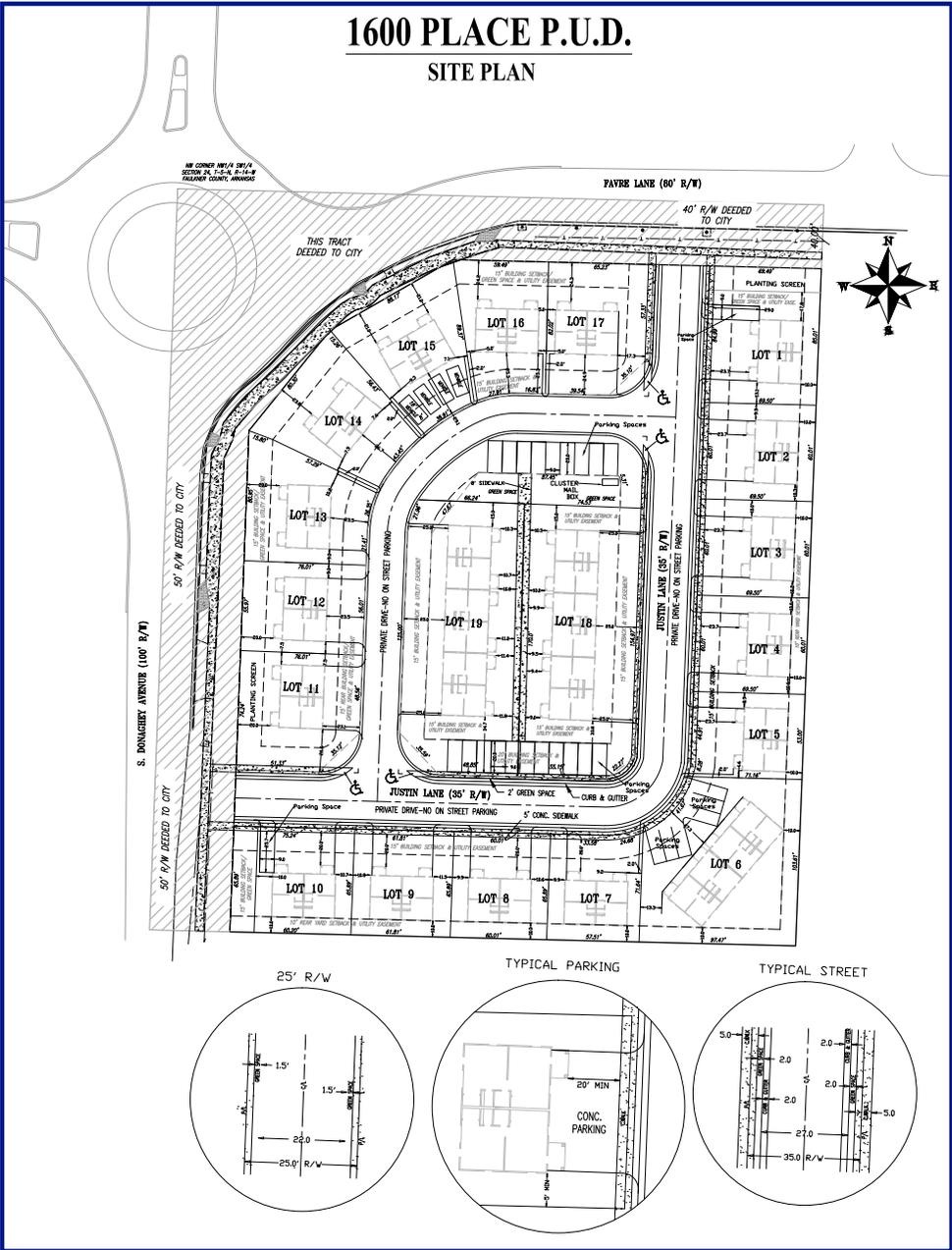
1. Add 11 approved PUD Final Development Plan conditions as notes.
2. Amend sidewalk notes per review comments on plan.
3. Indicate sidewalk, as approved on PUD Final Development Plan, between lots 18 and 19.
4. Indicate all streets and alleys as Private Drives, not ROW.
5. Indicate location of required detention.
6. Other corrections as required by the City Engineer, Planning Director, Fire Marshal, and Conway Corporation on the Preliminary Plat/Street and Drainage Plans.

CONDITIONS

Request for Preliminary Plat Approval: 1600 Place PUD

4.06 acres ± at the southeast corner of Favre Lane and S Donaghey Avenue

1. Building setbacks shall be: front and exterior 15', rear 10', and interior 6'.
1. A 15'-green space and utility easement along S Donaghey Ave and Favre Ln will be provided to restrict direct access to both streets.
2. All roadways and alleys shall be privately maintained.
3. Wheelchair ramps shall be provided by the developer in accordance with the City of Conway's Standard Details.
4. Sidewalk extension construction along S Donaghey Ave and Favre Ln shall be completed prior to filing of the final plat; sidewalk construction internal to the development shall be completed at the time of building construction and prior to the issuance of a certificate of occupancy.
5. 8'-sidewalk, as indicated on the approved PUD plan [between lots 18 and 19 on preliminary plat], connecting parking area shall be installed in conjunction with development of Lots 18 and 19 and completed prior to issuance of a certificate of occupancy for either structure.
6. The Street and Drainage Plans/Drainage Report shall be modified to meet the requirements necessary for approval by the City Engineer.
7. A draft Bill of Assurance/Covenants and Restrictions proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the submitted plat.
8. Fire hydrants must be placed so that the furthest point of a lot in a commercial subdivision is not more than 400 feet from the hydrant located on the same street. Variances must be approved by the Planning Commission and Fire Chief.
9. All other applicable provisions of the City of Conway Subdivision Ordinance (O-00-03) shall be satisfied and accounted for prior to Preliminary Plat approval.
10. Receipt of an approved copy of the Preliminary Plat along with approved Street and Drainage Plans shall constitute authorization of the Planning Commission for the developer to proceed with the preparation of the Final Plat.
11. Any of the above conditions not met, as determined by the concurrence of the Planning Director and City Engineer, shall require re-review and approval by the Planning Commission.



Site plan approved as part of the PUD Final Development Plan

Request for Preliminary Plat Approval: 1600 Place PUD

I.B

4.06 acres ± at the southeast corner of Favre Lane and S Donaghey Avenue



View of subject property from S Donaghey Ave looking SE



View of subject property from S Donaghey Ave looking NE



View of subject property from Favre Ln looking SW



View from subject property looking NE toward intersection at Favre Ln



Property adjacent to the W

Request for Zoning Variance: Reduced side setback

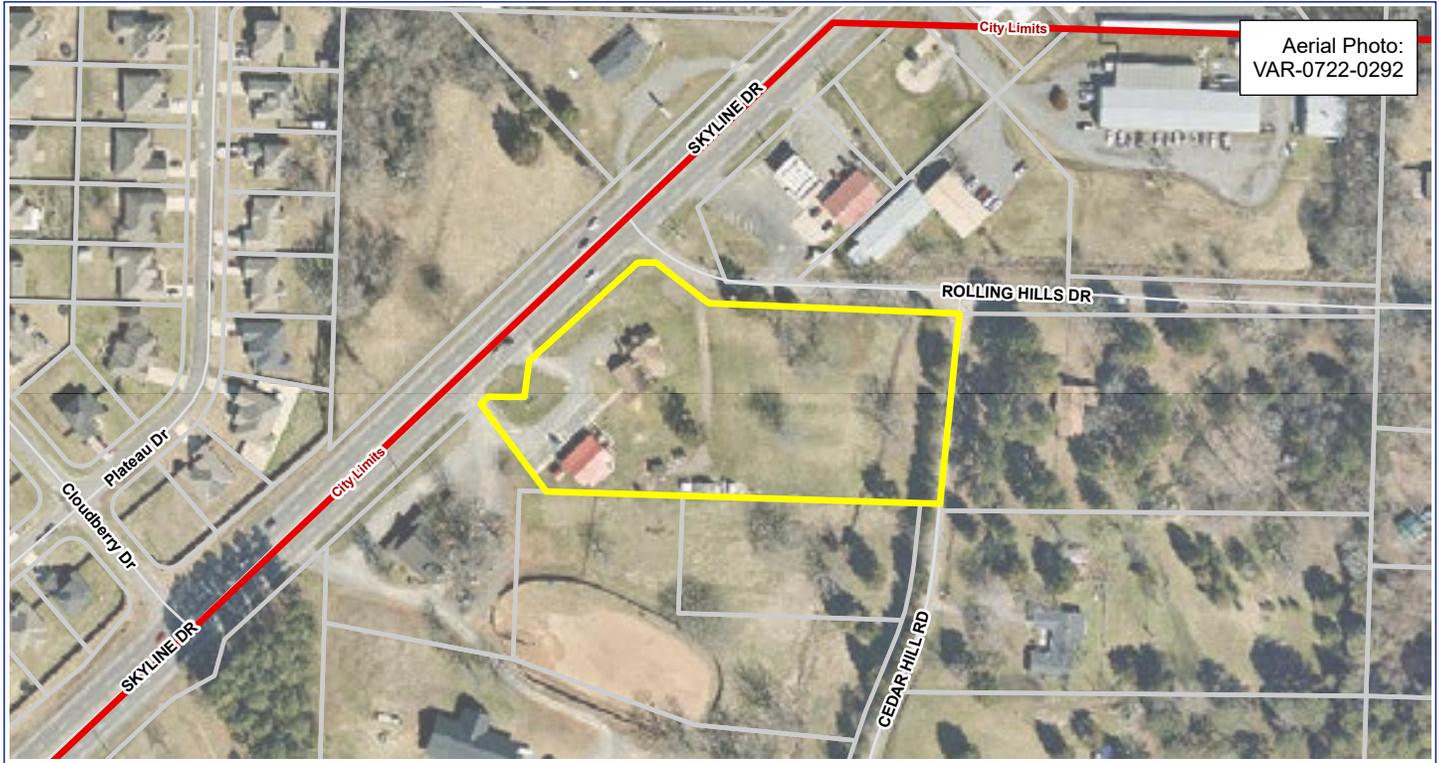
266 Skyline Drive

APPLICANT/AUTHORIZED AGENT

The Tyler Group, Inc.
240 Skyline Dr, Ste 3000
Conway, AR 72032

OWNER

Gina Fitzhugh
4655-1 Palm Spring Cir
Conway, AR 72034



SITE

Location. 266 Skyline Dr.

Site Area. 3.04 acres ±.

Current Zoning. C-3 (Highway Service and Open Display District).

Existing Structures. 1,276 sf converted commercial building; 1,836 sf commercial building.

Overlay. None

Requested Zoning Variance. Allow reduced side yard setback from 12' to 11'. This is a variance of 1'. The commercial lot must have a 12' side yard buffer from the adjacent residential district.

General Overview. The applicant is proposing to replat this property into two lots. The current commercial building located to the south does not meet side yard setback requirements due to the adjacent residential property. A variance would need to be granted before a replat of this lot would be allowed.

Zoning Ordinance Regulations.

C-3 zoning district requires:

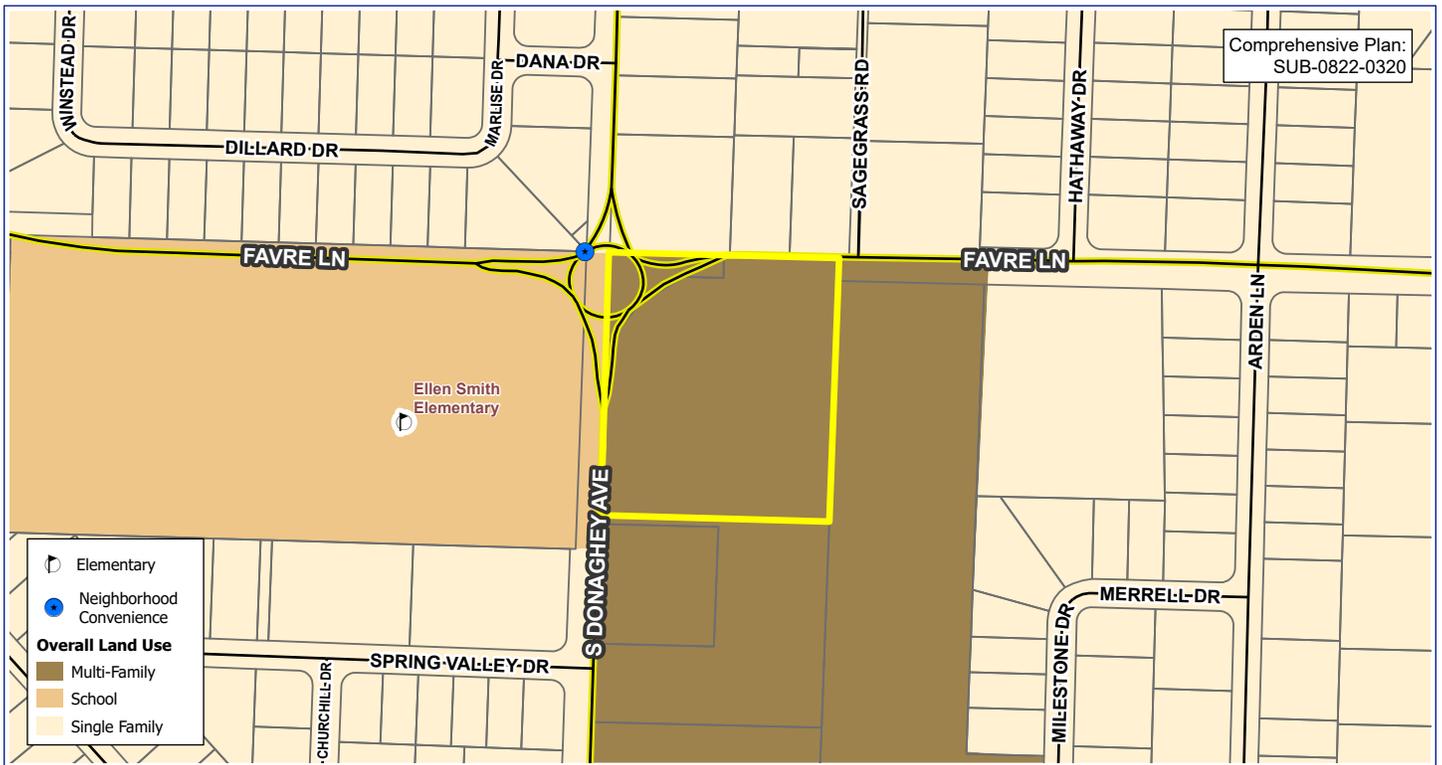
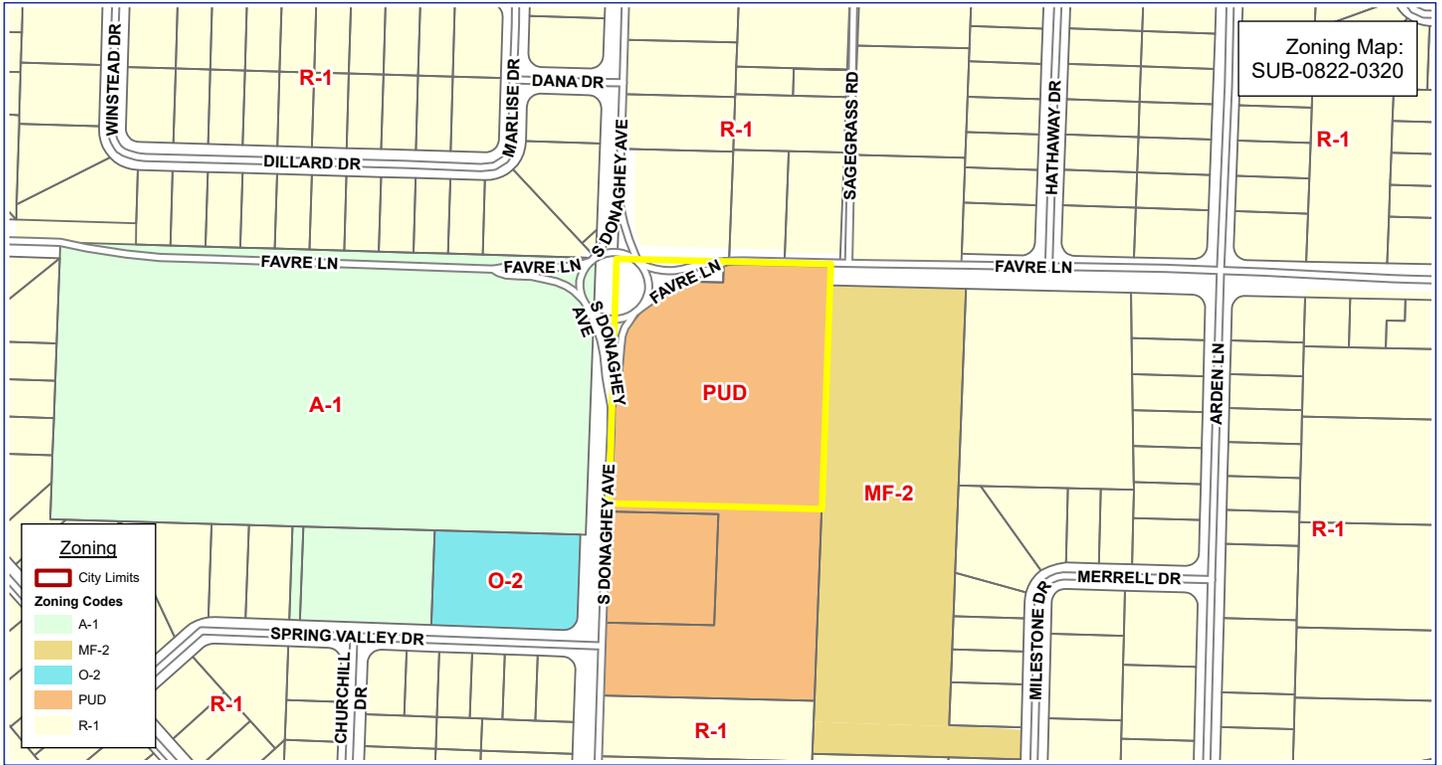
Minimum Lot Area: 5,000 sf.

Setbacks: Front – 15'; Rear – 10'; Interior side when abutting property in a residential district – 12'; Exterior – 15'.

Request for Zoning Variance: Reduced side setback

266 Skyline Drive

II.A



Basis of Variance Review. 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 ensure compliance and to protect adjacent property.

STAFF COMMENTS

- This is an existing structure that must be granted a variance to comply with zoning codes and ordinances.
- Staff expects impacts from the request to be minimal as the structure is already existing.
- This variance permit will only apply to the existing building. Any new structure built on this property, or any expansion or redevelopment, would be required to meet all setback, ordinances, and codes.
- Allowing the variance would not preclude the applicant from meeting all other requirements of the zone and overlay zoning.

STAFF RECOMMENDATIONS

Staff recommends approval of the variance on the following basis:

Granting the variance would allow appropriate development of the site without harming adjacent property. This is an existing structure with no proposed expansion at this time. If this property redevelops in the future, the new structure will be required to meet all applicable codes and ordinances. Planning recommends this variance request with the following condition:

1. Variances shall apply to the existing structures and shall become void if the structure is voluntarily destroyed by the owner. The structure may be rebuilt if destroyed by natural disaster or fire.

SAMPLE MOTION

I move to accept the staff recommendation to approve the request with the conditions indicated in the staff report and that, as conditioned, it allows for appropriate use of the property and would not likely negatively impact adjacent property.

Request for Zoning Variance: Reduced side setback

266 Skyline Drive

II.A



View of subject property from Skyline Dr/Hwy 65 N looking E



View of subject property from Skyline Dr/Hwy 65 N looking SE



View from subject property looking S



View of portion of property subject to variance request



View from subject property looking N



Adjacent property across Skyline Dr/Hwy 65 N

Request to Rezone: A-1 to R-2A

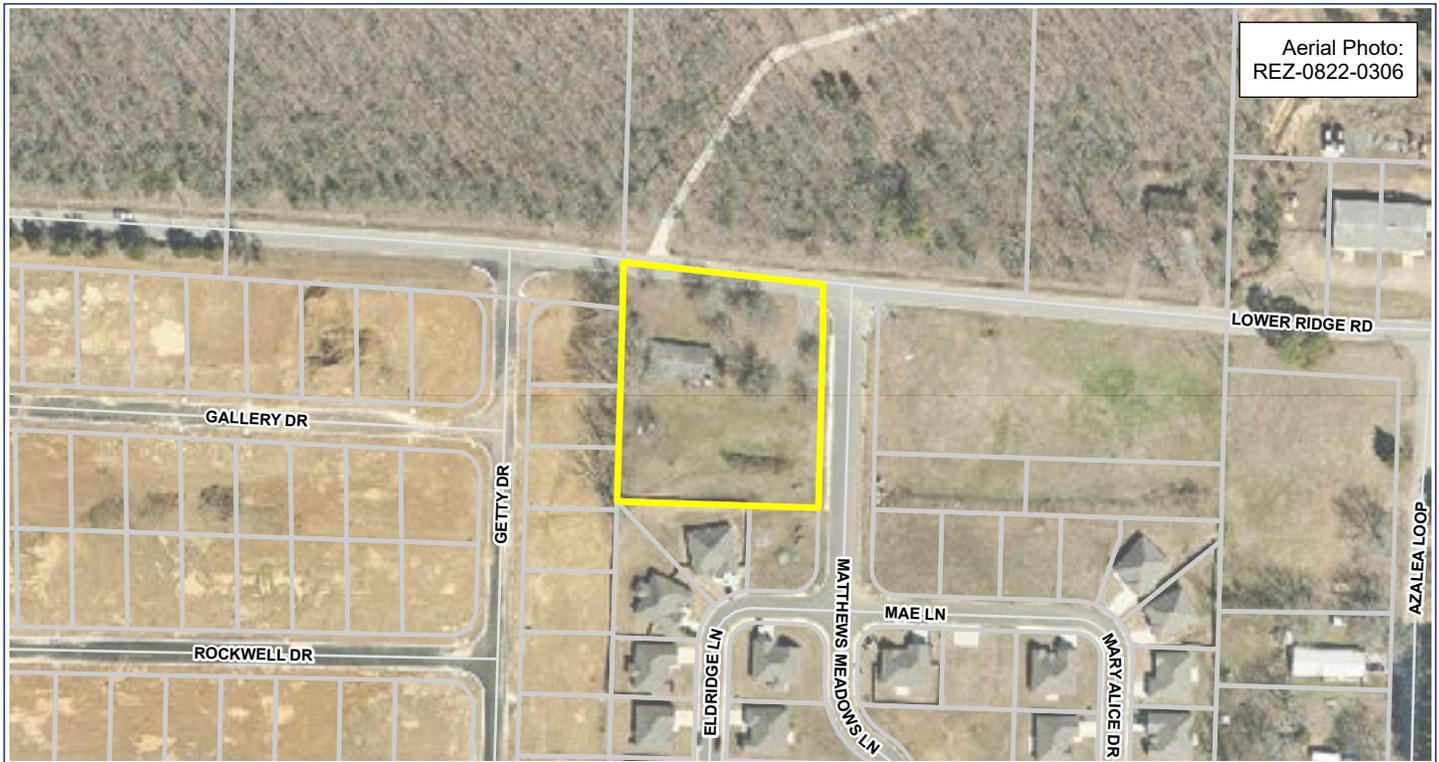
1.28 acres ± at the southwest corner of Lower Ridge Rd and Matthews Meadows Ln

APPLICANT/AUTHORIZED AGENT

Tyler Group, Inc.
240 Skyline Dr, Ste 3000
Conway, AR 72032

OWNER

AMP Properties, LLC
10 Blake Ln
Conway, AR 72032



SITE

Location. 82 Lower Ridge Rd.

Site Area. 1.28 acres ±.

Current Zoning. A-1 (Agricultural).

Requested Zoning. R-2A (Two-Family Residential).

Adjacent Zoning. North: A-1; West: R-1 (One-Family Residential); South, East: PUD (Planned Unit Development).

Existing Structures. 2,142 sf single-family residence.

Overlay. Lower Ridge Road Corridor Study.

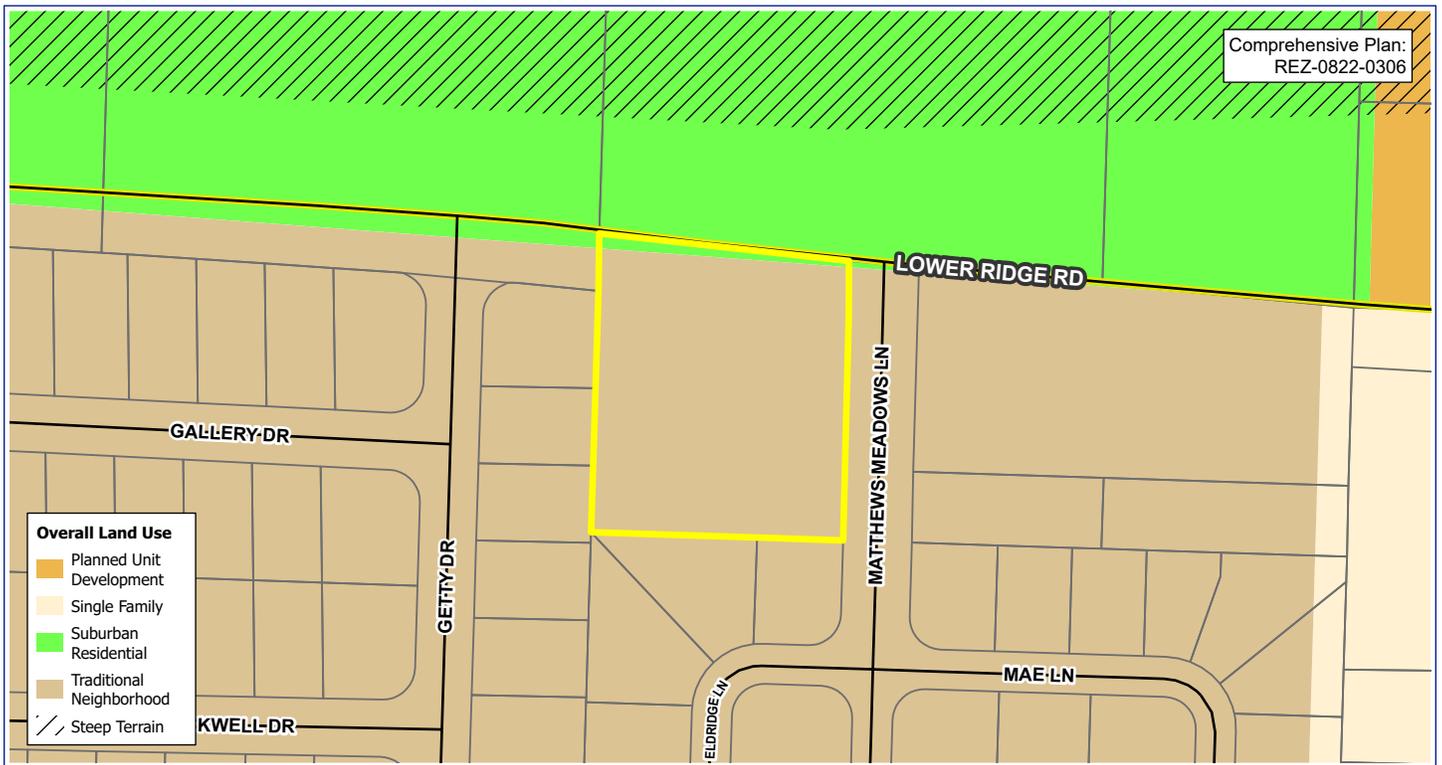
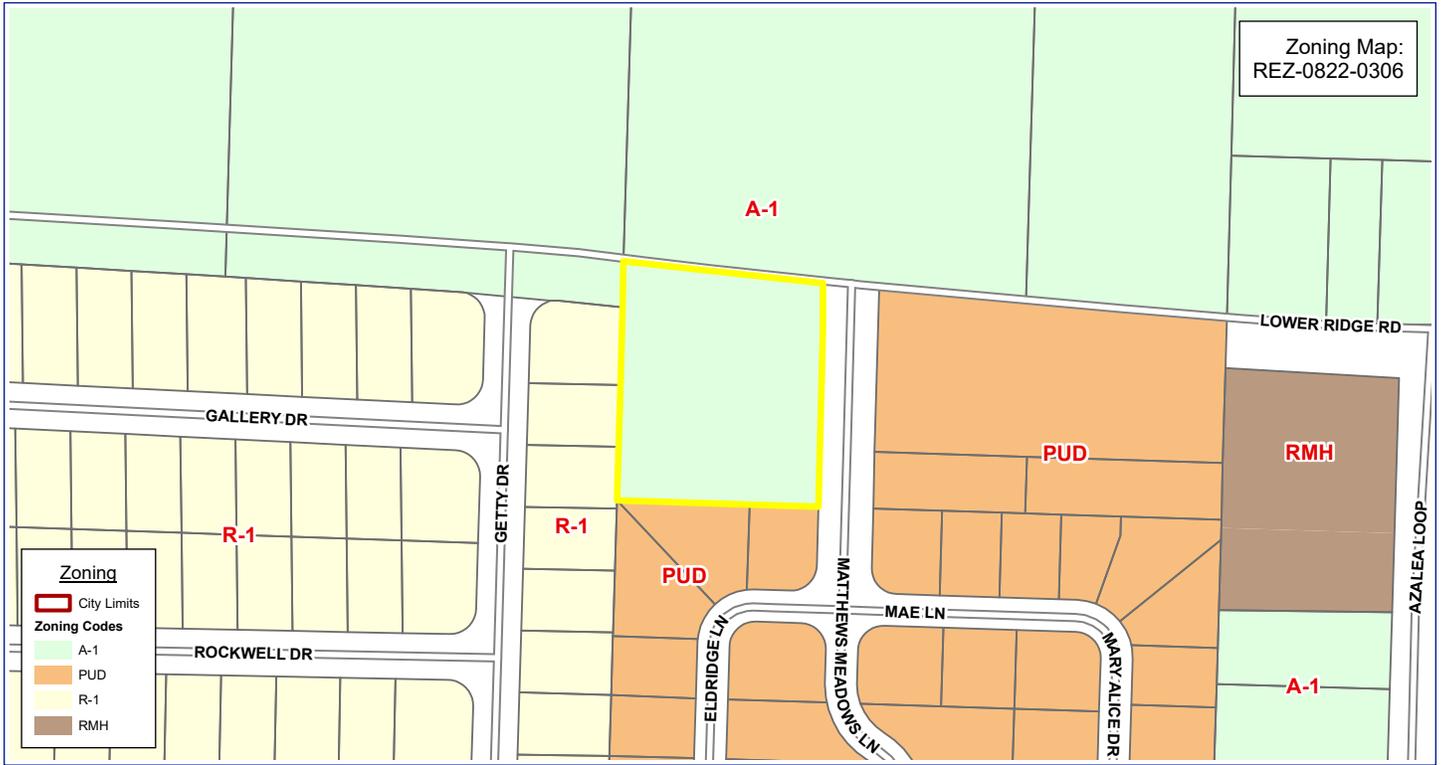
Comprehensive Plan. Traditional Neighborhood.

Projected Traffic Impact. With a rezoning to R-2A and developed as two-family development, the property can only accommodate 2 duplexes (4 dwelling units) which could yield up to 38 vehicle trips per typical weekday. Trips would be distributed to Matthews Meadows Ln.

Current Traffic Counts. 6,200 Average Daily Traffic (@ Carl Roebuck Rd).

Request to Rezone: A-1 to R-2A

1.28 acres ± at the southwest corner of Lower Ridge Rd and Matthews Meadows Ln



1.28 acres ± at the southwest corner of Lower Ridge Rd and Matthews Meadows Ln

Flood/Drainage. The subject property is not within any FEMA regulated flood hazard zones.

Utilities. Applicant will need to coordinate any additional extension of utilities with Conway Corporation.

Master Street Plan. Lower Ridge Rd (Major Arterial 100' ROW), Matthews Meadows Dr (Local Residential 60' ROW).

Street Improvement. No improvements planned at this time.

STAFF COMMENTS

- The requested zoning is somewhat consistent with the Comprehensive Plan designation of Traditional Neighborhood. Traditional Neighborhood developments are characterized by compact, pedestrian-oriented, mixed-use design incorporating commercial development, where possible, which provides an alternative to sprawling subdivisions. Because of the proximity of Lower Ridge Road to schools and recreational facilities, traditional neighborhoods appear to fit the area well.
- The property can support 2 duplexes (4 dwelling units) if rezoned to R-2A. The Comprehensive Plan indicates a slightly higher density residential development can be appropriate.
- In October 2019 the Matthews Meadows PUD was modified to allow the applicant to construct a series of duplexes on the 1.24-acre property immediately east, across Matthews Meadows Ln. Planning Staff would like to see a similar site layout on this subject property to create a harmonious entry to the Matthews Meadows residential development.
- The applicant has indicated plans to develop 2 duplexes on the subject property, but desires to locate both duplexes on the same lot; this is not permissible in the R-2A zoning district. Planning Staff has advised the applicant to seek a conditional use permit to allow increased density no greater than 12 units/gross acre, which would allow the desired configuration. The applicant has submitted an application for the conditional use permit.
- Prior to development, platting will be required, in accordance with the subdivision regulations, and, if the conditional use permit is approved, the development will be subject to site development review.
- As requested, the rezoning would likely negatively impact adjacent properties and will allow for appropriate redevelopment of the property.

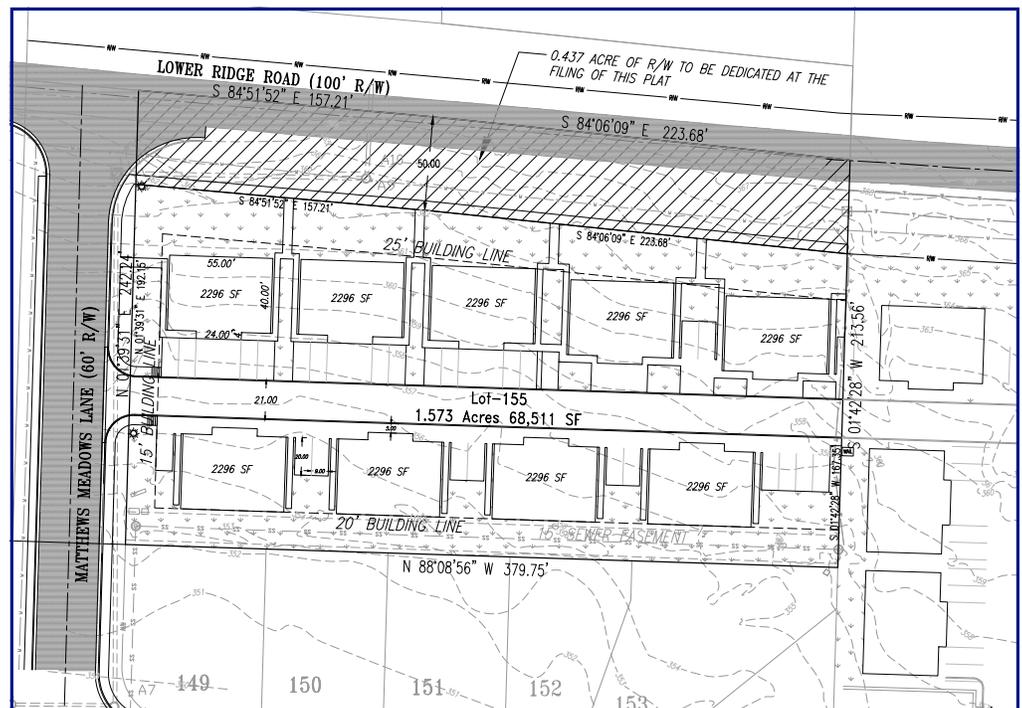
RECOMMENDATION

Planning Staff recommends approval of the request as it would allow appropriate use of the property and would not likely negatively impact adjacent property.

SAMPLE MOTION

I move to accept the staff recommendation to approve the request on the basis that it will allow for appropriate use of the property and will not likely negatively impact adjacent property.

Duplex configuration approved on property adjacent to the east



Request to Rezone: A-1 to R-2A

II.B

1.28 acres ± at the southwest corner of Lower Ridge Rd and Matthews Meadows Ln



View of subject property from Matthews Meadows Ln looking NW



View of subject property from Lower Ridge Rd looking S



View of subject property from Matthews Meadows Ln looking W



View from subject property looking S along Matthews Meadows Ln



View of subject property from Matthews Meadows Ln looking NW



Property adjacent to the E, across Matthews Meadows Ln

Request to Rezone: O-2 to R-1

4701 Westin Park Drive

II.C

APPLICANT/AUTHORIZED AGENT

Central Arkansas Professional Surveying
1021 Front St
Conway, AR 72032

OWNER

Jim Hawks
John Hawks Jr. Revocable Trust
2111 East German Ln
Conway, AR 72032



SITE

Location. West of Prince St, south of Westin Park Dr. This is the southeastern lot of the Westin Park Subdivision.

Site Area. 2.02 acres ±.

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

Requested Rezoning. R-1 (One Family Residential District).

Adjacent Zoning. North – O-2; South – A-1; West – R-1; and East – Westin Estates PUD.

Existing Structures. None.

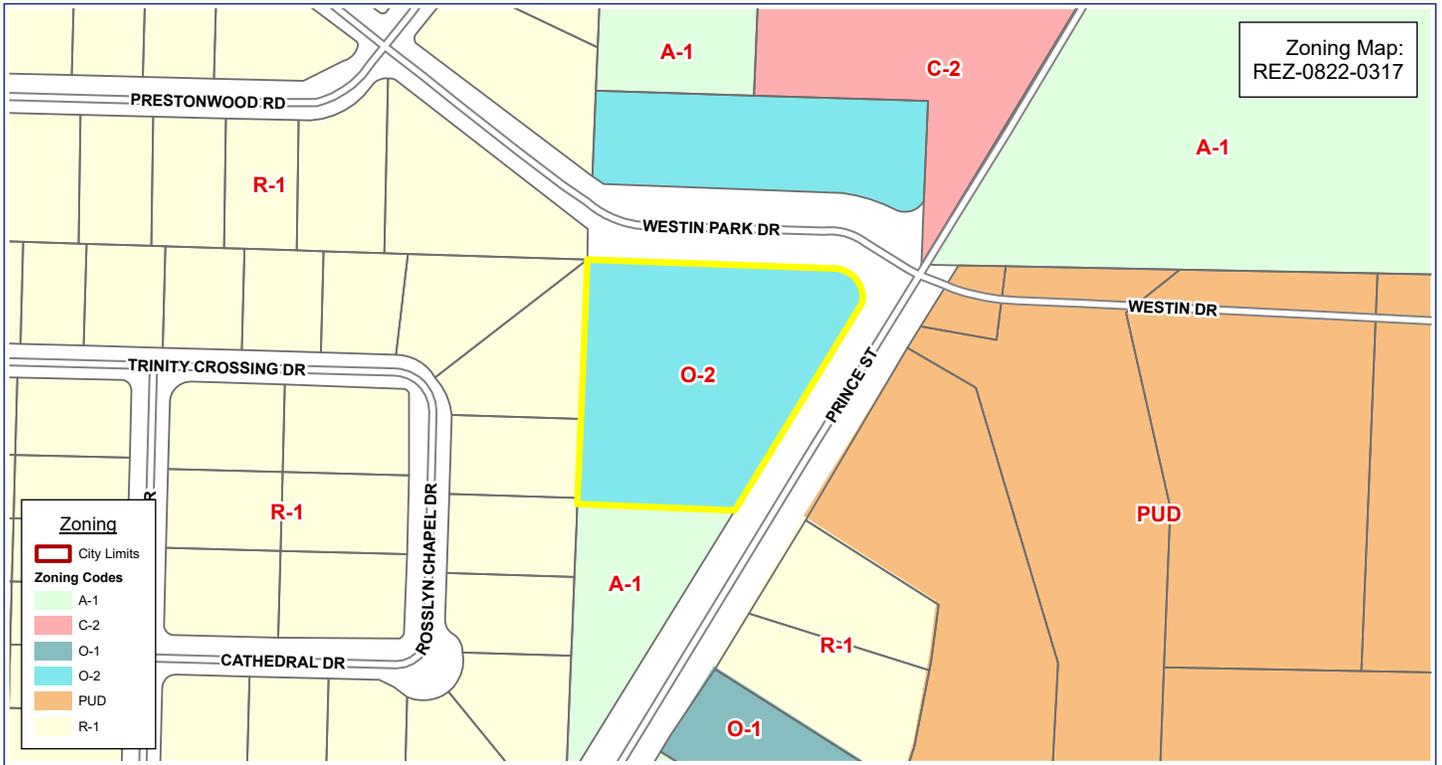
Overlay. None.

Comprehensive Plan. Single Family.

Projected Traffic Impact. With a rezoning to R-1, the projected maximum number of lots is 11. The formula for this calculation is as follows: $\text{Unit Yield} = \text{Area of Property} / (\text{Minimum Lot Size} + \text{ROW})$. In this case, $11.64 = 87,991.20 \text{ sq ft} / (6000 + 1500)$. Based on this calculation, traffic impact would be minimal. Development of the property at this density would generate an estimated 104 vehicle trips per typical weekday.

Request to Rezone: O-2 to R-1

4701 Westin Park Drive



4701 Westin Park Drive

Current Traffic Counts. Prince St (just east of the Lee Andrew Ln intersection) – 4,700 average daily traffic (ADT); College Ave (just east of the Prince St intersection) – 4,500 ADT.

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

Utilities. The applicant will need to coordinate the extension of utilities with Conway Corporation.

Master Street Plan. Westin Park Drive (Collector 60' ROW), Prince St (Major Arterial 100' ROW).

Street Improvement. No improvements are planned at this time.

STAFF COMMENTS

- The applicant is requesting to rezone 2.02 acres+/- from O-2 to R-1.
- The zoning change is consistent with the land use plan which designates this area as single family.
- Single-family residential homes currently exist to the east, west, and south. To the north, 4700 Westin Park Dr (O-2) is currently undeveloped land.
- While the area of the site would yield a maximum of 11 lots, this yield is highly unlikely and staff anticipates a much fewer number of lots on the site.
- Sidewalks are required for all street frontages on new lots, including Prince St and Westin Park Dr.
- The request will not likely negatively impact adjacent property.

STAFF RECOMMENDATIONS

Staff recommends approval of the request. Rezoning to a one family residential district is consistent with neighboring properties and with the Comprehensive Plan. This rezoning will allow for appropriate use of the property and will not likely negatively impact adjacent properties.

SAMPLE MOTION

I move to accept the staff recommendation to approve the rezoning request on the basis that it will allow for appropriate use of the property and will not likely negatively impact adjacent property.



View of Prince St entrance into Westin Park



View of subject property from Westin Park entrance looking W



View of subject property looking N along Prince St



View of subject property from Prince St looking NW

SECTION 902 – CONDITIONAL USE PERMITS

902.1 – PURPOSE

Because of their unique character and impact on adjacent properties, some uses in this code are designated as conditional uses and require a permit. Depending on the nature of the use, a use requiring such permit may or may not be desirable and appropriate in all circumstances. Each application must be individually considered to provide reasonable conditions of approval to mitigate the impact of the use and protect the adjacent area from harm by the use.

The following regulations in conjunction with other provisions of this code, specifically Article 601 – Special Provisions, provide the procedure and standards for the evaluation of conditional use permit applications.

902.2 – APPLICATION FOR A CONDITIONAL USE PERMIT

An application shall be made by the property owner/authorized agent. The application may accompany a rezoning request and shall be made by means provided by the City of Conway in accordance with the Planning Commission calendar. No application shall be accepted and processed without all required materials and payment of fees.

The application shall include the following information and documents:

- A. Applicant Information. The name and address of the applicant.
- B. Property Owner/Authorized Agent Form. Form indicating that the applicant is the owner(s) of the property or the applicant is authorized to apply and act on behalf of the owner(s).
- C. Location Information. Address and accurate legal description of the property.
- D. Use Description/Operational Plan. A written description of the proposed use of the property including an operational plan.
- E. Scaled Site Plan. A scaled site plan showing property boundaries, building locations, building outlines, driveways, parking, screening, abutting streets, north arrow, and other pertinent information as may be required by the Administrative Official. The Administrative Official shall have the authority to require plans prepared and stamped by a licensed design professional.
- F. Fee. Payment of the prescribed nonrefundable fee as indicated the Schedule of Fees adopted by the City Council. The fee shall be at least three hundred twenty-five (\$325) dollars.

902.3 – PUBLIC NOTICE

Public notice for conditional use permit applications shall consist of a legal notice in a publication of general circulation within the City of Conway, public notice signs on the property, and mailed notice to property owners within two hundred (200) feet. No application may be heard for a public hearing by the Planning Commission until all forms of public notice have been made. The following requirements shall satisfy public notice requirements:

A. Legal Notice

The applicant shall be responsible for publication of a legal notice in a publication of general circulation within the City of Conway. Notice must be published once at least fifteen (15) days prior to the public hearing. The notice shall include:

1. Requested use sought in the application and current zoning of the property.
2. Location including accurate legal description and address. If no address is assigned, a general description of the location in relation to a nearby address shall suffice.
3. Time, date, and location of the public hearing.

An affidavit of publication shall be provided to the Administrative Official at least ten (10) days prior to the public hearing.

B. Public Notice Signs

The applicant shall be responsible for posting a sign or signs of public notice on the property at least fifteen (15) days prior to the public hearing. Sign posting shall meet the following requirements:

1. One (1) sign for each five hundred (500) feet of street frontage with at least one (1) sign per street frontage.
2. Signs shall be placed at the property line nearest the street, and be clearly visible to passing vehicle and pedestrian traffic.

Signs shall be supplied by the City of Conway and the Administrative Official shall determine the number of required signs. The applicant shall pay a nonrefundable fee established by the Schedule of Fees adopted by the City Council. The fee shall be at least ten (\$10) dollars per sign.

Photographic proof of posting of the required public notice signs shall be provided to the Administrative Official at least ten (10) days prior to the public hearing.

C. Letters of Public Notice

The applicant shall mail, by USPS First Class mail with Certificates of Mailing, a notice of the public hearing to all property owners within two hundred (200) feet of the property as well as all school board members and the school superintendent of the school district in which the property is located. Notice must be mailed at least fifteen (15) days prior to the public hearing. The City of Conway shall supply the required mailing list.

Notice shall be made using a completed form provided by the City of Conway which shall at least include a description of the conditional use being sought, location, and date/time/location of the public hearing. The applicant may include additional information regarding the application.

Proof of mailing, including Certificates of Mailing and a copy of notice letter, shall be provided to the Administrative Official at least ten (10) days prior to the public hearing.

902.4 – REVIEW PROCEDURE

A. Staff Review

The Administrative Official shall review the application and may provide a recommendation for action on the item.

B. Planning Commission Review

The Planning Commission shall hold a public hearing on the application and render a decision within at least forty-five (45) days following the closing of the public hearing.

1. Approval: If the Planning Commission approves the application, the item shall be forwarded to the City Council for review and action.
2. Denial: If a conditional use permit request is denied by the Planning Commission, written notice of denial shall be provided to the applicant within fifteen (15) days of the decision being rendered. Such written notice shall include the reasons for denial of the application. The applicant may appeal the denial to the City Council in writing, stating why they consider the Planning Commission's findings and decision to be in error. The appeal must be filed with the Administrative Official within thirty (30) days of receiving the written notice of denial and shall be subject to a public hearing before the City Council. The applicant must complete the public notice requirements indicated in § 902.3 and pay a nonrefundable fee prescribed in a Schedule of Fees adopted by the City Council. The fee shall be at least two hundred (\$200) dollars.

If no appeal is filed, the decision of the Planning Commission shall be final and no further action on the application shall take place.

C. City Council Review

The Planning Commission shall report their findings and recommendations, including recommended conditions and/or restrictions, to the City Council. The City Council may grant the application as presented, grant the application with other/additional conditions and/or restrictions, deny the application, or remand the case back to the Planning Commission for additional consideration. If the case is remanded back to the Planning Commission, an additional public hearing at the next regular meeting of the Planning Commission shall be required and public notice given in accordance with § 902.3.

No conditional use permit shall become effective without approval by the City Council.

902.5 – STANDARDS FOR APPROVAL

The Planning Commission and/or City Council shall not approve a conditional use permit unless making a finding of fact that affirms the following:

- A. The establishment, maintenance, and operation of the conditional use will not result in external effects that will harm adjacent and nearby properties.

- B. Negative external effects of the conditional use can be mitigated with appropriate and reasonable conditions of approval.
- C. Adequate buffering devices such as fencing, landscaping, or grading are sufficiently used to protect adjacent and nearby properties.
- D. Establishment of the conditional use will not impede normal and orderly development and improvement of adjacent and nearby properties.
- E. Safeguards limiting noxious or offensive emissions, including lighting, noise, glare, dust, and odor have been addressed in the proposed application.
- F. Traffic generated by the use will not unduly burden transportation facilities within the surrounding area.
- G. The size of the site is adequate for the conditional use.
- H. The conditional use will be in compliance with all applicable provisions of this code including, but not limited to, area requirements, off-street parking and loading, and landscaping for the district in which it is located.

902.6 – CONDITIONS OF APPROVAL, LIMITATIONS, EXPANSION, EXPIRATION, AND REVOCATION

- A. Conditions of Approval
Reasonable conditions or restrictions upon construction, location, and operation of a conditional use may be imposed as part of approval of any conditional use. Once the conditional use is commenced all conditions shall take effect unless otherwise specified as part of approval.
- B. Limitations
 - 1. No conditional use may be operated in a manner as to require the approval of a zoning variance as a result of commencement of the conditional use.
 - 2. The Planning Commission and City Council shall not be permitted to authorize any reduction in minimum requirements of any provisions of this code as part of approval of a conditional use permit.
 - 3. A conditional use application may not be filed for a site that has received final denial action within one (1) year from the effective date of final denial action unless authorized by the City Council.
- C. Expansion
Any expansion of the use, including but not limited to, additions, substantial increase in use intensity, new buildings, new or additional parking, expansion of the use to new areas/buildings on the site, or any substantial changes in character shall require approval of a new conditional use permit.

D. Expiration

A conditional use permit shall expire if the use is not commenced within eighteen (18) months of approval and if the use ceases for a consecutive period of greater than eighteen (18) months. Upon expiration, all use of the property shall be required to revert to its status prior to approval.

E. Revocation

Where any specific conditions or restrictions of a permit are violated, ignored, or otherwise not observed, the permit may be revoked. In such instances, the Administrative Official shall provide written notice to the property owner using Certified Mail. Such notice shall identify the alleged violation of the conditions or restrictions of the conditional use permit, required corrective action, deadline for corrective action, and right to file appeal of the determination of the Administrative Official. The Administrative Official shall designate the deadline for corrective action, giving the property owner at least thirty (30) days and no greater than ninety (90) days.

If no appeal is filed within thirty (30) days of receipt of written notice and corrective action is not taken in accordance with the deadline provided by the Administrative Official, the permit shall be revoked. Revocation shall be immediate, and the property shall revert to its use status prior to issuance of the conditional use permit.

If an appeal is filed, the matter shall be forwarded to the City Council for review. The City Council shall review evidence submitted by Administrative Official. The property owner may additionally submit evidence to be considered by the City Council including an oral petition. The City Council shall be authorized to revoke the conditional use permit upon finding that the property owner has violated the conditions or restrictions of the permit. If such action is taken, revocation shall be immediate, and the property shall revert to its use status prior to issuance of the conditional use permit.

SECTION 903 – AMENDMENTS

903.1 – GENERAL

This code may be amended by changing the text, the Official Zoning Map, or both in accordance with the procedures in this section.

903.2 – REQUEST FOR AMENDMENTS

The following may initiate a request to amend this Code:

- A. The Administrative Official acting on behalf of the Mayor or City Council.
- B. The Administrative Official acting on behalf of the Planning Commission.
- C. A property owner or his/her authorized agent.

903.3 – AMENDMENTS INITATED BY THE MAYOR OR CITY COUNCIL

Amendments initiated by the Administrative Official acting on behalf of the Mayor or City Council may be made in the following manner:

- A. The City Council may refer a request for amendment to the Planning Commission to be considered in accordance with procedures outline in § 903.4.
- B. The City Council may amend this Code in accordance with the provisions of § 14-56-423 of the Arkansas Code, Annotated.

903.4 – AMENDMENTS INITATED BY THE PLANNING COMMISSION

Amendments initiated by the Administrative Official acting on behalf of the Planning Commission may be made in the following manner:

- A. The Planning Commission may consider amendments or additions to the Zoning Code.
- B. If the proposed amendments are not consistent with the Comprehensive Plan or other applicable adopted plans, the Planning Commission must first consider and adopt any necessary changes to the plan(s).
- C. The Planning Commission will hold a public hearing to consider amendments to the Zoning Code and, when necessary, amendments to the Comprehensive Plan or other applicable adopted plans.
- D. Notice of such hearing shall be published at least fifteen (15) days prior to the public hearing in a publication of general circulation in the City of Conway and shall include a general description of the changes being made. Changes in zoning district classifications initiated by the Planning Commission shall be considered comprehensive changes affecting the entire city and notice to individual property owners shall not be made.
- E. The Administrative Official shall make a map and/or documents indicating the proposed changes available in City Hall and on the city website for review at least thirty (30) days prior to the public hearing at which the changes will be considered.
- F. Following the public hearing, the proposed amendments may be approved as presented, or in modified form, by a majority of the entire Planning Commission.
- G. Following its adoption of the amendments of the Zoning Code or adopted plans, the item shall be forwarded to the City Council for consideration of adoption.
- H. The City Council may adopt the amendments as prepared, revise and adopt the prepared amendments, reject the amendments, or remand the matter back to the Planning Commission for further consideration. If the matter is remanded back to the Planning Commission, an additional public hearing at the next regular meeting of the Planning Commission shall be required and public notice given in accordance with § 903.5.B.

903.5 – AMENDMENTS INITATED BY A PROPERTY OWNER

Amendments initiated by a property owner or his/her authorized may be made in the following manner:

A. Application

An application shall be made by the property owner/authorized agent. The application shall be made by means provided by the City of Conway in accordance with the Planning Commission calendar. No application shall be accepted and processed without all required materials and payment of fees.

The application shall include the following information and documents:

1. Applicant Information. The name and address of the applicant.
2. Property Owner/Authorized Agent Form. Form indicating that the applicant is the owner(s) of the property or the applicant is authorized to apply and act on behalf of the owner(s).
3. Location Information. Address and accurate legal description of the property.
4. Survey. A boundary survey of the property including building locations, building outlines, driveways, parking lots, abutting streets, north arrow, and other pertinent information as may be required by the Administrative Official.
5. Fee. Payment of the prescribed nonrefundable fee as indicated the Schedule of Fees adopted by the City Council. The fee shall be at least three hundred twenty-five (\$325) dollars.

B. Public Notice

Public notice for amendment application shall consist of a legal notice in a publication of general circulation within Conway, public notice signs on the property, and mailed notice to property owners within two hundred (200) feet. No application may be heard for a public hearing by Planning Commission until all forms of public notice have been made. The following requirements shall satisfy public notice requirements:

1. Legal Notice: The applicant shall be responsible for publication of a legal notice in a publication of general circulation within the City of Conway. Notice must be published once at least fifteen (15) days prior to the public hearing. The notice shall include:
 - a. The existing zoning district of the property and the proposed zoning district sought in the application.
 - b. Location including accurate legal description and address. If no address is assigned, a general description of location in relation to a nearby address shall suffice.
 - c. Time, date, and location of the public hearing.

An affidavit of publication shall be provided to the Administrative Official at least ten (10) days prior to the public hearing.

2. Public Notice Signs: The applicant shall be responsible for posting a sign or signs of public notice on the property at least fifteen (15) days prior to the public hearing. Sign posting shall meet the following requirements:
 - a. One (1) sign for each five hundred (500) feet of street frontage with at least one (1) sign per street frontage.
 - b. Signs shall be placed at the property line nearest the street and be clearly visible to passing vehicle and pedestrian traffic.

Signs shall be supplied by the City of Conway and the Administrative Official shall determine the number of required signs. The applicant shall pay a nonrefundable fee established by the Schedule of Fees adopted by the City Council. The fee shall be at least ten (\$10) dollars per sign.

Photographic proof of posting of the required public notice signs shall be provided to the Administrative Official at least ten (10) days prior to the public hearing.

3. Letters of Public Notice: The applicant shall mail, by USPS First Class mail with Certificates of Mailing, a notice of the public hearing to all property owners within two hundred (200) feet of the property and all school board members and school superintendent of the school district in which the property is located. Notice must be mailed at least fifteen (15) days prior to the public hearing. The City of Conway shall supply the required property owner list.

Notice shall be made using a completed form provided by the City of Conway which shall at least include a description of the existing and proposed zoning districts of the property, location, and date/time/location of the public hearing. The applicant may include additional information regarding the application.

Proof of mailing including Certificates of Mailing and a copy of notice letter shall be provided to the Administrative Official at least ten (10) days prior to the public hearing.

C. Review Procedure

1. Staff Review: The Administrative Official shall review the application and may provide a recommendation for action on the item.
2. Planning Commission Review: The Planning Commission shall hold a public hearing on the application and render a decision within at least forty-five (45) days following the closing of the public hearing.
 - a. Amendments to the Application:
 - 1) An application may be amended by the applicant no later than ten (10) days prior to the public hearing for the application, provided the amendment shall result in the

applicant seeking a lower intensity proposed zoning district than the original request. In such instances, no additional public hearing shall be required.

- 2) Any amendment to an application sought later than ten (10) days prior to public hearing for the application shall be automatically tabled following the public hearing for the application. An additional public hearing at the next regular meeting of the Planning Commission shall be required and public notice given in accordance with § 903.5.B. before a vote by the Planning Commission may be conducted on the application.
- b. Approval: If the Planning Commission approves the application, the item shall be forwarded to the City Council for review and action.
- c. Denial: If an amendment request is denied by the Planning Commission, written notice of denial shall be provided to the applicant within fifteen (15) days of the decision being rendered. Such written notice shall include the reasons of denial of the application. The applicant may appeal the denial to the City Council in writing, stating why they consider the Planning Commission's findings and decisions to be in error. The appeal must be filed with the Administrative Official within thirty (30) days of receiving the written notice of denial and shall be subject to a public hearing before the City Council. The applicant must complete the public notice requirements indicated in § 903.5 and pay a nonrefundable fee prescribed in a Schedule of Fees adopted by the City Council. The fee shall be at least two hundred (\$200) dollars.

If no appeal is filed, the decision of the Planning Commission shall be final and no further action on the application shall take place.

3. City Council Review: For applications approved by the Planning Commission, the Commission shall report their findings and recommendations to the City Council. The City Council by ordinance may grant the amendment as requested, deny the amendment request, or remand the case back to the Planning Commission for additional consideration of the item. Any amendment or modification of the request shall require the application be remanded back to the Planning Commission. If the case is remanded back to the Planning Commission, an additional public hearing at the next regular meeting of the Planning Commission shall be required and public notice given in accordance with § 903.5.B.
- D. Effect of Denial
An amendment application may not be filed for a site that has received final denial action within one (1) year from the effective date of final denial action unless authorized by the City Council.

903.6 – GUIDELINES FOR DECISION MAKING

In consideration of amendments, the Planning Commission and City Council shall, at a minimum, consider the following:

- A. Public comments received regarding the amendments.

- B. The consistency of the amendments with the Comprehensive Plan or other adopted plans.
- C. The potential public benefits of the amendment.
- D. Issues identified by the Administrative Official.
- E. If concerning an individual property, the impact of the amendment application on adjacent and nearby properties including potential development impacts.

APPENDIX

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

- Olive Garden (SDR-0522-0265)
- Catholic Campus Ministry (SDR-0622-0283)
- McBees Car Wash (SDR-0722-0302)

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

- McElroy Subdivision (P2022-00057)
- Burchfield Subdivision (P2022-00058)
- Burchfield Subdivision Correction (P2022-00060)
- Tupelo Ridge Phase 1 (P2022-00061)
- Tupelo Ridge Phase 4 (P2022-00062)
- Tupelo Ridge Phase 2 (P2022-00063)
- Tupelo Ridge Phase 3 (P2022-00064)
- Hawks Homes (P2022-00065)